

ORDINANCE NO. 2024-1

**AN ORDINANCE AMENDING CHAPTER 30
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER
TO PERMIT ADJUSTMENT OF PUBLIC SITE FEE**

WHEREAS, the Village of Rochester seeks to update certain sections of the Village of Rochester Municipal Code for the sake of clarification, consistency, and to remedy oversights within the Village of Rochester Municipal Code; and

WHEREAS, Code section 30-112(D) currently specifically places the public site fee authorized by Wis. Stat. s. 236.45(6) at \$550.00; and

WHEREAS, Code section 30-112(C) currently uses the \$550.00 public site fee amount to calculate the required public land dedication for subdivision approval; and

WHEREAS, Wis. Stat. s. 236.45(6) does not specifically require a certain dollar amount be charged for the public site fee; and

WHEREAS, the most recently adopted Village fee schedule increased the public site fee to \$600.00.

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

Section 1: Chapter 30 of the Village of Rochester Municipal Code entitled “Land Division,” Section 30-112 entitled “Dedication or Payment,” Subsection C is hereby amended to read as follows:

C. The amount of land to be provided shall be determined on the basis of an amount of land equal in value to the public site fee referenced in subsection D, below, per residential unit created by the subdivision.

Section 2: Chapter 30 of the Village of Rochester Municipal Code entitled “Land Division,” Section 30-112 entitled “Dedication or Payment,” Subsection D is hereby amended to read as follows:

D. If the Village Board, after consultation with the Plan Commission, determines that such dedication is not feasible or compatible with the comprehensive plan, there shall be paid to the Village in lieu of land dedication, a public site fee as set forth in the Village Fee Schedule for each residential unit to be constructed in the subdivision. Such fee shall be used exclusively for immediate or future park or recreation area site acquisition or capital improvement and development.

Section 3: CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution, or proceeding brought for the enforcement of any right or liability established, accrued, or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provision is stayed pending the final resolution of such actions, including appeals.

Section 4: SEVERABILITY

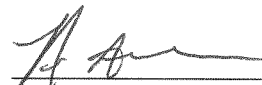
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5: EFFECTIVE DATE

This ordinance shall take effect on January 22, 2024 after passage and posting and/or publication as provided by law.

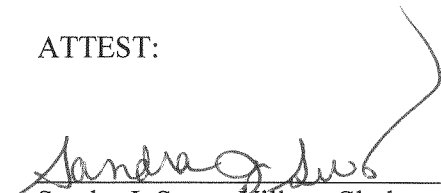
Passed and adopted this 22 day of January, 2024.

VILLAGE OF ROCHESTER



Nick Ahlers, Village President

ATTEST:



Sandra J. Swan, Village Clerk