

ORDINANCE # 123

AN ORDINANCE REQUIRING  
PAYMENT OF ALL DELINQUENT TAXES, ASSESSMENTS AND FEES  
PRIOR TO ISSUANCE OF LICENSES, PERMITS, ETC. IN THE  
VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DOES ORDAIN AS FOLLOWS:

SECTION 1. An ordinance is hereby created requiring the payment of all delinquent taxes, assessments, and fees prior to the issuance of any initial or renewal license, permit variance, conditional use approval, special exception, zoning matter or any other discretionary action of the governing body and the same shall read as follows:

DELINQUENT TAXES, ASSESSMENTS AND FEES. No initial or renewal license, permit, variance, conditional use approval, special exception, zoning matter or any other discretionary action of the Governing Body or any of its boards, commissions, departments or employees shall be:

- A. Approved for any applicant who is:
  1. Delinquent in the payment of any taxes, assessments, special assessments, sanitary sewer assessments, personal property taxes, engineering, legal, administrative or other claim owed to the Governing Body.
  2. Delinquent in the payment of a forfeiture resulting from the violation of any ordinance of the Governing Body.
  3. Delinquent in the payment of any taxes or other claims due to the State or County.
  4. Has any outstanding warrant or capias from any municipal, state or federal court.
- B. Issued for any premises or property for which taxes, assessments, special assessments, sanitary sewer assessments, personal property taxes, engineering, legal, administrative or other claims for the Governing Body are delinquent and unpaid.

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 the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances who terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.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 immediately upon passage and posting or publication as provided by law.

This ordinance passed this 17th day of August, 1992.

BY THE VILLAGE BOARD OF THE  
VILLAGE OF OCONOMOWOC LAKE:

  
EDMUND O. TEMPLETON, PRESIDENT

ATTEST:

  
\_\_\_\_\_  
CHERYL WIERDSMA, CLERK

LAW OFFICES OF  
**ARENZ, MOLTER, MACY & RIFFLE, S.C.**

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TELEPHONE 548-1340  
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AREA CODE 414

July 20, 1992

Village Board  
Village of Oconomowoc Lake  
35328 West Pabst Road  
Oconomowoc, WI 53066

Re: License and Permit Requirements

Gentlemen:

It has come to my attention that many of the municipalities which our firm represents have provisions in their ordinances which require delinquent taxes, fees and other debts due to the municipality to be paid prior to the issuance of a license or other permit. It is our opinion that these provisions are legal and enforceable, provided certain concerns are dealt with. One concern is that the ordinance not deprive a person of their right to due process of law. Another concern is that the provisions of the ordinance apply uniformly to all classes of people. A final concern is that the provision not act as an illegal tax collection method.

I have had the opportunity to draft a model ordinance in this regard, and I enclose the same with this letter for your review. This ordinance satisfies due process concerns because it makes the payment of taxes and other fees a condition of approval, rather than a condition of filing an application. This at least affords the applicant the due process rights of having a hearing before the Board to determine whether or not the applicant has paid all taxes and other fees and is eligible for the license or permit in question.

This ordinance also applies to all license and permit applicants. Some ordinances apply only to alcohol beverage licenses or other types of licenses. I am concerned that such an ordinance would violate the constitutional guarantee of equal protection under the law because it would subject certain classes to additional restrictions not imposed upon other classes of license applicants. The model ordinance cures this defect by applying to all license and permit applicants.

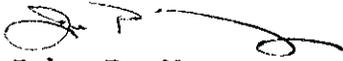
ARENZ, MOLTER, MACY & RIFFLE, S. C.

Village Board  
Village of Oconomowoc Lake  
July 20, 1992  
Page 2

Please review the enclosed model ordinance and compare it with any ordinance you may currently have in effect. If you do not have a current ordinance along these lines, or if the ordinance you do have does not conform to the provisions of the enclosed model ordinance, I would ask that you repeal any existing ordinance and adopt the enclosed model ordinance in its place. If you have a question as to whether or not your current ordinance is sufficient, or wish for me to assist in drafting a new ordinance, please feel free to contact me. As always, I would ask that you provide me with a conformed copy of any new ordinance which you adopt so that I may update my copy of your current ordinances. If there are any questions or comments regarding this proposed ordinance, please do not hesitate to contact me.

Yours very truly,

ARENZ, MOLTER, MACY & RIFFLE, S.C.

  
John P. Macy

JPM/dh

cc: Ms. Cheryl Wierdsma  
Mr. William C. Meyer

Enclosure

