

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING SECTIONS 18-135(a), (d) AND (e) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE, RELATED TO THE IMPOSITION OF A CONTRACTOR'S BOND

The Village Board of the Village of Union Grove ordains as follows:

1. That Section 18-135(a) of the Municipal Code of the Village of Union Grove related to the definitions of the contractor's bond ordinance be, and hereby is, amended to read as follows:

“(a) Definitions

(1) **“Right-of-way”** includes all portions of a highway dedicated to the public, including paved/asphalted portions, drainage ways, ditches, swales, culverts, curbs and gutters, other drainage structures, and sidewalks and ramps.

(2) **“Applicant”** means the person, partnership or corporation who signs the application for a building permit. The applicant shall be responsible for the duties specified under this section. The applicant may not assign his rights or duties under this section once the applicant commences the construction project for which the Contractor's Bond is required.

(3) **“Rough finish grade”** means all rough materials have been placed or otherwise installed on the property, safe rough driveway and sidewalks have been installed, and a rough spreading of topsoil has been finished and is in compliance with the minimum side slope requirements of the Wisconsin Administrative Code.

(4) **“Landscape final grade”** means all grass seeding or sod has been placed, all landscape plants have been planted, and finished driveways and sidewalks have been installed.

2. That Section 18-135(d) of the Municipal Code of the Village of Union Grove related to the inspection and determination for release of the contractor's bond be, and hereby is, amended to read as follows:

(d) **Inspection and determination for release of bond.** Upon written notification that rough finish grade has been completed by the property owner or his/her designee, that all driveways and sidewalks have been paved and finished in accordance with applicable standards, and after completion of a final inspection, the Building Inspector shall inspect the right-of-way, in cooperation with the Department of Public Works, to ensure that no damage is present. If no damage is present, the Building Inspector shall submit approval to the Village Treasurer to release the funds to the original payer subject to the issuance of an occupancy

permit for the subject property. If damage is present, the necessary repairs to the right-of-way must be completed within 60 days after issuance of the occupancy permit. If an extension to the 60-day period is required by the contractor, the contractor must obtain authorization of the Village Board. The Building Inspector may also partially refund the Contractor's Bond or request additional monies be collected due to damage that has occurred above and beyond the initial deposit to the right-of-way or due to additional monies needed to address drainage issues discovered during the inspection. If the work is not completed within the 60-day time period, the village may cause such work to be completed in accord with this section and may charge the bond for any such costs. A special charge under subsection (g) may also be charged.

3. That Section 18-135(e) of the Municipal Code of the Village of Union Grove related to the release to the payer of the contractor's bond be, and hereby is, amended to read as follows:

(e) **Release to payer of bond.** The Contractor's Bond will be released to the original payer (homebuilder, contractor, homeowner, etc.) following final inspection, as provided in (d) above, and the issuance of an occupancy permit for the subject property. If the Contractor's Bond was issued by someone other than the property owner, a copy of the check will be sent to the property address so that the property owner/resident is aware of the Contractor's Bond refund. It shall be the Village policy to refund the Contractor's Bond to the original payer in all cases, unless the payer submits otherwise in writing to the Village Treasurer prior to the release of the refund. In the instance where the original payer is not available or cannot be found (deceased, bankrupt, or other unknown reasons) and all reasonable efforts have been made to refund the Contractor's Bond, the funds will be treated as unclaimed monies under the Uniform Unclaimed Property Act.

4. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 22nd day of May, 2023.

VILLAGE OF UNION GROVE

By: _____

Steve Wicklund, Village President

Attest: _____

Sara Spencer, Village Clerk