

ORDINANCE # 17-04-02

**AN ORDINANCE GRANTING THE TOWN OF MANTUA THE RIGHT TO RECOUP RESONABLE FEES RESULTING FROM VARIENCE APPEALS.**

**WHEREAS, THE TOWN OF MANTUA HAS INCURED AND MAY YET INCUR SUBSTANTIAL FINANCIAL LOSS RESULTING FROM VARIANCE APPEALS.**

**WHEREAS, THE TOWN COUNCIL OF MANTUA FEELS IT TO BE IN THE BEST INTEREST OF THE RESIDENTS OF THE TOWN TO RECOUPE RESONABLE FEES FROM THE VARIENCE APPEAL PROCESS.**

**WHEREAS, LEGAL COUNCIL FOR THE TOWN OF MANTUA HAS PROVIDED DIRECTION FOR SUCH FEES TO BE COLLECTED.**

**THEREFORE, LET IT BE ORDAINED;**

The Town of Mantua shall require any person, firm or corporation desiring application for a variance to reimburse the Town for all reasonable costs resulting from processing, Appeal Authority fees and Town attorney fees.

As reasonable attorney fees are subject to change and increase, the Town of Mantua will set a fee to be changed from time to time and listed in the Mantua fee schedule. If the actual costs of said appeal are greater or less than that listed in the fee schedule, proper adjustments in either refunds or additional charges will be made.

Reasonable fees are to be defined as not to exceed the actual costs of processing, Appeal Authority and attorney fees.

The letter from OLSEN & HOGGAN P.C. /s/ Miles P. Jensen dated March 30, 2017, stating reasons for their legal opinion will become part of this ordinance and will be attached.

**AGREED TO AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017**

This ordinance shall become effective upon proper posting.

ATTEST

MAYOR

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JAN PALMER, RECORDER

MICHAEL JOHNSON, MAYOR

JAN PALMER, RECORDER