

ORDINANCE NO. 2022-6

**AN ORDINANCE TO CREATE SUBSECTION 30-15(C) OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER TO CLARIFY THE EXTRATERRITORIAL JURISDICTION BETWEEN THE VILLAGE OF ROCHESTER AND VILLAGE OF WATERFORD**

WHEREAS, Wisconsin Statutes Section 236.45(3) provides that a municipal subdivision ordinance will apply to lands within the extraterritorial plat approval jurisdiction of the municipality if it has the right to approve or reject that land under Wis. Stats. Section 236.10(1)(b)2 and Section 236.10(2); and

WHEREAS, the Village satisfies the above statutory requirements because it has adopted a subdivision ordinance or official map under Wis. Stats. Section 62.23, and the amendment is being adopted to clarify extraterritorial plat approval jurisdiction; and

WHEREAS, due to Wis. Stats. Section 66.0105 applying to the extraterritorial plat approval jurisdiction, the Village has developed a map that will clarify the extraterritorial jurisdiction for the Village of Rochester and the Village of Waterford in the portions where the extraterritorial powers overlap; and

WHEREAS, Village staff recommended to the Village Plan Commission and Village Board that the Village amend the Village's Subdivision Ordinance to clarify the extraterritorial plat approval powers between the Village of Rochester and Village of Waterford; and

WHEREAS, the procedure outlined in Wis. Stats. Section 236.45(4) must be followed for this Subdivision Ordinance amendment; and

WHEREAS, the Village Plan Commission made a recommendation on \_\_\_\_\_, 2022 to the Village Board to approve the Subdivision Ordinance amendment; and

WHEREAS, upon receiving the Plan Commission's recommendation, the Village Board held a public hearing on \_\_\_\_\_, which was noticed by a Class 2 Public Notice on \_\_\_\_\_, as required by Wis. Stats. Section 236.45(4); and

WHEREAS, the Village Board finds that this Subdivision Ordinance amendment is in the public interest and promotes the health, general welfare, and safety of the Village of Rochester; and

WHEREAS, the Village Board of the Village of Rochester having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Subdivision Ordinance for the Village of Rochester, will not be contrary to the public health, safety or general welfare of the Village of Rochester, and the amendment is consistent with the Village of Rochester Comprehensive Plan.

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,” Article 1 entitled “General Provisions,” Section 30-15 entitled, “Extraterritorial Plat Approval Jurisdiction,” Subsection C. is hereby created as follows:

C. In the event the Village’s statutory extraterritorial plat approval jurisdiction overlaps with another municipality, the jurisdiction of the overlap will be decided in accordance with Wisconsin Statutes Section 66.0105, which provides:

Wherever these statutory extraterritorial powers overlap, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area.

The Village shall keep a map on file in the Village Clerk’s office which determines the Village’s jurisdiction in overlapping areas. This map may be amended from time-to-time as needed due to border adjustments in Rochester or Waterford.

SECTION 2: 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect on \_\_\_\_\_, 2022 after passage and posting and/or publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Rochester on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

VILLAGE OF ROCHESTER

\_\_\_\_\_  
Edward Chart, Village President

Attest:

\_\_\_\_\_  
Sandra Swan, Village Clerk