

ORDINANCE NO. 203

AN ORDINANCE TO REPEAL AND RECREATE SECTION
17.22 OF THE VILLAGE OF OCONOMOWOC LAKE ZONING
ORDINANCE RELATED TO PROPERTY MAINTENANCE

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

SECTION 1: The Village of Oconomowoc Lake Zoning Ordinance, Section 17.22

entitled Property Maintenance is hereby repealed and recreated as follows:

17.22 PROPERTY MAINTENANCE

(1) PURPOSE.

In order to protect the health, safety and welfare of the residents of the Village of Oconomowoc Lake, to maintain the desirability, amenities and property values of the residential and commercial neighborhoods of the Village, and to protect and enhance the natural beauty of Oconomowoc Lake in furtherance of the foregoing objectives, the following property maintenance requirements are hereby established for all properties in the Village of Oconomowoc Lake.

(2) GENERAL MAINTENANCE.

Every property owner in the Village of Oconomowoc Lake shall maintain the property in compliance with the following general requirements.

- (a) The exterior of every structure shall be maintained generally free of broken glass, loose shingles, excessive paint peeling, crumbling stone, stucco or brick, loose boards or any other such conditions reflective of deterioration or inadequate or deferred maintenance.
- (b) Lots shall be kept clean and free from any unsightly accumulation of debris, cut brush, and refuse.
- (c) All non-paved yard areas shall be maintained in grass, other vegetative groundcover, or trees and shrubs in keeping with other properties in the neighborhood. Such groundcover, trees and shrubs shall be kept maintained. Nothing in this ordinance shall be construed so as to change or require the change of natural forested areas throughout the Village.



- (d) All solid waste containers stored outside shall be visually screened from view of passersby unless otherwise approved by the Village Administrator.
- (e) All private driveways and parking areas shall be kept dust free.

(3) LITTER, MUD, DIRT, STONE AND DEBRIS CONTROL.

- (a) Every property owner in the Village of Oconomowoc Lake shall maintain the property in such a manner as to:
 - 1. prevent litter, mud, dirt, stone or debris from being blown off of the property; and
 - 2. prevent sediment or other pollutants carried by runoff or discharge from the property from discharging into lakes, streams or wetlands or otherwise passing onto neighboring properties.
- (b) Every prime contractor for any construction site in the Village of Oconomowoc Lake shall maintain the site in such a manner as to:
 - 1. prevent litter, mud, dirt, stone or debris from being blown off the site; and
 - 2. prevent sediment or other pollutants carried by runoff or discharge from the property from discharging into lakes, streams or wetlands or otherwise passing onto neighboring properties.
- (c) All such litter or debris shall be picked up at the end of each workday and placed in appropriate containers, or stockpiles, or removed from the site, as appropriate to ensure compliance with this section.

(4) OUTDOOR STORAGE OF VEHICLES, EQUIPMENT, AND OTHER MATERIALS.

- (a) Definitions. For purposes of this section, the following terms shall be defined as follows. In the event a dispute arises as to the interpretation of any of the following terms in the context of any particular matter that may be affected by this section, the property owner or the Village Administrator may submit the matter to the Village of Oconomowoc Lake Plan Commission for final determination.

CATEGORY 1:

Category 1 shall mean commercial vehicles and commercial equipment; recreational vehicles; trucks larger than one ton; trailers; manure spreaders; tractors; lawn care equipment; and other vehicles or equipment of a similar nature.

CATEGORY 2:

Category 2 shall mean automobiles and trucks one ton or lighter that are not in regular use, or are under repair; and other vehicles or equipment of a similar nature. The terms "not in regular use" and "under repair" are to be interpreted in their ordinary sense, and are not limited to a specific period of time; however, vehicles or similar equipment shall be conclusively presumed to be "not in regular use" or "under repair" for purposes of this definition if they are not driven away from the property on which they are located at least once in any 30 day period, by their own power (e.g., not towed or pushed).

CATEGORY 3:

Category 3 shall mean recreational equipment such as piers, lifts, rafts and other equipment of a similar nature not specifically set forth herein.

CATEGORY 4:

Category 4 shall mean boats and other water-related vehicles not specifically set forth herein.

CATEGORY 5:

Category 5 shall mean jet skis, motorcycles, snowmobiles, golf carts, all terrain vehicles, four-wheel drive off-the-road vehicles, and other vehicles or equipment of a similar nature.

CATEGORY 6:

Category 6 shall mean all other equipment and unsightly materials not specified in Categories 1, 2, 3, 4, or 5.

PLAINLY VISIBLE

Plainly Visible shall mean that something is readily seen at or beyond the boundaries of the property on which it is located, from a location where persons are normally or occasionally present (including, but not limited to, any point on Oconomowoc Lake or the Oconomowoc River), provided the following apply:

- it is not difficult to see; and
- it is readily noticeable to an ordinarily observant person; and
- it is obvious to the eye; and
- it tends to attract attention by reason of size, brilliance, contrast, color, or location.

RECREATIONAL VEHICLE

Recreational vehicle shall mean a vehicle or piece of equipment that can be towed, hauled, carried or driven, that is designed to be transported on a highway and used as a temporary living accommodation for recreational camping and travel use, including, but not limited to, travel trailers, truck campers, tent trailers, camping trailers, and self-propelled motor homes.

- (b) No outdoor junk vehicles. The outdoor parking or outdoor storage of unlicensed, unregistered, inoperable, dismantled, wrecked or junk vehicles or equipment of any category is expressly prohibited.
- (c) Outdoor parking and outdoor storage regulations by category.

Category 1. Outdoor storage or outdoor parking of Category 1 items shall be prohibited at all times.

Category 2. Outdoor storage or outdoor parking of Category 2 items shall be allowed for all or part of seven days in a calendar year, and prohibited in excess of seven days in a calendar year.

Category 3. Outdoor storage of Category 3 items shall be prohibited from June 1st to August 31st. The outdoor storage of Category 3 items is only allowed from September 1st to May 31st if all of the following conditions are met:

1. All such items shall be neatly arranged; and
2. All such items shall be placed in such a way as to minimize visual obstruction from adjacent properties.

Category 4. Outdoor storage or outdoor parking of Category 4 items shall be prohibited at all times except that outdoor storage or outdoor parking of such items is allowed at any time if all of the following conditions are met:

1. The item must be located on a waterfront property, and within 35 feet of the waterline; and
2. All such items shall be neatly arranged; and
3. All such items shall be placed in such as way as to minimize visual obstruction from adjacent properties; and

All such items shall be regularly used by the property owner during the period from May 1st to September 30th each year, or this exception does not apply.

Additionally, outdoor storage or outdoor parking of Category 4 items shall be prohibited at all times between the ordinary high water mark of Oconomowoc Lake and the pavement of West Beach Road and North Beach Road even if otherwise allowed by this section, and the exceptions stated in Sections (d)(3) and (d)(4) shall not apply to those locations.

Category 5. Outdoor storage or outdoor parking of Category 5 items shall be prohibited at all times.

Category 6. Outdoor storage or outdoor parking of Category 6 items shall be prohibited at all times.

- (d) Exceptions. This Section 17.22(4) does not apply to the following issues, except as to any matter identified in subsections (a) through (c) which specifically states that these exceptions do not apply:
1. The requirements of this Section 17.22(4) are only applicable to properties in the Village that are zoned R-1 General Agricultural/Rural Residential District, R-2 Suburban Residential District, and R-3 Low Density Residential District; all other zoning districts are excluded in all properties that are subject to the jurisdiction of Waukesha County shoreland and floodland protection ordinance are excluded;
 2. The requirements of this Section 17.22(4) do not apply to properties that are used in compliance with a lawfully issued conditional use permit, unless specifically stated otherwise in the conditional use permit; provided that this exception is intended to allow the matters describe in this Section 17.22(4) to be regulated on a case by case basis for each matter that

may be allowed as a conditional use; and provided further that this exception is not to be interpreted as allowing outdoor storage, itself, as a conditional use;

3. The requirements of this Section 17.22(4) do not apply to Category 1, Category 2, Category 3, Category 4, Category 5 and Category 6 items if they are parked or stored in accordance with the following:

i. They do not conflict with any other ordinance; and

ii. Either of the following:

a. They are not parked or stored within a public or private street setback area unless they are so thoroughly screened by lawfully located structures along with other approved vegetative cover, approved decorative fencing or a combination thereof, that they are not plainly visible;

or

b. They are at such great distance, or are so thoroughly screened by lawfully located structures, topography, vegetative cover or approved decorative fencing or combination thereof, that they are not plainly visible.

4. The requirements of this Section 17.22(4) do not apply to Category 1, Category 2, Category 3, Category 4, Category 5 and Category 6 items if they are parked or stored incident to their active use for a period of time not to exceed two consecutive days or parts thereof for a maximum of thirty days in any calendar year.

(5) **YARD AREAS.**

All yard areas that consist of grass lawn shall be maintained continually in a neat and groomed manner.

(6) **ENFORCEMENT.**

The Village Administrator shall enforce the provisions of this section and is hereby authorized and directed to make inspections in response to a complaint or when he/she has good reason to believe a violation has been or is being committed. If an issue arises as to whether or not specific material

is unsightly (per Section (4)(a) Category 6), or plainly visible, or whether any item of any category is plainly visible, the matter may be referred to the Plan Commission, whereupon the Plan Commission shall review the matter without the necessity of a public hearing and make a determination. In all cases, upon finding that a violation is being committed, the Village Administrator is authorized and directed to provide the property owner with written notice of the nature of the violation. The notice shall require that the violation be corrected within fifteen (15) days of the date of the notice. The property owner may then appeal that notice of a violation upon written application to the Village Plan Commission within said fifteen (15) days, and the notice shall so indicate. If the violation continues after fifteen (15) days have passed from the date of the notice, or in the event of an appeal, if the Plan Commission affirms the determination of the Village Administrator, then the Village Administrator is authorized and directed to issue a citation to the property owner, and penalties shall apply in accordance with Section 17.81 of this Chapter.

(7) **NO LEGAL NONCONFORMING RIGHTS.**

Section 17.32 of this Chapter entitled "Nonconforming Uses, Structures and Lots," shall not apply to any of the obligations described in Section 17.22.

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 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 3: 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.

Raymond Foster, Jr., Village President

ATTEST:

Barbara Stern

Barbara Stern, Village Clerk

Posted and ~~published~~ this 23rd day of April, 2002.

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STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

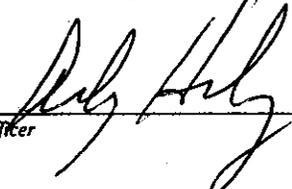
AFFIDAVIT OF POSTING

ORD 203 Property Maintenance

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:

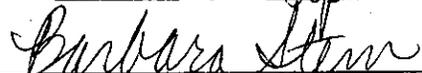
to-wit:

- (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



Notary Public, Waukesha County, Wisconsin

My Commission expires: 4-20-03