

ORDINANCE NO. 2023-03

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

AN ORDINANCE TO CREATE ARTICLE VIII OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RELATING TO THE ADOPTION OF AN OFFICIAL MAP

The Village Board of the Village of Yorkville, Racine County, Wisconsin, do hereby ordain that Article VIII of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the adoption of an official map be, and hereby is, created to read as follows:

“Article VIII. Official Map

Sec. 38-257. Introduction.

WHEREAS, the Village Board of the Village of Yorkville, upon recommendation of the Village Plan Commission, adopted on December 16, 2019, an Interstate 94 Corridor Neighborhood Plan as a part of the Village Comprehensive Plan; and

WHEREAS, the Village Plan Commission has recommended to the Village Board that an Official Map be established for a portion of the Village of Yorkville; and

WHEREAS, a public hearing was held before the Village Board of the Village of Yorkville to receive public input on April 10, 2023, and June 12, 2023, on the question of the adoption of an Official Map; and

WHEREAS, the Village Board of the Village of Yorkville has determined that it is necessary for the proper physical development of the Village to establish an Official Map for a portion of the Village of Yorkville;

NOW, THEREFORE, the Village Board of the Village of Yorkville, Racine County, Wisconsin, do hereby ordain as follows:

Sec. 38-258. Intent.

It is the intent of the Village Board establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

Sec. 38-259. Authority.

This Ordinance is enacted under the authority granted by Sections 61.35 and 62.23(6) of the Wisconsin Statutes.

Sec. 38-260. Jurisdiction.

The jurisdictional area of this Ordinance shall include all lands within the boundaries of Section 24, T3N, R21E within the Village of Yorkville.

Sec. 38-261. Official map.

There is hereby established, as the Official Map of the Village of Yorkville, the Map which accompanies and is made a part of this Ordinance bearing the date of May 24, 2023. This map is hereby designated as the "Official Map of the Village of Yorkville," and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein. The Official Map shall show the location and extent of all platted and existing streets, highways, drainageways, existing and planned public water and sanitary sewer facilities, parkways, parks and playgrounds, airports and airport affected areas, and historic districts within the jurisdictional area described above of the Village of Yorkville as heretofore laid out, adopted and established by law.

Sec. 38-262. Changes and additions.

The Village Board may change or add to the Official Map so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend, or close any platted, existing, proposed, or planned streets, highways, planned public water and sanitary sewer facilities, waterways which are included in a comprehensive surface water drainage plan, parkways, and parks or playgrounds. The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, waterways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the Village under provisions of law other than this section shall be deemed to amend the Official Map, and are subject to this section, except that changes or additions made by a subdivision plat approved by the Village under Ch. 236, Wis. Stats., do not require the public hearing specified below if the changes or additions do not affect any land outside the platted area.

- (1) Referral to Village Plan Commission. The Village Board shall refer any change or addition to the Official Map to the Village Plan Commission for review and report thereon prior to adoption. The Village Plan Commission shall report its recommendation to the Village Board within sixty (60) days, but if the Village Plan Commission does not make its report within 60 days of referral, it forfeits the right to further suspend action.

- (2) **Public Hearing Required.** The Village Board shall hold a public hearing prior to adoption of any changes or additions to the Official Map. Notice of the public hearing shall be published as a Class 2 notice pursuant to Chapter 985 of the Wisconsin Statutes.
- (3) **Effect of Amendment.** When adopted, amendments become a part of the Official Map of the Village, and are conclusive with respect to the location and width of the streets, highways, public water and sanitary sewer facilities, historic districts, waterways and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the Official Map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes.

Sec. 38-263. Building permits.

- (a) *Building Permits Generally.* No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right-of-way, public transit facility or parkway, shown or laid out on the map except as provided in this section.
 - (1) *Application.* Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right-of-way, public transit facility or parkway shown on the Official Map within the incorporated limits of the Village shall apply to the authorized official of the Village for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility or parkway shown on the Official Map within the incorporated limits of the Village. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the Official Map within the incorporated limits of the Village.
 - (2) *Appeals.* If the land within the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the Village Board of Appeals may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right-of-way, public transit facility or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railroad right-of-way, public transit facility or parkway or tend to cause a change of the Official Map. Before taking any action authorized in

this subsection, the Village Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing, notice of the time and place of the hearing shall be published as a class 1 notice, under Ch. 985, Wis. Stats. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a board of appeals upon zoning regulations. The Village Board of Appeals may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety or general welfare of the community. The Village Board of Appeals shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway.

(b) Building Permits and Access Requirements.

- (1) No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on the Official Map.
- (2) *Appeals.* Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways or parkways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the Village Board of Appeals which has the power to grant variances or exceptions in zoning regulations, and the same provisions are applied to appeals of this section as are provided in cases of appeals on zoning regulations. Before taking any action authorized in this subsection, the Village Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing, notice of the time and place of the hearing shall be published as a class 1 notice, under Ch. 985, Wis. Stats. The Village Board of Appeals may, in passing on such appeal, make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway or parkway layout. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decision of the Village Board of Appeals upon zoning regulations.

Sec. 38-264. Municipal improvements.

No public sewer, water, or other municipal street utility or improvement shall be constructed in any street, highway, or parkway within the jurisdictional area of this Ordinance until such street, highway, or parkway is duly placed on the Official Map.

Sec. 38-265. Certified copy of map.

There shall be a certified copy of the Official Map described above. The certified copy shall be kept in the office of the Village Administrator/Clerk and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Ordinance and shall show the date of adoption of this Ordinance and shall be signed by the Village President and countersigned by the Village Administrator/Clerk. Thereafter, no change or addition to such Official Map shall become effective until adopted as provided above and until it shall have been indicated by the appropriate convention on the certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Administrator/Clerk.

Sec. 38-266. Ordinance and amendments to be recorded with Register of Deeds.

The Village Administrator/Clerk shall be responsible immediately upon adoption of the Official Map or any amendment thereto to record with the Register of Deeds of the County of Racine, Wisconsin a certified copy of the ordinance indicating that the Official Map, or Amended Official Map, can be viewed in the office of the Village Administrator/Clerk.

Sec. 38-267. Enforcement.

It shall be the duty of the Village Building Inspector, Zoning Administrator, Village Administrator/Clerk or designee of any of the above to enforce the provisions of this Ordinance.

Sec. 38-268. Penalties.

- (a) Any Person, Firm, or Corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not more than Two Hundred Dollars (\$200.00) and not less than Fifty Dollars (\$50.00) and cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof but not exceeding 30 days. Each day a violation exists shall constitute a separate offense.
- (b) No Damages shall be allowed for the taking by any governmental agency, for street, highway, drainageway, or parkway purposes, any building erected in violation of this Ordinance.

Sec. 38-269. Severability.

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

All other ordinances or parts of ordinances of the Village inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

Sec. 38-270. Effective date.

This ordinance shall become effective upon adoption and publication as provided by law.”

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 12th day of June, 2023.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0

**VILLAGE OF YORKVILLE
NOTICE OF PUBLIC HEARING ON
PROPOSED OFFICIAL MAP**

PUBLIC NOTICE IS HEREBY GIVEN that, pursuant to Section 62.23(6)(c) of the Wisconsin Statutes, the Plan Commission and Village Board of the Village of Yorkville, Racine County, Wisconsin, shall hold a joint public hearing to hear public comment on a proposed Official Map for the Village of Yorkville.

The joint Public Hearing will be conducted by the Village of Yorkville Plan Commission and Village Board at 6:00 p.m. on Monday, April 10, 2023, in the Yorkville Village Board Room, located in the Union Grove Municipal Center, 925 15th Avenue, Union Grove, Wisconsin. All interested parties will be heard. The Plan Commission and Village Board may consider the proposed Official Map at the conclusion of the public hearing.

The proposed Official Map is available for inspection and reproduction at the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, weekdays from 8:00 a.m. to 4:30 p.m. Any inquiries regarding the proposed Official Map can be forwarded to the Administrator/Clerk at the same address. The phone number for the Administrator/Clerk is (262) 878-2123; the e-mail for the Administrator/Clerk is michael@villageofyorkville.com.

The proposed Official Map is also available for inspection on the Village's website: www.villageofyorkville.com. Requests from persons with disabilities who need assistance to participate in the meeting or public hearing should be made to the Administrator/Clerk's office with as much advance notice as possible.

Dated the 23rd day of March, 2023, and the 30th day of March, 2023.

Michael McKinney
Administrator/Clerk

Affidavit of Printing State of Wisconsin

County of Racine

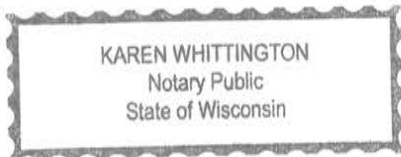
City of Union Grove

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 23rd day of March, 2023; The last publication was on the 30th day of March, 2023.

Signed Heidi Schulz
By Heidi Schulz, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this
31 day of March 2023

Karen Whittington
Notary Public, State of Wisconsin
My commission expires 4/20/25



NOTICE OF PUBLIC HEARING ON PROPOSED OFFICIAL MAP VILLAGE OF YORKVILLE

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Michael McKinney
Administrator/Clerk

(Published in Westine Report
March 23 & 30, 2023
WNAXLP - 434974)

Village of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that, on Monday, June 12, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-03, entitled "An Ordinance creating Article VIII of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the adoption of an official map".
- Ordinance 2023-05, entitled "An Ordinance repealing and recreating Division 22 of Chapter 55 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to adult establishment uses"
- Ordinance 2023-06, entitled "An Ordinance repealing and recreating Article XX of Chapter 14 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the licensure of adult oriented entertainment establishments"
- Ordinance 2023-08, entitled "An Ordinance amending Section 54-219 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to sewer service connection charges".

These ordinances take effect upon publication of this notice. The full text of these ordinances 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 15th day of June, 2023; The last publication was on the 15th day of June, 2023.

Signed Heidi Schulz
By Heidi Schulz, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

15th day of June, 2023.

Karen Whittington
Notary Public, State of Wisconsin

My commission expires 1/20/26

KAREN WHITTINGTON
Notary Public
State of Wisconsin

NOTICE OF NEWLY ENACTED ORDINANCES Village of Yorkville

Please take notice that, on Monday, June 12, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-03, entitled "An Ordinance creating Article VIII of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the adoption of an official map".
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Michael McKinney
Administrator/Clerk

(Published in Westine Report
June 15, 2023
WNAXLP - 439506)