

VILLAGE OF MARSHALL
DANE COUNTY, WISCONSIN

ORDINANCE NO. 2023-04

AN ORDINANCE CREATING A STREETLIGHT ELECTRIC EXPENDITURE
RECOVERY USER CHARGE

Ordinance Introduced by: Finance & Oversight Committee

Purpose of Ordinance: The Village of Marshall currently maintains a streetlighting system that is solely funded as a levy on taxable real estate within the Village. Such a streetlighting system benefits all property owners with improvements within the Village, not just taxable properties. The intent of this ordinance is to assign the burden of funding the streetlighting system to those who benefit by establishing a fair and reasonable user charge on all improved properties in the Village.

The Village Board of the Village of Marshall, Dane County, Wisconsin, ordains as follows:

Section I. Chapter 5, Title 3 of Village of Marshall Code of Ordinances is hereby created to read as follows:

3-5-1 Streetlight electric expenditure recovery user charge.

- (a) **Purpose and authorization.** The Village Board has determined that to promote the health, safety, morals, and general welfare of the community, it is in the best interest of the citizens that the Village maintains a streetlighting system. The Village has further determined that the streetlighting system benefits real properties with improvements within the Village. The Village Board has therefore determined that it is fair, appropriate, and reasonable that the costs of electricity for such system be paid on a fair and reasonable basis by all 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 section. In promulgating the regulations contained in this chapter, the Village is acting pursuant to authority granted by Wisconsin Statutes, including, but not limited to, § 66.0627.
- (b) **Definitions.** The following terms shall have the following meanings within this section:
- (1) Improved lot. Each tax parcel of land which has improvements located thereon, including a building, garage, shed, storage facility, or any other type of structure providing housing or storage.

- (2) Nonresidential unit(s) or NRU(S). An improved lot with non-residential uses, a multifamily use consisting of four or more dwelling units, or mixed uses.
 - (3) Residential unit(s) or RU(s). An improved lot containing a single-family, two-family, or multifamily use with three or less dwelling units.
- (c) **Charge.** The basis for computation of the charge for streetlight electric expenditure recovery to improved lots within the Village is established under this section. Sufficient charges shall be imposed to recover the annual cost of paying for the electricity used to operate the streetlighting system.
- (1) Billing unit system. Expenditure recovery shall be allocated through a per unit billing system defined under this section.
 - a. A residential unit shall be assigned one unit.
 - b. A nonresidential unit shall be assigned two units.
 - (2) Expenditure recovery. The total recovery amount shall be determined for each forthcoming calendar year, based upon budgeted streetlight electricity expenditures plus reasonable administration costs. The total recovery amount for the following calendar year shall be determined before December 1 insofar as is practicable and adopted by a majority of the Village Board by resolution. Once so determined, the total recovery amount shall constitute the amount to be recovered from improved lots for the following calendar year for streetlighting electric services provided in such year.
 - a. Base charge. Once the total recovery amount has been determined as provided for in sub. 2., it shall be divided by the total of the number of residential and nonresidential units located on all improved lots in the Village. The calculation shall be made as followed:

Total recovery amount / total billable units = base charge

Each residential unit shall be charged a streetlight electric expenditure recovery user charge equal to the base charge and billed as provided for under sec. (d). Each nonresidential unit shall be charged a streetlight electric expenditure recovery user charge equal to the base charge multiplied by two and billed as provided for under sec. (d).
 - b. Schedule of charges. A schedule of current charges shall be maintained and on file in the office of the Village Clerk.

- c. Exception. No charge may be imposed upon state-owned property or village owned property.

(d) Billing.

- (1) All parcels otherwise receiving a monthly services bill from the Village shall be charged monthly on the services bill, with each monthly bill charging one-twelfth of the total annual charge for the parcel.
- (2) If a parcel does not otherwise receive a monthly services bill, the Village Treasurer may invoice the charge to the parcel in one annual or two bi-annual payments.
- (3) Charges are due and payable upon issuance. If the charge is not paid within 20 days of issuance, the special charge is delinquent. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. Delinquent charges shall be included in the next tax roll for collection and settlement under Chapter 74 of Wisconsin Statutes.

(e) Appeal.

- (1) A charge may be appealed to the Village Board. 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 payment. However, no appeal can be taken unless the disputed charges have been paid in full. The written appeal shall specify all grounds for a challenge to the amount of the charge and shall state the amount of charge that the appellant considers being appropriate.
- (2) In considering an appeal, the Village Board shall determine whether the charge is fair and reasonable and, in the event the appeal is granted, whether a refund is due the appellant and the amount of the refund. The Village Board shall conduct a formal or informal hearing and obtain sufficient facts upon which to decide. The decision of the Village Board shall be based upon the evidence presented to it. The Village Board shall notify the appellant in writing of its determination.

- (f) Invalid charge.** Pursuant to Wis. Stat. § 66.0627, if a charge imposed under this section is held invalid because this section is found unconstitutional, the Village Board may reassess the charge under any applicable law.

Section II. This ordinance shall take effect upon passage and publication.

The foregoing ordinance was adopted by the Village Board of the Village of Marshall at a meeting held on 9/12, 2023.

APPROVED:


Chris Campbell, Village President

ATTEST:


Denise Blecker, Deputy Village Clerk

APPROVED:
PUBLISHED: