

ORDINANCE 2020-01

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO PARTIALLY RECODIFY THE CODE OF ORDINANCES OF THE
VILLAGE OF YORKVILLE**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That on April 3, 2018, an incorporation referendum was held in the Town of Yorkville pursuant to Section 66.0203(10) of the Wisconsin Statutes, which section was created pursuant to 2017 Wisconsin Act 58.

2. That a majority of the votes cast in that referendum election were in favor of the Town incorporating as a Village.

3. That on April 9, 2018, the Clerk certified the referendum results and on April 18, 2018, the Secretary of the Wisconsin Department of Administration issued a Certificate of Incorporation recognizing Yorkville's legal status as the Village of Yorkville.

4. That a partial recodification of the Village's Code of Ordinances is needed as the current provisions of the Code reflect the prior Town structure of government, including outdated statutory references that pertain to towns.

5. That the proposed revisions to the Code are largely non-substantive in nature except as to the following sections: 2-32 (Ordinances and Resolutions), 2-52 (Regular Meetings), 2-119 (Receipts of Gifts and Gratuities), 14-1021 through 1025 (Communication Towers and Antennas), 28-3 (Land Division: Applicability and Compliance), 28-5 (Condominium Plats), 28-84 and 28-125 (Union Grove Urban Service Area references) and 54-287 through 54-291 (Broadband Network Projects).

6. That due to numerous substantive revisions needed to the Village's Fire and Rescue Protection code (Chapter 26), Zoning code (Chapter 55) and Floodplain Zoning code (Chapter 56), those chapters are not addressed in this partial recodification, and will be addressed separately by the Village Board.

7. That the proposed revised Code of Ordinances of the Village of Yorkville was presented for discussion and public comment during a duly noticed public hearing (Class II publication) held by the Village Plan Commission on February 10, 2020, at 6:00 p.m., and for consideration and recommendation of the Plan Commission.

8. That the Code of Ordinances, incorporated herein, was placed on file and open to public inspection in the office of the clerk commencing January 24, 2020 for a period of at least two weeks prior to the adoption of this ordinance, in accordance with

the procedure provided under Wis. Stat. Section 66.0103, and is hereby adopted as a partial recodification of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, and that the previously adopted Code of Ordinances of the Village of Yorkville is hereby repealed, except as provided in sections 5 and 9 of this ordinance. No resolution of the Village Board of the Village of Yorkville is hereby repealed unless specifically mentioned.

9. That the Code of Ordinances hereby adopted shall not be deemed to repeal any special or charter ordinances of the Village of Yorkville or repeal any substantive portion of any general ordinance or part thereof relating to the following subjects unless substantively addressed in the proposed ordinance to be recodified as provided in this ordinance and not conflicting with any of the provisions of the "CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN":

- a) The issuance of bonds, notes or other obligations of the Village of Yorkville;
- b) The fixing of salaries or wages of public officials or employees;
- c) Rights, licenses, permits or franchises or the creation of any contractual obligation with the Village of Yorkville;
- d) Establishment of street or sidewalk grades, curb or bulkhead lines, width of sidewalks or streets;
- e) Lighting of streets, sidewalks and alleys;
- f) Naming or changing of, extension, vacation or opening of streets or public ways, public grounds and parks and other public places;
- g) Letting of contracts with or without bids;
- h) Tax and special assessment levies or charges;
- i) Release of persons, firms or corporations from liability;
- j) Construction of any public works;
- k) Ratification or rescission of any agreements with the Village of Yorkville or the act of any municipal officer, board or commission;
- l) Water, sewer and electric main and line construction;
- m) Budget ordinances;
- n) Claim approvals;

- o) Municipal utility regulations;
- p) Dedication or acceptance of any plat or subdivision in the Village;
- q) Any other subject that cannot by law be repealed as provided for in this ordinance; and
- r) Any ordinances that may have been passed during the time the proposed Chapters of the Code of Ordinances are open for public inspection.

10. This ordinance shall take effect upon passage and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 10th day of February, 2020.

Ayes: 5

Nays: Ø

Abstentions: Ø

Absences: Ø

VILLAGE OF YORKVILLE

By:

Douglas Nelson
Douglas Nelson, President

Attest:

Michael McKinney
Michael McKinney, Administrator/Clerk

Article I. In General

Sec. 2-1. Penalty.

Except as otherwise provided herein, any person who shall violate any provision of this chapter, or any order, rule or regulation made under this chapter, upon conviction thereof, shall be subject to a penalty as provided in Section 1-14.

Secs. 2-2—2-30. Reserved.

Article II. Village Board

State Law reference—Village board, Wis. Stat. § 61.32 et seq.

Division 1. Generally

Sec. 2-31. Rules of procedure.

- (a) Order and decorum, deliberations of the village board and decisions on all questions of order and conduct in the proceedings of village meetings shall be in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or these rules. Except where a period of public comment is permitted, no person other than a member shall address the village board, except by a vote of a majority of the members present. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.

Sec. 2-32. Ordinances and resolutions.

An ordinance and/or resolution shall be introduced in writing and may, at the discretion of the village board, be acted upon at the same meeting it is introduced. Unless requested by a trustee before a final vote is taken, no ordinance need be read in full.

Sec. 2-33. Suspension of rules.

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the village board members present. (Code 1982, § 2.07)

Secs. 2-34—2-50. Reserved.

Deleted: 29

Deleted: ¶

Sec. 2-30. Composition of village board.¶

¶

(a) Pursuant to Wis. Stat. Section 61.20(4), the Village Board shall be composed of the Village President and four Village Trustees.¶

¶

(b) The special election for Village President and four Village Trustees shall be held on Tuesday, June 12, 2018. The election shall be "at-large" with all qualified candidates' names placed on the ballot. The Village President candidate receiving the most votes shall be declared the winner. The top four vote-getters for the position of Village Trustee shall be declared the winners. ¶

¶

(c) The elected Village President and Village Trustees shall commence their terms on June 25, 2018, and they shall hold their offices until the 2019 regular spring election and the qualification of their successors. Thereafter, the Village President shall be elected at the regular spring election in odd-numbered years. For purposes of the 2019 regular spring election and creating staggered terms of office for Trustees as required by state statute, Trustees will be divided into two classes. The top two vote-getters in the 2019 regular spring election shall be designated as one class of Trustees to serve a two-year term, while the next two highest vote-getters in the 2019 regular spring election shall be designated as the other class of Trustees to serve a one-year term until the 2020 regular spring election (two-year terms thereafter).¶

¶

Deleted: Town

Deleted: Town

Deleted: 0.20

Deleted: town

Deleted: town

Deleted: N

Deleted: town

Deleted: ¶

(b) Nothing prescribed in this section concerning the conduct and procedure of regular and special town village board meetings shall apply to the annual town village meeting as prescribed in Wis. Stat. § 60.1161.32 or special town village meetings as prescribed in Wis. Stat. § 60.12.61.32 (Code 1982, § 2.01)¶

Deleted: Ordinances, resolutions, bylaws, communications and other matters submitted to the town village board shall be read by title and author and referred to the appropriate committee, if any, by the chairpersonvillage president. The clerk-treasurer shall read and record each such reference by title. Any ... [1]

Deleted: town



Division 2. Meetings

State Law reference— Open meetings law, Wis. Stat. § 19.81 et seq.

Sec. 2-51. Open meeting law requirements.

Notice of every meeting of the village board, and every board, commission and committee thereof, shall be given to the public, to those news media who have filed a written request for such notice and to the official newspaper or to a news medium likely to give notice in the area at least 24 hours prior to commencement of the meeting. If such notice is impossible or impractical, shorter notice may be given for good cause shown, but no notice shall be given less than two hours in advance of the meeting. Every public notice of a meeting shall contain the time, date, place and subject matter of the meeting.

(Code 1982, § 2.02(1))

State law reference— Notice, Wis. Stats. § 19.84.

Deleted: town

Sec. 2-52. Regular meetings.

Regular meetings of the village board shall be held on the second and fourth Monday of each calendar month at 6:00 p.m., although the village board may adjust the frequency or scheduling of its meetings as it periodically determines to be appropriate, provided that proper notice of each meeting is given. Regular meetings falling on a legal holiday may be rescheduled, if at all, for such date and time as is determined by the village board.

Deleted: town

Deleted: 7:30

Deleted: A

Deleted: shall be held the next following secular day at the same hour and place. (Code 1982, § 2.02(2))

Sec. 2-53. Special meetings.

Special meetings of the village board may be called by the village president or by any two village trustees by filing a written request with the administrator/clerk at least 24 hours prior to the time specified for such meeting. The administrator/clerk shall immediately notify each trustee of the time and purpose of such meeting. The notice shall be delivered to each trustee personally or left at his/her usual place of abode. The administrator/clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. Special meetings may be scheduled without notice when all members of the village board are present or consent in writing to the holding of such special meeting. Unless all trustees are in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof. (Code 1982, § 2.02(3))

Deleted: town

Deleted: town

Deleted: chairperson

Deleted: town

Deleted: supervisors

Deleted: clerk-treasurer

Deleted: clerk-treasurer

Deleted: supervisor

Deleted: supervisor

Deleted: clerk-treasurer

Deleted: held

Deleted: town

Deleted: supervisors

Sec. 2-54. Notice of meetings.

Anything to the contrary in this article notwithstanding, no meeting shall be held unless notice thereof shall have been given as provided in Wis. Stat. § 19.84. (Code 1982, § 2.02(3))

Sec. 2-116. Removals.

- (a) *Elected officers.* Elected officers may be removed by the judge of the circuit court for cause pursuant to Wis. Stat. § 17.13(3).
- (b) *Appointed officers.* Appointed officers may be removed as provided in Wis. Stat. § 17.13 (Code 1982, § 1.04)

Deleted: §

Deleted: (1) and 17.13(3).

Deleted: ¶

Deleted: Sec. 2-XXX. Recalls.¶

¶ Elected officials may be recalled by electors by petition pursuant to Wis. Stat. § 9.10. ¶

Sec. 2-117. Vacancies.

- (a) *How occurring.* Vacancies in elective and appointive positions are caused as provided in Wis. Stat. § 17.03.
- (b) *How filled.* Vacancies in elective and appointive offices shall be filled as provided in Wis. Stat. § 17.24 (Code 1982, § 1.05)

Deleted: 5

Sec. 2-118. Compensation.

- (a) *Elected officers.* The compensation of all elected officers shall be determined prior to the earliest filing date for nomination papers for the elected position. The compensation remains in effect throughout the term (unless changed by the village board).
- (b) *Appointed officers.* The compensation of all appointed officers, including members of boards and commissions, shall be as determined by the village board, where applicable, provided salaries and compensation rates of elected officers shall not be changed during their terms of office, except as provided by statute. (Code 1982, § 1.06)

Deleted: Pursuant to Wis. Stat. § 61.193(3), compensation for elected officers in the first term of a newly incorporated village may be established during the first term of the elected officers. ...

Deleted: I elected and

Deleted: the annual town meeting or

Deleted: town

Deleted: 60.32

Deleted: 62.139.

Deleted: f

State law reference— Compensation of elected officers, Wis. Stat. § 61.193

Sec. 2-119. Receipt of gifts and gratuities.

No public officer or employee shall accept anything of value, whether in the form of a gift, service, loan or promise from any person, who, to his/her knowledge, has a direct financial interest in any transaction or official business with the village, which may tend to impair his independence of judgment or action in the performance of his/her official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.

Deleted: (a) *Restricted.* No town village employee or officer shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who: ¶

Deleted: ¶

(1) Has or is seeking to obtain contractual or other business or financial relationships with the town village or town village board;¶

¶

(2) Conducts operations or activities which are regulated by the town village or town village board; or¶

¶

(3) Has interests which the town village or town village board may be substantially affected;¶

¶

(b) *Penalty.* The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the town village and is punishable as provided in Wis. Stat. § 946.12¶

. Such conduct shall also be punishable under section 1-14. ¶

(Code 1982, § 1.07) ¶

State law reference— Misconduct in office, Wis. Stat. § 946.12.

- (d) Any operator whose license is revoked shall not be eligible to reapply for a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six months from the date of revocation of the license. For purposes of this section, a revocation of a license takes effect when the licensed premises ceases operations as an adult oriented establishment.

(Ord. No. 2003-04, § 1(12.21(9)), 11-24-2003)

Secs. 14-1008—14-1020. Reserved.

Deleted: ¶

Article XXI. Communication Towers and Antennas [11]¶

¶ Cross reference— Utilities, ch. 54. (Back)¶

Sec. 14-1021. Definitions.¶

¶ The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ¶

¶ *Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. ¶

¶ *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term "tower" includes the structure and any support thereto. ¶

¶ (Code 1982, § 12.22(1)) ¶

¶ Cross reference— Definitions generally, § 1-2. ¶

Sec. 14-1022. Administrative review fees.¶

¶ (a) An applicant seeking a tower-related conditional use permit from the county and the townvillage, pursuant to the county zoning code, shall submit to the townvillage, at the time of making such application, a nonrefundable fee in the amount specified by section 14-35 to offset a portion of the costs of reviewing the application. ¶

¶ (b) Any person or entity seeking approval from the county and townvillage for the location or co-location of an antenna on an existing structure or tower shall submit to the townvillage, as part of the site plan review process, a nonrefundable fee in the amount specified by section 14-35 to offset a portion of the costs of reviewing the site plan. ¶

¶ (Code 1982, § 12.22(2); Ord. No. 2008-01, § 18, 12-22-2008)¶

¶

Sec. 14-1023. Technical review.¶

¶ If the townvillage determines that it is necessary to consult with a third party in considering a permit or site plan, all reasonable costs and expenses associated ... [1]

x

(12) Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.

(13) Preserve significant archaeological sites, historic buildings and their settings.

(14) Protect and preserve an interconnected network of open space throughout the village, and to help establish effective buffers around working farms, along boundaries of existing protected lands (such as parks) and along the boundary lines between the Village of Union Grove and the village.

(Ord. No. 2004-02, § 1(18.01(2)), 9-27-2004)

Deleted: town

Deleted: town

Sec. 28-3. Applicability and compliance.

(a) It is the goal of the village in adopting this chapter that residential development within the village shall occur through land divisions incorporating conservation themes wherever possible and that conservation subdivisions be proposed wherever possible.

Deleted: town

Deleted: town

(b) No person shall divide any land that results in a subdivision or a minor subdivision under the provisions of this chapter without compliance with all requirements of this chapter and the following:

(1) The village's land use plan and comprehensive plan as contained in the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 as previously approved by the town (now village) on June 22, 2009 ("2035 Comprehensive Plan").

Deleted: town

(2) The amendment to the 2035 Comprehensive Plan, entitled the "Village of Yorkville I-94 Corridor Master Plan," that was approved by ordinance of the Village Board on December 16, 2019.

Deleted: entitled "A Land Use Plan for the Village of Union Grove and the Town of Yorkville: 2020," dated December 2003.

Formatted: Underline

(3) The provisions of Wis. Stat. ch. 236 and Wis. Stat. § 82.18.

Deleted: 2

(4) The rules of the state department of safety and professional services, contained in Wis. Admin. Code ch. SPS 383, for land divisions not served by public sewer.

Deleted: s

Deleted: s

Deleted: 0.08

(5) The rules of the division of transportation infrastructure development, state department of transportation, contained in Wis. Admin. Code ch. Trans 233, for subdivisions that abut a state trunk highway or connecting street.

Deleted: 3

Deleted: commerce

Deleted: Comm

(6) The rules of the state department of natural resources, contained in Wis. Admin. Code chs. NR 115, 116 and 117, for shoreland, shoreland-wetland and floodplain management.

Deleted: 83

Deleted: 4

Deleted: 5

(7) The land use and neighborhood plans where applicable and not inconsistent with the land use plan adopted by the village.

Deleted: 6

Deleted: town

(8) All applicable local, county, and state regulations including zoning, subdivision, sanitary, utility, building and official mapping ordinances.

Deleted: 7

(9) All other applicable rules contained in the Wisconsin Administrative Code.

Deleted: 8

(10) Unless otherwise excepted in this chapter, where any provision of these regulations imposes restrictions different from those imposed by any other provision of law, the provision, which is more restrictive or imposes higher standards shall control.

Deleted: 9

(Ord. No. 2004-02, § 1(18.02(1)), 9-27-2004)

Sec. 28-4. Conservation subdivisions.

Conservation subdivisions are required for land divisions resulting in the creation of a subdivision on any parent parcel.

(Ord. No. 2004-02, § 1(18.02(2)), 9-27-2004)

Sec. 28-5. Condominium plats.

A condominium plat prepared under Wis. Stat. ch. 703, shall be reviewed by the village in the same manner as a conservation subdivision plat as set forth in this chapter and shall comply with the applicable design standards and required improvements of this chapter.

(Ord. No. 2004-02, § 1(18.02(3)), 9-27-2004)

Deleted: s

Deleted: which divides land and meets the definition of a subdivision under this chapter,

Sec. 28-6. Minor subdivisions.

No person shall divide any land located within the limits of the village which shall result in a minor subdivision without complying with the provisions of this chapter with respect to minor subdivisions, including, but not limited to required improvements under article II, design standards under article III, and certified survey map procedures under article VII.

(Ord. No. 2004-02, § 1(18.02(4)), 9-27-2004)

Deleted: town

Sec. 28-7. Land suitability.

No land shall be subdivided which is held to be unsuitable for any proposed use if identified as environmentally sensitive. Areas identified as environmentally sensitive include, but are not limited to:

- (1) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), state department of natural resources, or other public or private entity.
- (2) All wetlands as defined in Wis. Admin. Code § NR 103.02(5), including buffers as required under Wis. Admin. Code ch. NR 151.
- (3) All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by state department of natural resources.
- (4) All areas having slopes greater than 20 percent.

(d) Except as otherwise provided in this section, lot dimensions shall conform to the minimum requirements of the county zoning ordinance and the county subdivision control ordinance, as amended from time to time and any applicable statutes and regulations, provided that:

- (1) A lot created by certified survey map and served by public sanitary sewer shall have an area of not less than one acre, exclusive of areas dedicated for public rights-of-way, and at least 150 feet of frontage on a public street and at the setback line as measured from side lot line to side lot line.
- (2) A lot created by certified survey map and not served by public sanitary sewer shall have an area of not less than three acres, exclusive of areas dedicated for public rights-of-way, and at least 300 feet of frontage on a public street or at the setback line as measured from side lot line to side lot line.
- (3) The ratio of the length of the side of a residential lot to the frontage on the public street shall not be greater than 2.5:1.
- (4) A lot on a cul-de-sac must satisfy the front footage requirements on the right-of-way or at the setback line.
- (5) If the above density, area or front footage requirements conflict with the village's land use plan, the provision which is more restrictive or imposes higher standards shall control.

(e) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.

(Ord. No. 2004-02, § 1(18.06(4)), 9-27-2004)

Sec. 28-85. Sites.

- (a) *Public reservation.* In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes.
- (b) *Scenic and historic preservation.* In the design of the subdivision or minor subdivision, consideration shall be given to the preservation of scenic, historic and archaeological sites, including historic buildings and their settings.

(Ord. No. 2004-02, § 1(18.06(5), (6)), 9-27-2004)

Sec. 28-86. Open space and conservation.

- (a) *Consideration.* Every subdivider shall consider the creation, preservation, and restoration of open and natural spaces within a subdivision and a minor subdivision, including farmland and agricultural soils, natural habitats for rare, threatened and endangered species, wildlife habitat areas, parklands, prairies, stands of trees and woodlands, marshes, lakes, streams, ponds, watercourses, watersheds and other wetland areas, ravines, and outdoor recreation areas.

Deleted: town

Deleted: , except that parcels located within the boundaries of the Village of Union Grove Urban Service Area: 2020 shall comply with the densities set forth for the "suburban residential," "low density residential," and "medium density residential" categories...

- h. A 30-foot area of native vegetation shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
- i. Stormwater management.
 - 1. Minimize the use of curb and gutter and maximize the use of open swales.
 - 2. Roof down spouts should drain to porous surfaces.
 - 3. Peak discharges during the two-, ten- and 100-year storm events shall be no more than the corresponding discharges under predeveloped conditions.
 - 4. The development should have stormwater management practices and facilities designed to capture at least 80 percent of the postdevelopment sediment load on an annual basis.
 - 5. Landscape plantings should be used to increase infiltration and decrease runoff where soil conditions are suitable and building foundation problems or sanitary sewer infiltration problems will not be created.
 - 6. Preserve natural open drainage systems and incorporate them into the stormwater management system of the subdivision where permitted by the department of natural resources guidelines.

If the density, area or front-footage requirements of this subsection (c) conflict with the village's land use plan, the provision which is more restrictive or imposes higher standards shall control.

- (d) *Residential dwellings siting standards.* The siting standards for residential dwellings shall be as follows:
- (1) Residential dwellings shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
 - (2) Residential dwellings shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the department of natural resources.
 - (3) House design should minimize the visible obtrusiveness of the garage from the street view, including, but not limited, to the use of setback or side-entry design garages, where possible.
 - (4) Whenever possible, common open space shall connect internally and with existing or potential common open space lands on adjoining parcels and local or regional recreational trails, public parks or public open spaces.

Deleted: town

Deleted: , except that parcels located within the boundaries of the Village of Union Grove Urban Service Area: 2020 shall comply with the densities set forth for the "suburban residential," "low density residential," and "medium density residential" categories...

- (d) In the event of an appeal, the village board shall hold a hearing as provided in Wis. Stat. §§ 68.11(2) and 68.11(3). The village board shall hold such hearing within 30 days of the appeal request, and shall notify the appellant of the hearing date no less than ten days' notice in advance of the hearing. Within 20 days of the hearing and the filing of briefs, if any, the village board shall mail or deliver to the appellant its written final determination, setting forth, in detail, the reasons for its decision.

Deleted: town

Deleted: town

Deleted: town

If the village board or commission determines that a refund is due the property owner, the refund will be applied as a credit on the property owner's next annual billing, or will be refunded at the discretion of the village administrator/clerk.

Deleted: town

Deleted: town

Deleted: clerk

- (e) Public service commission complaint. Notwithstanding the above procedures, any property owner may file a complaint to the public service commission claiming that rates, rules and practices herein are unreasonable or unjustly discriminatory, pursuant to Wis. Stat. § 66.0821(5).

(Ord. No. 2011-02, § 1, 7-11-2011)

Article V. Broadband Network Projects

Sec. 54-287. Broadband network project applications.

(a) General Provisions.

- (1) Purpose and policy. The purpose of this article is to encourage the development of broadband access in the Village of Yorkville by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This article shall always be construed consistent with the forestated purpose.

Sec. 54-288. Definitions.

Definitions in this article are as follows:

- (1) "Applicant" means a person applying for a permit for a broadband network project.
- (2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Village of Yorkville.
- (3) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (4) "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

Sec. 54-289. Point of contact.

The Village of Yorkville shall appoint a single point of contact for all matters related to a broadband network project. The Village of Yorkville shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

- (a) Electronic Submission of Applications. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.
- (b) Review of Applications. Notwithstanding any other provision in the Village's ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

Sec. 54-290. Completeness review.

Upon receiving a broadband network project application, the Village of Yorkville shall:

- (a) Determine whether an application is complete and notify the applicant of the determination by the Village of Yorkville in writing within 10 calendar days of receiving an application. If the Village of Yorkville does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.
- (b) If the Village of Yorkville determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

Sec. 54-291. Approval or denial of complete applications.

- (a) Within 60 calendar days of receiving an application that is complete, or considered complete under Sec. 54-290(a), the Village of Yorkville shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Village of Yorkville does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.
- (b) If the Village denies an application, the written notification of the denial under sub. (a) shall include evidence that the denial is not arbitrary and capricious.

Sec. 54-291. Fees.

Any fee imposed by the Village of Yorkville to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

**NOTICE OF PUBLIC HEARING ON, AND PARTIAL RECODIFICATION OF, THE
MUNICIPAL CODE FOR THE VILLAGE OF YORKVILLE**

PUBLIC NOTICE is hereby given that the Village of Yorkville Plan Commission and Village Board will hold a public hearing at 6:00 p.m. on Monday, February 10, 2020, in the Village Board Room at the Union Grove Municipal Center, located at 925 15th Avenue, Union Grove, Wisconsin, regarding proposed revisions to the Village's Municipal Code of Ordinances. A copy of the proposed Municipal Code of Ordinances, to be adopted via a partial recodification ordinance pursuant to Wis. Stat. § 66.0103, will be available for public inspection prior to the public hearing, beginning on Friday, January 24, 2020, and for at least two weeks during regular office hours at the Village Hall, before consideration and possible adoption by the Village Board. If you have any questions, please contact the Village Administrator/Clerk at (262) 878-2123.

Publication Dates:

- January 24, 2020
- January 31, 2020

Michael McKinney
Administrator/Clerk

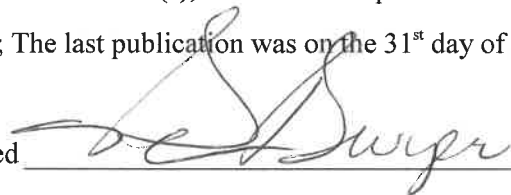
Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 2 time(s) for 2 consecutive weeks(s); That the first publication was on the 24th day of January, 2020; The last publication was on the 31st day of January, 2020.

Signed



By Pam Dwyer, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

31 day of January 2020

Notary Public, State of Wisconsin

My commission expires



NOTICE OF PUBLIC HEARING ON, AND PARTIAL RECODIFICATION OF, THE MUNICIPAL CODE FOR THE VILLAGE OF YORKVILLE

PUBLIC NOTICE is hereby given that the Village of Yorkville Plan Commission and Village Board will hold a public hearing at 6:00 p.m. on Monday, February 10, 2020, in the Village Board Room at the Union Grove Municipal Center, located at 925 15th Avenue, Union Grove, Wisconsin, regarding proposed revisions to the Village's Municipal Code of Ordinances. A copy of the proposed Municipal Code of Ordinances, to be adopted via a partial recodification ordinance pursuant to Wis. Stat. § 66.0103, will be available for public inspection prior to the public hearing, beginning on Friday, January 24, 2020, and for at least two weeks during regular office hours at the Village Hall, before consideration and possible adoption by the Village Board. If you have any questions, please contact the Village Administrator/Clerk at (262) 878-2123.

Michael McKinney
Administrator/Clerk

(Published in Westine Report
Jan. 24 & 31, 2020
WNAXLP - 366081)

Village of Yorkville
Notice of Newly Enacted Ordinance

Please take notice that, on Monday, February 10, 2020, the Village Board of the Village of Yorkville enacted Ordinance 2020-01, entitled "An Ordinance to partially recodify the Code of Ordinances of the Village of Yorkville". This ordinance replaces the current provisions of the Code reflecting the prior Town structure of government, including outdated statutory references that pertain to towns. The revisions included in this ordinance are largely non-substantive in nature except as to the following sections: 2-32 (Ordinances and Resolutions), 2-52 (Regular Meetings), 2-119 (Receipts of Gifts and Gratuities), 14-1021 through 1025 (Communication Towers and Antennas), 28-3 (Land Division: Applicability and Compliance), 28-5 (Condominium Plats), 28-84 and 28-125 (Union Grove Urban Service Area references) and 54-287 through 54-291 (Broadband Network Projects).

The full text of this ordinance may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

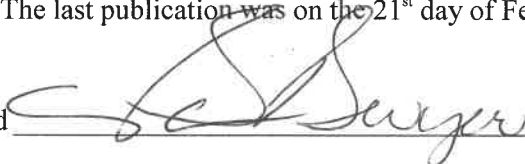
Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 21st day of February, 2020; The last publication was on the 21st day of February, 2020.

Signed



By Pam Dwyer, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

21 day of February 2020.



Notary Public, State of Wisconsin

My commission expires 12/01/22



VILLAGE OF YORKVILLE Notice of Newly Enacted Ordinance

Please take notice that, on Monday, February 10, 2020, the Village Board of the Village of Yorkville enacted Ordinance 2020-01, entitled "An Ordinance to partially recodify the Code of Ordinances of the Village of Yorkville". This ordinance replaces the current provisions of the Code reflecting the prior Town structure of government, including outdated statutory references that pertain to towns. The revisions included in this ordinance are largely non-substantive in nature except as to the following sections: 2-32 (Ordinances and Resolutions), 2-52 (Regular Meetings), 2-119 (Receipts of Gifts and Gratuities), 14-1021 through 1025 (Communication Towers and Antennas), 28-3 (Land Division: Applicability and Compliance), 28-5 (Condominium Plats), 28-84 and 28-125 (Union Grove Urban Service Area references) and 54-287 through 54-291 (Broadband Network Projects).

The full text of this ordinance may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

(Published in Westine Report
Feb. 21, 2020
WNAXLP - 367994)