

**CHAPTER 38: REIMBURSEMENT FOR PROFESSIONAL
FEES AND OTHER EXPENSES**

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§38.01: DEFINITIONS:

For purposes of this Chapter, the following definitions apply:

PERSON: All individuals, partnerships, corporations, associations or any other legal entities.

PROFESSIONAL FEES AND OTHER EXPENSES: Fees incurred by the Village for professional consultation by engineers, land planners, attorneys, environmentalists, conservationists, arborists, architects, landscaping architects, hydrologists, surveyors, soil experts, and/or such other professionals, experts, or consultants (“professional services”) retained by the Village to review, in whole or in part, any application, petition, request, and/or inquiry to the Village, and/or other out-of-pocket expenses incurred by the Village relative to such matter, including but not limited to charges for the publication and/or mailing of legal notices, recording secretaries, court reporters, and Village staff time assessed on an hourly basis as the Village deems necessary.

§38.02: REVIEW:

Whenever any person is required by this Code, or any other ordinance of the Village, or any state or federal law, to submit, or wishes to submit, any plans, specifications or other documents to the Village to be reviewed and/or approved by the Village, or to have any other matter or thing reviewed, approved, or inspected by the Village, or making other inquiry of the Village, and in connection therewith, it shall be necessary for the Village to retain any professional services and/or incur other expenses related thereto, the person making such request and/or inquiry of the Village and/or submitting documents to the Village for review and/or approval, and/or requesting a special inspection, shall be required to and shall be fully responsible to pay and/or reimburse the Village for all fees charged by said professionals or other expenses incurred in reviewing, approving and/or inspecting the matter or in responding to any inquiry.

For purposes of this Chapter, the requirement to pay for professional fees and other expenses incurred by the Village shall apply to and shall extend to, but shall not be limited to, such time until the Village Administrator, or his designee, certifies that all professional fees and other out-of-pocket expenses incurred by the Village have been paid in full.

§38.03: REIMBURSEMENT:

It is further the purpose of this Chapter to require the deposit of the necessary funds by any applicant(s), petitioner(s), requester(s), or any person(s) making inquiry of the Village, prior to professional fees or

other expenses being incurred by the Village in those instances in which the Village requires that the applicant(s), petitioner(s), requester(s), or person(s) seeking such review and/or approval or making such inquiry to pay for and/or reimburse the Village for any professional fees and/or other expenses incurred by the Village in connection with such application, petition, request, inquiry or other matter.

§38.04: DEPOSITS FOR APPLICATIONS, PETITIONS, AND/OR OTHER REQUESTS OR INQUIRIES

- A. Reimbursement For Expenses: The applicant(s), petitioner(s), requester(s), or person(s) making inquiry, as the case may be, shall be required to reimburse the Village for all expenses incurred by the Village relative to the review of their respective application, petition, request and/or inquiry, including but not limited to any application for any permit, any petition, and/or other requests or inquiries, or for subdivision plat approval, whether preliminary or final approval; any petition for annexation; any petition for a special use or for a planned development; any petition for an amendment to the text of the Village Zoning Code; any petition for variation from the Zoning Code, change to the Village Zoning Map; review and/or approvals by any Building Review Board; and/or for any combination of any of the foregoing.

- B. Professionals, Experts and/or Consultants: The Village may, at its discretion, retain such professionals, experts and/or consultants as it deems necessary for a full and complete review and consideration of any application, petition, request, or inquiry required by this Code. Such professionals, experts and/or consultants may include, but shall not be limited to, attorneys, engineers, land planners, environmentalists, conservationists, arborists, architects, landscape architects, hydrologists, surveyors, soil experts and such other professionals, experts or consultants, and Village staff time assessed on an hourly basis, as the Village deems necessary and the cost of such services and other out-of-pocket expenses incurred by the Village relative to such a matter shall be borne by the applicant(s), petitioner(s), requester(s), or person(s) making inquiry as hereinafter provided.

- C. Minimum Initial Deposit for Reimbursement of Expenses: Any application, petition, request, and/or inquiry, when filed, must be accompanied by a nonrefundable fee, as specified in this Code or other Village ordinances, plus one or more deposit(s) into a non-interest-bearing, non-segregated account held by the Village Treasurer, all as specified from time to time in this Chapter, including but not limited to the nonrefundable filing fees and minimum initial deposits as follows:

PURPOSE OF APPLICATION AND/OR PETITION	NON-REFUNDABLE FILING FEE	REFUNDABLE DEPOSIT REQUIRED
Variation for a Single Family Residence	\$250.00	\$2,500.00
Simplified Variation, as determined by the Administrator	\$150.00	\$1,000.00
Zoning Code Amendment	\$500.00	\$5,000.00
Other Special Use(s)	\$500.00	\$5,000.00
Planned Development:		
Pre-Application Review	None	\$1,000.00
Preliminary and Final Review	\$1,000.00	\$10,000.00
Subdivision	\$500.00	\$5,000.00
Review by the Building Review Board	None	\$1,500.00
Other Requests and/or Inquiries	None	\$1,000.00

- D. Additional Deposits for Reimbursement of Expenses: The applicant(s), petitioner(s), requester(s),

or person(s) making inquiry, as the case may be, shall be obligated to provide the Village with additional deposits as required in the amounts as described in this Code. Additional deposits shall be made within fourteen (14) days of the Village's request for such deposit(s). Failure to make such deposits may result in the Village withholding services, and/or continuing, postponing, and/or delaying any Village activity relative to said application, petition, request, or inquiry until such time as the deposit is paid in full.

- E. Payment of Expenses by Village: Payment by the Village of the foregoing expenses shall be made using the aforementioned deposit(s). Detailed records of all fees and charges shall be kept by the Village and made available to the applicant(s), petitioner(s), requester(s), and/or person(s) making inquiry at no charge.
- F. Reimbursement of Unused Deposits: Except as otherwise provided in this Code, any portion of any deposit(s) not expended by the Village shall be applied to reimbursement to the Village for any unpaid professional fees or other expenses incurred by the Village relative to such application, petition, request, or inquiry prior to being refunded to the applicant(s), petitioner(s), requester(s), or person(s) making inquiry at such time as the Village Administrator, or his designee, certifies that all professional fees and expenses incurred by the Village related to the matter have been paid in full and no further expenditures or charges by the Village are reasonably anticipated to be incurred related to the matter.
- G. Payment of Final Invoice: The Village may elect to bill the applicant(s) for a final invoice rather than request an additional deposit as long as the amount is known and there are no additional charges anticipated.
- H. Unpaid Reimbursements for Expenses: All amounts due the Village and remaining unpaid after said thirty (30) day period shall accrue interest at a rate of one and one-half percent (1¹/₂%) per month and, in addition, the applicant(s), petitioner(s), requester(s), or person(s) making inquiry shall also be obligated to pay to the Village such other administrative fee(s) as may be specified from time to time in this Code.
- I. The funds deposited in such escrow shall be used by the Village for the payment of and/or for the reimbursement to the Village for professional fees and/or other expenses incurred or to be incurred, but the obligation of the applicant(s), petitioner(s), requester(s) and/or other person(s) making in inquiry to reimburse the Village shall not be limited by the amount on deposit from time to time, and in addition to the foregoing and not by way of limitation, the Village may bring any action at law to collect any amounts due under any of the foregoing provisions.
- J. The provisions of this Chapter shall not be applicable to any request for public records made pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1, et seq.).

§38.05: ADMINISTRATION OF ESCROW:

The Village Administrator, or his designee, shall be responsible for the administration of escrow of funds in all those instances in which this Code, this Chapter, and/or any other ordinance of the Village, requires any applicant(s), petitioner(s), requester(s), or other person(s) making inquiry to reimburse the Village for any professional fees and other expenses the Village may incur in reviewing, approving, and/or processing that application, petition, request, inquiry, or matter. This Chapter shall apply to all instances in which this Code, this Chapter, and/or any other ordinance of the Village, requires that any applicant(s),

petitioner(s), requester(s), or any person(s) making inquiry reimburse the Village for any costs incurred, or to be incurred, by the Village for professional fees and/or other expenses related to the matter, and such requirement for reimbursement and/or payment to the Village shall apply to those provisions of this Code presently in effect or hereafter adopted which require applicant(s), petitioner(s), requester(s), or any person(s) to reimburse the Village for professional fees and other expenses incurred or to be incurred relative to a matter.

§38.06: ESTIMATE:

The Village Administrator, or his designee, will, upon receipt of a matter which may or will require professional services to be rendered to the Village or other expenses to be incurred by the Village, obtain an estimate of the amount of the cost of expected services and other expenses based on the nature of the matter, its complexity, the relative need for professional services, and the expected duration of the matter. The Village Administrator, or his designee, will so notify the applicant(s), petitioner(s), requester(s), or other person(s) making inquiry in writing of the estimate of the necessary funds to be deposited with the Village to defray the cost of all professional fees and other expenses the Village might incur in the course of reviewing, approving and/or processing the matter submitted by the applicant(s), petitioner(s), requester(s), or other person(s) making inquiry. The Village Administrator, or his designee, shall also include in this communication a request that the applicant(s), petitioner(s), requester(s), or other person(s) making inquiry deposit with the Village within fourteen (14) days of the date of said communication said sum to be placed in escrow by the Village. The application, petition, request, inquiry, or matter shall not thereafter be reviewed or acted upon by the Village unless and until said sum is received by the Village Administrator, or his designee. Upon receipt of said sum, the Village Administrator, or his designee, shall deposit the same in a non-segregated, non-interest-bearing escrow account.

Simultaneously with the sending of notice to the applicant(s), petitioner(s), requester(s), or other person(s) making inquiry, the Village Administrator, or his designee, will also notify the professionals whom the Village expects to utilize to review the matter and request that those professionals bill no less frequently than monthly on said matter, and otherwise keep the village apprised of time and cost expended in their respective professional service to the Village relative to this matter.

§38.07: DISBURSEMENTS:

The escrow funds as deposited shall be utilized by the Village from time to time to pay for professional review and other expenses and any and all disbursements therefrom shall be approved by the Village Administrator, or his designee, or the village board, and a copy of each disbursement shall be transmitted by the Village Administrator, or his designee, to the person and/or entity that deposited the funds.

§38.08: REPLENISHMENTS:

The Village Administrator, or his designee, will periodically review the escrow funds on deposit to ensure that adequate funds are available to pay all professional fees and other expenses relating to said matter. In the event that the Village Administrator, or his designee, determines at any time that sufficient funds are not available in escrow to pay for and/or reimburse the Village for any costs incurred by the Village relative to the matter, the Village Administrator, or his designee, shall so notify the applicant(s), petitioner(s), or person(s) making a request or inquiry and request the deposit with the Village of additional funds to defray the anticipated additional costs in accordance with the standards set forth in this Chapter. The applicant(s), petitioner(s), requester(s) and/or person(s) making an inquiry shall have fourteen (14) days from the date of such request by the Village for additional funds in order to deposit said additional funds with the Village. The professionals previously engaged by the Village relative to any such

matter shall be advised to do no further work on such matter until said additional funds have been received by the Village. In the event that such additional funds are not deposited with the Village in a timely manner, the Village shall take no further action on the matter and shall so advise the applicant(s), petitioner(s), requester(s) and/or person(s) making an inquiry relative to such matter.

§38.09: FINAL DISBURSEMENT:

At the conclusion of the matter, whether through a final determination by the Village or by the withdrawal of the request, and after all outstanding professional fees and other expenses incurred by the Village in review of the matter have been satisfied in full, the Village Administrator, or his designee, shall return any remaining balance of the escrowed funds, if any, to the depositor.

(Ord. 2013-25, passed 10-21-2013; Amd. Ord. 2013-28, passed 12-18-2013; Amd. Ord. 2017-21 passed 12-21-17)