

ORDINANCE NO. 202

AN ORDINANCE TO REPEAL AND RECREATE
SECTIONS 17.80 AND 17.81 REGARDING
VIOLATIONS AND PENALTIES APPLICABLE TO
THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, for many years violations of the Village of Oconomowoc Lake Zoning Code have been subject to a penalty of no larger than \$200.00 for each day of violation; and

WHEREAS, Village Staff has suggested that a maximum \$200.00 forfeiture may no longer provide an adequate deterrent to prevent violation of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, Village Staff has recommended taking this opportunity to also clarify the violations and penalties provisions of the Zoning Code to state that violations of conditional use permits or other conditional approvals made pursuant to the Zoning Code are themselves violations of the Zoning Code and punishable as such, which has always been the intent and practice, but will be more clearly stated upon these amendments; and

WHEREAS, the Village Board of Trustees has referred this matter to the Village Plan Commission to commence the petition process and for a report and recommendation pursuant to Sections 17.62(2) and (4) of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, the Village Plan Commission has commenced the petition process and has recommended that the zoning amendment be made as described herein; and

WHEREAS, upon receipt of the Village Plan Commission's petition and recommendation, the Village Board scheduled a public hearing pursuant to Section 17.62(5)(a) of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, upon publication of the required Notice of Public Hearing, as required by Sections 17.62(5)(a) and 17.30 of the Oconomowoc Lake Zoning Code, a public hearing was held before the Oconomowoc Lake Village Board on March 18, 2002; and

WHEREAS, following such hearing, and after careful consideration of the recommendation of the Village Plan Commission, the Village Board finds that the public necessity, convenience, general welfare and good zoning practice require amendment of the Village of Oconomowoc Lake Zoning Code as described herein,

NOW, THEREFORE, the Village of Oconomowoc Lake Village Board, Waukesha County, Wisconsin, DO HEREBY ORDAIN as follows:

SECTION 1: The Village of Oconomowoc Lake Zoning Code Section 17.80 entitled "Violations" is hereby repealed and recreated as follows:

17.80 VIOLATIONS.
No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Plan Commission, the Zoning Inspector or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter. Violation of a condition of a zoning permit, occupancy permit, conditional use permit, or other approval granted by this chapter, is itself a violation of this chapter, subject to the remedies described herein.

SECTION 2: The Village of Oconomowoc Lake Zoning Code Section 17.81 entitled "Penalties" is hereby repealed and recreated as follows:

17.81 PENALTIES.
Any person, firm or corporation who fails to comply with the provisions of this chapter shall upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Failure to comply with a condition of a zoning permit, occupancy permit, conditional use permit, or other approval granted by this chapter, is itself a violation of this chapter, subject to the penalties described herein, and each day such violation exists or continues shall constitute a separate offense.

SECTION 3: SEVERABILITY.

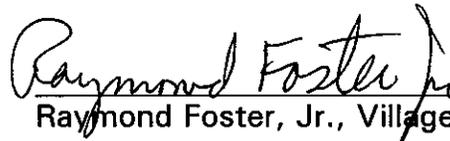
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 ordinances 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 immediately upon passage and posting or publication as provided by law.

Dated this 15th day of April, 2002.

VILLAGE OF OCONOMOWOC LAKE


Raymond Foster, Jr., Village President

ATTEST:


Barbara Stern, Village Clerk

Published and posted this 23rd day of April, 2002.

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

ORD 202
VIOLATIONS + PENALTIES
TO ZONING CODE

The undersigned, being first duly sworn, on oath deposes and states that on April 23, 2002, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.

Posting Officer

Subscribed and sworn to before me

This 23rd day of April, 2002

Barbara Stern
Notary Public, Waukesha County, Wisconsin

My Commission expires: 4-20-03