

ORDINANCE NO. 296

AN ORDINANCE TO CREATE SECTION 17.22(2)(F) OF THE  
VILLAGE OF OCONOMOWOC LAKE ZONING ORDINANCE,  
CONCERNING MAINTENANCE OF PIERS

WHEREAS, the boundaries of the Village of Oconomowoc Lake completely surround and encompass the Oconomowoc Lake water body, giving the Village of Oconomowoc Lake jurisdiction over Oconomowoc Lake for purposes of placement and use of moorings per Wisconsin Statutes Section 30.772; and

WHEREAS, concerns have been raised regarding maintenance of permanent piers that are placed in Oconomowoc Lake, and the hazards that can arise if the piers substantially deteriorate or are improperly removed and thereby presenting unseen hazards to navigation on the water; and

WHEREAS, pursuant to Wisconsin Statutes Section 30.772(3)(a), the Village Clerk has submitted this Ordinance to the Wisconsin Department of Natural Resources for review at least 60 days prior to the Village of Oconomowoc Lake taking final action in the matter; and

WHEREAS, the Village Board has referred the matter to the Village Plan Commission for report and recommendation and has received the recommendation of the Plan Commission; and

WHEREAS, upon publication of a class 2 notice per Chapter 985, Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and such other notice as required by law, the Village Board held a public hearing regarding this Ordinance on April 15, 2019; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the supermajority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this Ordinance; and

WHEREAS, the Village Board finds that the placement of structures in and on Oconomowoc Lake may materially impact the health, safety and welfare of the public, environmental concerns and aquatic habitat for fish and plant life, and recreational

opportunities, making it necessary that any piers placed within the lake must be properly maintained, and at the end of its useful life must be properly removed; and

WHEREAS, upon consideration of the recommendations found by the Village of Oconomowoc Lake Plan Commission, and all of the information received at the public hearing, and being fully advised, and for the purpose of promoting the health, safety, morals and general welfare of the community, and to provide a safe and efficient system for pedestrian and vehicular traffic, attractive recreational and landscaped open spaces, economic design and location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning; and to zone the land in accordance with the Village of Oconomowoc Lake Comprehensive Plan, and other purposes of the Village of Oconomowoc Zoning Code, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin hereby adopt the recommendation of the Village of Oconomowoc Lake Plan Commission.

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 Ordinances entitled, "Zoning Code," Section 17.22 entitled, "Property Maintenance," Subsection (2) entitled, "General Maintenance," Subsection (f) is hereby created as follows:

- f. All piers shall be maintained to ensure structural safety. Dents, unplumbed posts, shifted sections and other major visible damage are prohibited. When any pier with a permanent underwater structure is to be permanently removed or replaced for any reason, the property owner shall notify the Village Administrator to request an inspection. The Village shall have the authority to inspect the area to ensure no hazardous materials, either hidden or visible are left behind. The property owner is responsible for all pier maintenance and costs of safe removal and replacement of the pier.

## 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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

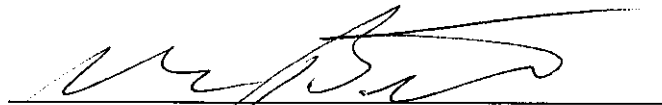
SECTION 3: EFFECTIVE DATE AND CLERK'S DUTY

This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law and after review by the Wisconsin Department of Natural Resources

The Village of Oconomowoc Lake Village Clerk is directed to file a signed copy of this Ordinance with the Wisconsin Department of Natural Resources office for review required by Wisconsin Statutes Section 30.772.

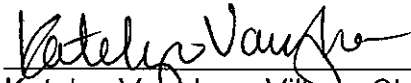
Dated this 15<sup>th</sup> day of April, 2019.

VILLAGE OF OCONOMOWOC LAKE



Joseph L. Birbaum, Village President

ATTEST:



Katelyn Vaughan, Village Clerk

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