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ORDINANCE NO. 13, SERIES 2016

ORDINANCE CREATING CHAPTER 7 OF TITLE 5  
RE: STREET LIGHT CHARGES AND REGULATIONS

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The Village Board of the Village of Prairie du Sac, located in Sauk County, Wisconsin, do ordain as follows:

SECTION ONE: Create Chapter 7 of Title 5 of the Code of Ordinances of the Village of Prairie du Sac as follows:

SEC. 5-7-1    PURPOSE AND AUTHORIZATION

The Village Board has determined that in order to promote the health, safety, morals, and general welfare of the community, it is in the best interest of the citizens that the Village operate and maintain a street lighting system and has further determined that the operation and maintenance of such utility benefits each and every improved property within the Village. The Village Board has therefore determined that it is fair, appropriate and reasonable that the costs of such operation and maintenance be paid on a fair and reasonable basis by all of improved lots in the Village so benefitted and the cost should be charged and collected from all such benefitted lots, except for those exempted herein, through the imposition of charges as provided in this ordinance. In promulgating the regulations contained in this chapter, the Village is acting pursuant to authority granted by Wisconsin Statutes, including, but not limited to, Section 66.0627.

SEC. 5-7-2    DEFINITIONS

The following terms shall have the following meanings:

- (a) "Improved Lot" means each tax parcel of land that has located thereon improvements such as a building, garage, shed, storage facility, or any other type of structure providing housing, storage, or any type of service of use. Improved Lots may have located thereon Residential Unit(s) and/or Non-Residential Unit(s).
- (b) "Residential Unit(s)" means single-family, two-family, and multifamily dwelling units. The number of Residential Units shall equal the number of such dwelling units located on an Improved Lot. Notwithstanding the foregoing, in the event of an Improved Lot having located thereon a multifamily structure containing three (3) or more dwelling units, and where such individual units are not invoiced directly by the Village for public water and sanitary sewer service, then in these events the Improved Lot shall be considered as having located thereon a single Non-Residential Unit.
- (c) "Non-Residential Unit(s)" means industrial, commercial, institutional, and the three or more multifamily units described in (b) above, located on an Improved Lot.

SEC. 5-7-3 CHARGES

- (a) The street light system service consists of all street lighting facilities owned and/or operated by the Village and all street lighting facilities for which the Village purchases and supplies electrical energy. In order to carry out the purposes identified, it is determined that it would be just and equitable to recover some or all of the cost of operating the street light system service on an equitable basis from each Improved Lot located within in the geographical boundaries of the Village.
- (b) The basis for computation of the charge for street light system services to Improved Lots within the Village is established under this section; and such charges are based on the total number of Residential Units and/or Non-Residential Units located on each Improved Lot. All charges established pursuant to this chapter 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 of owning and operating the street light system services. Such charges are those authorized from time to time by the Wisconsin Public Service Commission and are invoiced to the Village of Prairie du Sac by the Prairie du Sac Electric Utility. This amount shall be the known as the Recovery Amount. The Recovery Amount shall be determined for each calendar year, based upon the total amount invoiced to the Village for the period January through December of such year. The total amount of the Recovery Amount for such year shall be determined as of December 29 of such year insofar as is practicable. Once so determined, the total Recovery Amount shall constitute the amount to be recovered from Improved Lots for the following calendar year for street lighting services provided in such year.
- (d) Once the total Recovery Amount has been determined as provided for in (c) above, it shall be divided by the total of (i) the number of Residential Units located on all Improved Lots in the Village and (ii) the number of Non-Residential Units located on Improved Lots in the Village, multiplied by a factor of 2.0. The resultant is herein referred to as the Base Charge per Unit. ( $BC=RA/(R + 2NR)$ ).
- (e) The Base Charge to each Improved Lot shall equal (i) the sum of the Base Charge for each Residential Unit thereon and/or (ii) the sum of the Base Charge for each Non-Residential Unit thereon, multiplied by a factor of 2.0.
- (f) Base Charges shall be invoiced on a monthly basis, with each monthly invoice being for one-twelfth of the total Base Charge due from the Improved Lot.

SEC. 5-7-4 BILLING

Bills for street light system services charges shall be mailed to the recipient designated by the owner of the tax parcel or the lessee to which the bill relates, provided that such mailing shall not relieve the owner of rental property from liability for the charges in the event payment is not made. The owner of any tax parcel which is occupied by tenants shall have the right to examine the appropriate records of the utility to determine whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept during normal business hours.

SEC. 5-7-5 PAYMENT, LIEN, LATE PAYMENT PENALTY

- (a) Street light system charges shall be payable upon receipt. Street light system charges shall not be payable in installments. If a charge remains unpaid for a period of 20 days after it is due and payable said charge shall be deemed delinquent. Such delinquent charge shall be subject to a late payment penalty shall be added. Said late payment penalty shall be one and one-half percent (1.5%) of the delinquent charge per month.

- (b) On October 15 in each year the Village Administrator shall give notice to the owner or occupant of all Improved Lots to which street light system services have been provided prior to that date and which are outstanding and in arrears at that time. The notice shall include the following information:
- (1) The amount of arrears, including any penalties assessed;
  - (2) That, if not paid by November 1, a penalty of ten percent (10%) of the amount of arrears shall be added to that amount;
  - (3) That, unless paid by November 15, the arrears with added penalty will be levied against that property and placed on the tax roll as a lien against the property;
- (c) If payment is not received prior to November 15, the delinquent charge(s) will be forwarded to the county treasurer for placement on the tax roll.

SEC. 5-7-6 APPEAL

- (a) A Street light system charge may be appealed to the Public Works/Utilities Committee. An appeal can be undertaken by filing a written appeal with the Village Clerk prior to the due date of the charge or within 30 days of payments. However, no appeal can be taken unless the disputed charges have been paid in full. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers being appropriate. Failure to appeal within 30 days of payment shall deprive the Public Works/Utilities Committee of jurisdiction to hear the appeal.
- (b) In considering an appeal, the Public Works/Utilities Committee shall determine whether the Street light system charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Public Works/Utilities Committee shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The decision of the Public Works/Utilities Committee shall be based upon the evidence presented to it. The Public Works/Utilities Committee shall notify the appellant in writing of its determination.

SEC. 5-7-7 PENALTY

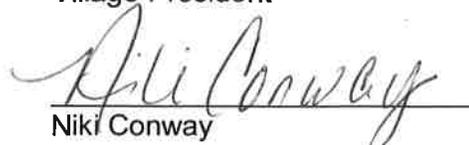
A person violating this Chapter shall, upon conviction, pay forfeiture not to exceed \$500 for each offense, in addition to the costs of prosecution, which are allowed by law. Each day during which a violation exists shall constitute a separate offense.

SECTION TWO: This ordinance shall become effective following the date of its enactment and publication in the manner provided for by law.

Adopted this 12<sup>th</sup> day of January, 2016.  
Published this 19<sup>th</sup> day of January, 2016.

Village of Prairie du Sac, WI

  
Cheryl A. Sherman  
Village President

  
Niki Conway  
Village Clerk