

Village Code Section 1-8
Professional Fees (Escrows)

1-8-1: DEFINITIONS:

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

PROFESSIONAL FEES: Fees incurred by the village for professional consultation by engineers, land planners, attorneys and other professionals retained by the village to review, in whole or in part, village matters. (Ord. 88-5-2, 4-28-1988)

1-8-2: REVIEW:

Whenever any person is required by an ordinance of the village, or state or federal law, to submit any plans, specifications or other documents to the village to be reviewed or to have any other matter or thing reviewed or inspected by the village, and in connection therewith it shall be necessary for the village to retain the professional services of an engineer, planning consultant, attorney, and/or other professional, the person who is so required shall be fully responsible for all fees charged by said professionals in reviewing or inspecting the matter.

For the purposes of this chapter, the requirement to pay for professional fees incurred by the village shall apply to, but not be limited to, applications for rezoning, applications for variations, applications for planned unit developments, applications for subdivision, applications for special use, applications for annexations and applications for building permits. Neither preliminary approval nor final approval shall be given for any subdivision, zoning change amendment, variation, planned unit development, special use, annexation or building permit unless and until the village clerk certifies that all professional fees incurred by the village have been paid in full. (Ord. 88-5-2, 4-28-1988)

1-8-3: REIMBURSEMENT:

It is further the purpose of this chapter to require the deposit of the necessary funds by applicants prior to professional fees being incurred by the village in those instances in which the village requires that the applicant reimburse the village for any professional fees incurred by the village in connection with the applicant's request or matter. (Ord. 88-5-2, 4-28-1988)

1-8-4: ADMINISTRATION OF ESCROW:

The village clerk shall be responsible for the administration of escrow of funds in all those instances in which this code requires an applicant or other individual to reimburse the village for any professional fees it may incur in processing that applicant's request or matter. This chapter shall apply to all instances in which this code requires that an applicant or other individual reimburse the village for its professional expenses incurred or to be incurred, and it shall apply to those village code provisions presently in effect or hereafter adopted which require an applicant or other individual to reimburse the village for its professional fees incurred or to be incurred. (Ord. 88-5-2, 4-28-1988)

1-8-5: ESTIMATE:

The village clerk shall, upon receipt of a matter which may or will require professional services to be rendered to the village, obtain an estimate of the amount of the cost of expected services based on the nature of the matter, its complexity, the relative need for professional advice, and the expected duration of processing of the matter. The village clerk shall so notify the individual applicant in writing with this estimate of the necessary funds to defray all professional costs the village might incur in the course of reviewing the matter submitted by the applicant or other individual. The village clerk shall also include in this communication a request that the individual applicant deposit with the village within fourteen (14) days said sum to be held in escrow. The application or matter shall not thereafter be reviewed or acted upon by the village unless and until said sum is received by the

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village clerk. Upon receipt of said sum, the village clerk shall deposit the same in a separate escrow account.

Simultaneously with the sending of notice to the applicant or other individual, the village clerk shall 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 reviewing this matter. (Ord. 88-5-2, 4-28-1988)

1-8-6: DISBURSEMENTS:

The escrow funds as deposited shall be utilized to pay for professional review and any and all disbursements therefrom shall be approved by the village clerk or the village board, and a copy of each disbursement shall be transmitted by the village clerk to the individual applicant who has deposited the funds. (Ord. 88-5-2, 4-28-1988)

1-8-7: REPLENISHMENTS:

The village clerk shall periodically review the escrow funds on deposit to ensure that adequate funds are available to satisfy all professional statements relating to said matter. In the event that the village clerk determines that sufficient funds are not available, the village clerk shall so notify the applicant or other individual and request a further amount to defray the anticipated additional costs in accordance with the standards set forth in section [1-8-5](#) of this chapter. The professionals previously engaged shall be advised not to do any further work until said sum has been received, and the individual applicant shall be given fourteen (14) days to deposit said additional funds. In the event that said funds are not deposited, the village shall take no further action on the matter and shall so advise the applicant or other individual. (Ord. 88-5-2, 4-28-1988)

1-8-8: FINAL DISBURSEMENT:

At the conclusion of the matter and after all outstanding professional fees incurred by the village in review of the matter have been satisfied in full, the village clerk shall remit the balance, if any, to the depositor. (Ord. 88-5-2, 4-28-1988)