

ORDINANCE NO. 2024-02

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

AN ORDINANCE TO AMEND SECTIONS 54-275, 54-279(g), 54-279(w) AND 54-280 OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, TO (1) CLARIFY THE AUTHORITY OF THE BOARD AS TO STORMWATER FACILITIES, OPERATIONS AND ACTIVITIES IMPLEMENTED BY THE RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS, (2) REVISE THE DEFINITIONS OF EQUIVALENT RUNOFF UNIT AND STORMWATER SYSTEM, AND (3) EXPAND THE SCOPE OF UTILITY RATES AND CHARGES TO INCLUDE WORK DONE WITHIN THE YORKVILLE RAYMOND DRAINAGE DISTRICT BY THE RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS

THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN ORDAINS AS FOLLOWS:

1. That Section 54-275 of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

“Sec. 54-275. Authority.

The village board, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, improve, modify, extend, expand, replace, clean, dredge, repair, conduct and manage programs, finance, borrow monies, assess and/or levy fees for such facilities, operations, and activities, as are deemed by the village board to be proper and reasonably necessary for a system of storm and surface water management and to obtain compliance with applicable local, state and federal stormwater management requirements with which the village must comply. This authority extends to facilities, operations, and activities falling under the jurisdiction of the Racine County Board of Drainage Commissioners (“RCBDC”) as to bodies of water within the village. Except for projects authorized by the RCBDC, neither the village, nor the stormwater utility, shall exercise authority with respect to stormwater matters affecting only private property interests, except where otherwise permitted by law.”

2. That Section 54-279(g) of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

“(g) Equivalent runoff unit (ERU) charge means the charge established by the village board on all parcels within the village, tax-exempt or not, to defray, in part, the costs of the stormwater utility which may include, but not be limited to, capital, operating and maintenance costs, extension and replacement costs, regulatory compliance costs and stormwater related public education expenses. The ERU charge, in the discretion of the village board, may also

include payment of assessments by the RCBDC as to parcels within the boundaries of the Village that are also within the boundaries of the Yorkville Raymond Drainage District. The ERU charge is determined utilizing a methodology that is based on each parcel's gross area, intensity of development, and modeling established by the National Resources Conservation Service and set forth in Technical Release 55 ("TR-55")."

3. That Section 54-279(w) of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

“(w) Stormwater system means the system of streets, curbs, gutters, berms, swales, detention and retention ponds or basins, infiltration basins, pipes, outfalls, inlets, and other components of infrastructure owned and/or maintained by the municipality or the RCBDC for the purpose of managing, gathering, transmitting, treating or conveying stormwater. This term includes tributaries, creeks, rivers, canals, and streams.”

4. That Section 54-280 of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

“Sec. 54-280. Utility rates and charges.

- (a) By this article, the village is establishing the basis for the rates that will be used to calculate and impose charges upon each parcel within the village for services and facilities provided by the village board or RCBDC consistent with this article.
- (b) The actual rate of charges to be imposed and any future changes in those rates for each customer classification shall be made by resolution. All rates established pursuant to this article shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the village clerk.
- (c) Charges shall be imposed to recover all or a portion of the costs incurred by the village for stormwater management purposes. In the discretion of the village board, charges may also be implemented for payment of assessments imposed by the RCBDC for stormwater management purposes as to parcels within the boundaries of the Village that are also within the boundaries of the Yorkville Raymond Drainage District. Such charges may include the following components:
 - (1) *Base charge.* A base charge may be imposed on all parcels in the village. The base charge is established in recognition of the fact that all properties in the village receive services from the stormwater management activities of the village and that all properties contribute

to some degree to the stormwater discharge that must be managed by the village.

- (2) *Equivalent runoff unit (ERU) charge.* The ERU charge shall be assessed for each parcel in the village based upon the village engineer's methodology that incorporates the use of gross area, intensity of development and modeling established by the National Resources Conservation Service and set forth in Technical Release 55 ("TR-55"). The village engineer shall prepare a list of all parcels within the village, utilizing the statutory land use classification(s) for each parcel as determined by the village assessor or State Department of Revenue. The ERU charge shall be updated by the village engineer based on any additions to the impervious area as approved through the building permit process, as well as changes in land use classifications as determined by the village assessor or State Department of Revenue."

5. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 8th day of January, 2024.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Janine Carls
Janine Carls, Clerk

Abstentions: 0

Absences: 0

Village of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that, on Monday, January 8, 2024, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2024-01, entitled "An Ordinance amending the Racine County Code of Ordinances as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville relating to the proposed rezoning of ±24.11 acres of land located at 14922 Washington Avenue (STH 20) (Parcel ID # 194-03-21-12-053-010), in the W½ of the SW¼ of Sec. 12, T3N, R21E, Village of Yorkville, Racine County, Wisconsin, from the R-3 (Suburban Residential - Sewered) Zoning District to the A-2 (General Farming and Residential II) Zoning District; Ed Zurey and Linda Kelly, Owner; Dylan Arntzen, Applicant/Agent".
- Ordinance 2024-02, entitled "An Ordinance amending Sections 54-275, 54-279(g), 54-279(w) and 54-280 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, to (1) clarify the authority of the Board as to stormwater facilities, operations and activities implemented by the Racine County Board of Drainage Commissioners, (2) revise the definitions of Equivalent Runoff Unit and Stormwater System, and (3) expand the scope of utility rates and charges to include work done within the Yorkville Raymond Drainage District by the Racine County Board of Drainage Commissioners".

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville 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 Clerk is (262) 878-2123.

Janine Carls
Clerk

Affidavit of Printing State of Wisconsin

County of Racine

City/Village 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 11th day of January, 2024; The last publication was on the 11th day of January, 2024.

Signed *Amy Naber*

By Amy Naber, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

11 day of January 2024

Karen Whittington

Notary Public, State of Wisconsin

My commission expires 11/26/26



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