

ORDINANCE NO. 280

**AN ORDINANCE TO CREATE SECTION 18.16
OF THE VILLAGE OF OCONOMOWOC LAKE
SUBDIVISION AND PLATTING ORDINANCE,
REGARDING FINANCIAL GUARANTEES
FOR REQUIRED IMPROVEMENTS**

WHEREAS, the Village Board for the Village of Oconomowoc Lake adopted land division regulations for the Village of Oconomowoc Lake and has amended such regulations from time to time; and

WHEREAS, the land division regulations, as amended, are referred to as Chapter 18 of the Village of Oconomowoc Lake code of ordinances, which is titled "Subdivision and Platting;" and

WHEREAS, the Wisconsin Legislature adopted and the Governor signed 2013 Wisconsin Act 280, which places limits on a municipality's authority to require security for the construction of necessary private and public improvements related to a proposed plat; and

WHEREAS, such limitations increases the chance that necessary private and public improvements are not properly secured and may become a financial burden to the Village to correct; and

WHEREAS, upon the recommendation of the Village of Oconomowoc Lake zoning administrator this matter was submitted to the Village of Oconomowoc Lake Plan Commission for its consideration at the October 6, 2014, commission meeting, pursuant to Wisconsin Statutes Section 236.45(4); and

WHEREAS, following publication of a Class 2 notice as required by Wisconsin Statute Section 236.45(4), a public hearing was held on October 20, 2014 before the Village of Oconomowoc Lake Village Board; and

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

SECTION 1: The Village of Oconomowoc Lake Ordinance, known as Chapter 18 "Subdivision and Platting," Section 18.16, entitled "Improvements and Financial Guarantees," is hereby created as follows:

18.16 IMPROVEMENTS AND FINANCIAL GUARANTEES.

The party pursuing the land division shall be responsible for installing or constructing those public and private improvements as may be required. Before or as a condition of receiving final approval from the Village Board of any plat or certified survey map for which public improvements are required; or when determined to be necessary by the Village Board; the land divider shall submit to and receive approval from the Village Board, Village Attorney, and the Village Engineer, a Developer's Agreement and a financial guarantee for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvements, whether public or private, or site development or approval of the final plat, condominium plat, or certified survey map, whichever is earlier. Although developers may have a statutory ability to choose the form of a financial guarantee, if the developer chooses any form other than a letter of credit, all of the improvements must be completed prior to the final land division being recorded. The form of the letter of credit shall be at the discretion of the Village Board after review and recommendation of the Village Attorney. If the improvements are not installed to the Village's satisfaction within the time required by the Village following approval of the land division by the Village Board, the Village Board may cause all uncompleted work to be constructed and the parties executing an irrevocable letter of credit shall be firmly bound for the payment of all necessary costs thereof. In circumstances where a surety bond may be used for the financial guarantee pursuant to applicable laws, the form of the surety bond shall be at the discretion of the Village Board after review and recommendation of the Village Attorney, and the Village shall have the same ability to make claims on the surety bond as the Village would have to draw upon the letter of credit as described above.

SECTION 2: SEVERABILITY.

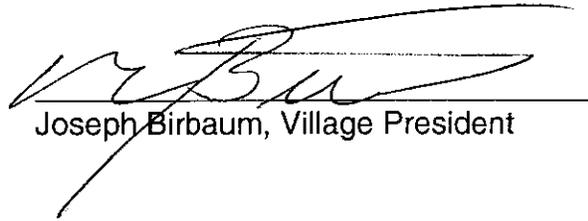
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 20th day of October, 2014.

VILLAGE OF OCONOMOWOC LAKE



Joseph Birbaum, Village President

ATTEST:



Cindy J. Schieve, Village Clerk

Published and/or posted this 11th day of November, 2014.

