

ORDINANCE NO. 2023-9

**AN ORDINANCE AMENDING CHAPTER 5
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER
AS TO THE DURATION OF OVERNIGHT PARKING PERMITS**

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 Code; and

WHEREAS, the Village Board intended to update the duration of overnight parking permits from six months to three months when it revised the Village of Rochester Fee Schedule in February, 2010; and

WHEREAS, the Code provision governing the duration of overnight parking permits was inadvertently not updated at that time; and

WHEREAS, the Village Board believes that it is in the best interest of the Village that the Code provision governing the duration of overnight parking permits is amended to reflect the Board's intent when it revised the Fee Schedule in February, 2010;

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

Section 1: Chapter 35 of the Village of Rochester Municipal Code entitled "Traffic Code," Section 5-6 entitled "Night Parking Restriction," Subsection B. is hereby repealed and re-created to read as follows:

- B. The Village Clerk may issue overnight parking permits, for a maximum of two vehicles (as described below) per residence. These permits shall be for the parking of a vehicle on the street in front of the permitted residence only, between the hours of 2:00 a.m. and 6:00 a.m., and shall be valid for three months from the date of issuance. The fee for an overnight parking permit shall be in an amount determined by the Village Board and set forth on the Fee Schedule. No such permit may be issued for any of the restricted parking areas specified in s. 5-4 of this Chapter. The permit shall be prominently displayed in the windshield of the vehicle. The Village Board reserves the right to review and/or revoke any permit.

Section 2: 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 3: 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 4: EFFECTIVE DATE

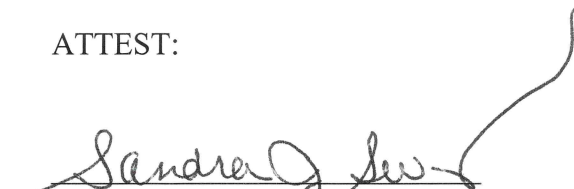
This ordinance shall take effect on June 12, 2023 after passage and posting and/or publication as provided by law.

Passed and adopted this 12 day of June, 2023.

VILLAGE OF ROCHESTER


Edward Chart, Village President

ATTEST:


Sandra J. Swan, Village Clerk