

ORDINANCE NO. 292

AN ORDINANCE TO REPEAL AND RE-CREATE THE DEFINITION OF
“DWELLING, SINGLE FAMILY,” CONTAINED IN SECTION 17.10 OF
THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, The Village of Oconomowoc Lake regulates vacation rental establishments by the definition of single family dwelling in Section 17.10 of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, on September 23, 2017, the State of Wisconsin included certain preemptions on municipal authority concerning the regulation of vacation rental property, within the State Budget Bill; and

WHEREAS, the Village of Oconomowoc Lake hereby intends to amend its regulation of vacation rentals in order to comply with the new State laws, by repealing this definition of single family dwelling in the Zoning Code and by adopting a separate licensing ordinance to regulate this issue in the manner allowed by current State laws; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake has referred the matter to the Village Plan Commission for the Village of Oconomowoc Lake for consideration and recommendation; and

WHEREAS, pursuant to Section 17.62(4) of the Village Code, the Village Plan Commission has reviewed the proposed changes and has made its recommendations to the Village Board; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake has determined that the adoption of the clarifying amendment to the definition of single family dwelling within the Village of Oconomowoc Lake Zoning Code will promote the public health, safety and general welfare of the community, and will be consistent with the Village of Oconomowoc Lake Comprehensive Plan.

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

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, “Zoning Code,” Section 17.10, entitled “Definitions,” the definition of “Dwelling, Single Family” is hereby repealed and recreated as follows:

DWELLING, SINGLE FAMILY

A dwelling designed for and occupied exclusively as the residence of only one (1) family. ~~Specifically excluded from this definition, without limitation by reason of enumeration, are all of the following:~~

- ~~(-) *No Tourist Rooming Houses.* Any property that is regulated by Wisconsin Statutes Chapter 254, subchapter VII, as a tourist rooming house, regardless of whether a license or permit has been granted, is not a single family dwelling; and~~
- ~~(-) *No Vacation Rentals.* Any real property that is used for a vacation rental is not a single family dwelling. Such property is deemed to be a vacation rental if all of the following circumstances apply: (i) it is subject to any contract, lease, sublease, rental agreement, easement, instrument or other device (an "Agreement"); (ii) the Agreement or Agreements create a right to occupy said property; (iii) such rights of occupancy have an actual duration of less than 120 days; and (iv) the Agreement or Agreements require payment or other remuneration or barter, for the benefit of the property owner.~~

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 1 day of November, 2018.

VILLAGE OF OCONOMOWOC LAKE



Joe Birbaum, Village President

ATTEST:

Chris Astrella, Village Clerk

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