

ORDINANCE NO. 2015-03

**TOWN OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE ESTABLISHING PROCEDURES AND CRITERIA FOR WAIVING
BOARD OF REVIEW HEARING REQUESTS**

WHEREAS, Wisconsin Statutes Section 70.47(8m) authorizes the board of review to consider requests from a taxpayer or assessor, or at its own discretion, to waive the hearing of an objection under Wisconsin Statutes Section 70.47(8) and allow the taxpayer to have the taxpayer's assessment reviewed under Wisconsin Statutes Section 70.47(13), and

WHEREAS, Wisconsin Statutes Section 70.47(8m) further states that for purposes of this subsection, the board of review shall submit the notice of decision under Wisconsin Statutes Section 70.47(12), using the amount of the taxpayer's assessment as established by the municipal assessor as the finalized amount, and

WHEREAS, Wisconsin Statutes Section 70.47(8m) further states that for purposes of this subsection, if the board of review waives the hearing, the waiver disallows the taxpayer's claim on excessive assessment under Wisconsin Statutes Section 70.37(3), and, notwithstanding the time period under Wisconsin Statutes Section 70.37(3)(d), the taxpayer has 60 days from the notice of hearing waiver in which to commence an action under Wisconsin Statutes Section 70.37(3)(d), and

WHEREAS, the Wisconsin Department of Revenue has determined that the legal requirements of the Notice to Appear at the board of review must be satisfied and the Objection Form must be completed and submitted to the board of review by the taxpayer as required by law prior to a Request for Waiver being considered by the board of review.

NOW, THEREFORE, the Town Board of the Town of Yorkville, Racine County, Wisconsin, does hereby ordain as follows:

1. That Section 2-236 of the Code of Ordinances for the Town of Yorkville be, and hereby is, created to read as follows:

"Sec. 2-236 Procedures and criteria for waiving board of review hearing requests.

1. Procedure:

Before the Board of Review (hereinafter "BOR") can consider a request from a taxpayer or assessor, or at its own discretion, to waive the hearing of an objection, the taxpayer must first complete and file with the clerk of the BOR the following documents:

- a) A fully completed and timely Notice of Intent to appear at BOR, and
- b) A fully completed and timely Objection Form for Real Property Assessment (Form PA-115A).

If the owner fails to file the aforementioned documents as required, no hearing will be scheduled on the objection.

If the owner files the aforementioned documents as required and a request from a taxpayer or assessor, or at its own discretion, is made to waive the hearing of an objection, the BOR shall use the following criteria when making its decision.

2. Criteria:

The BOR may consider any or all of the following factors when deciding whether to waive the hearing:

- a) The benefits or detriments of the BOR process
- b) The benefits or detriments of having a record for court review
- c) Avoidance of unruly, lengthy, burdensome appeals
- d) Ability to cross-examine the person providing the testimony
- e) Any other factors that the BOR deems pertinent to deciding whether to waive the hearing"

2. That this ordinance shall be effective upon adoption and publication as provided by law.

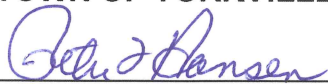
Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 11th day of May, 2015.


TOWN OF YORKVILLE

Ayes: 3

Nays: 0

Abstentions: 0

By: 
Peter L. Hansen, Chairperson

Attest: 
Michael McKinney, Clerk-Treasurer

Town of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that on Monday, May 11, 2015, the Town Board of the Town of Yorkville enacted the following ordinances:

1. Ordinance No. 2015-02 amending Article III entitled Sex Offender Restrictions within Chapter 30 - Miscellaneous Offenses of the Town of Yorkville Code of Ordinances, which does the following: defines miscellaneous terms essential to the enforcement of this ordinance; establishes sex offender residency and loitering restrictions; creates exceptions to sex offender residency restrictions; establishes an original domicile restriction on sex offender placement; prohibits the rental or lease of any residence within a restricted area to a known sex offender; and establishes mechanisms for enforcing the provisions of this ordinance.
2. Ordinance No. 2015-03 creating Section 2-236 of the Town of Yorkville Code of Ordinances, which establishes procedures and criteria for the Board of Review to follow when considering requests to waive the hearing of an objection before the Board of Review.

These ordinances take effect upon publication of this notice. The full text of these ordinances and the resolution adopting a map showing the Protected Locations and Child Safety Zones for the Sex Offender Residency Restrictions under Sections 30-130 through 30-134 of the Town of Yorkville Code of Ordinances and addressing enforcement of such sections may be obtained from the Town of Yorkville Clerk-Treasurer's Office, 925 15th Avenue, Union Grove, Wisconsin 53182, and through the Town's website at www.townofyorkville.com. The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney
Clerk-Treasurer

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 15th day of May, 2015; The last publication was on the 15th day of May, 2015.

Signed

By Pam Dwyer, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

15th day of May, 2015.

Susan M. Davenport

Notary Public, State of Wisconsin

My commission expires 4/24/17

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Michael McKinney
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