

REPEALED SEE ORD. 30

ORDINANCE NO. 5

To Provide an Interim Zoning Ordinance
for the Village of Oconomowoc Lake

The Village Board of Oconomowoc Lake do ordain as follows:

3.01 DECLARATION OF PURPOSE.

Whereas the Village of Oconomowoc Lake has been created out of lands in the Towns of Summit and Oconomowoc in Waukesha County, Wisconsin, which have been and are now being devoted almost exclusively to high quality residential uses, being zoned for such purposes under the existing zoning ordinances of such towns, this interim zoning ordinance is hereby adopted, in accordance with Sections 61.35 and 62.23(7)(da), Wisconsin Statutes, in order to preserve existing uses of buildings and property in the Village pending preparation of a more comprehensive zoning ordinance for the Village, to obviate changes which might otherwise defeat the purposes and plan of such comprehensive zoning ordinance, to prevent overcrowding of land and undue concentration of population, and to promote the health, safety and welfare of residents of the Village.

3.02 DISTRICTS ESTABLISHED.

The Village of Oconomowoc Lake is hereby divided into four (4) districts designated as follows:

Residence District No. 1
Residence District No. 2
Residence District No. 3
Agricultural District

The boundaries of such districts are hereby established as shown on the map entitled "Zoning Map of Village of Oconomowoc Lake dated March, 1956, "which is on file with the Chairman of the Village Plan Commission. All notations, references and other information on said map shall be made a part hereof as though fully described herein. Reduced photographic copies of such map may be attached to this ordinance for informational purposes but shall not have the force of law. Where land has

been platted into lots and blocks, unless otherwise indicated, the district boundary lines are intended to follow the center lines of streets, or such lines extended. District boundary lines within blocks are intended to follow lot lines. In lands which have not been platted, unless otherwise indicated, district boundary lines are intended to follow the center lines of streets, section and quarter-section lines, and municipal boundaries, or such lines extended.

3.03 DEFINITIONS.

For the purposes of this ordinance certain words and terms are defined as hereinafter set forth. Except where the context requires a different construction, a word used but not defined herein shall be construed as defined in the Building Code of the Village of Oconomowoc Lake; words used in the present tense include the future tense; words used in the plural number include the singular and words used in the singular include the plural; and the word "shall" is mandatory and not merely directory.

(1) Accessory Building. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

(2) Accessory Use. A use customarily incidental to the principal permitted use of a lot or building and located upon the same lot as the principal use.

(3) Building. Any structure having a roof supported by columns or walls. When separated from the ground up by division walls without openings, each portion of such building shall be deemed a separate building. The word "building" includes the word "structure".

(4) Depth of Lot. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

(5) Family. One or more persons occupying a dwelling unit as a single housekeeping entity in a domestic relationship, as distinguished from a group occupying a boarding house, lodging house, club, cooperative living unit, fraternity or hotel.

(6) Height (of Building). The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

(7) Interior Lot. A lot not abutting upon a waterway or body of water.

(8) Lot. A parcel of contiguous land held in one ownership and occupied or intended to be occupied by such buildings and uses as are permitted under this ordinance together with the open spaces required hereby. The area of a lot shall not include any land occupied by or dedicated for use as a street.

(9) Offset. The shortest horizontal distance between any lot line, other than a street line, and the nearest roofed or enclosed portion of a building located on such lot.

(10) Non-conforming Use. A building, structure, land or premises occupied by an otherwise lawful use which does not conform to the regulations of the district in which it is situated.

(11) Professional Office. The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other practitioner of a recognized profession. When established in a Residence District, a professional office shall be incidental to the residential occupancy, not more than 25 per cent of the floor area of only one story of a dwelling shall be occupied by such office, and only one unlighted name plate, not exceeding one square foot in area and containing the name and profession of the occupant of the premises, shall be exhibited.

(12) Setback. The shortest horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps, located on an abutting lot.

(13) Single Family Dwelling. A building designed for and occupied exclusively as the residence of only one family and having no party wall in common with an adjacent building.

(14) Street. Any property dedicated or intended for use as a public or private right-of-way for vehicular travel, or subject to easements therefor, including all public roads and highways, the terms "street", "road" and "highway" being synonymous for purposes of this ordinance.

(15) Street Line. The dividing line between a lot, tract or parcel of land and a contiguous street. If a lot is situated on a recorded plat or abuts on a street dedicated or reserved by grant or other instrument, the street line shall be as specified on said plat, grant or reservation. If a lot abuts on a public highway, the street line shall be the boundary line of said highway as laid out unless said highway is a highway for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, in which case the street line shall be the boundary line of said highway at its ultimate width as so established.

(16) Structural Alteration. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders or any substantial change in the roof or exterior walls of a structure.

(17) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

(18) Water Frontage. The shortest distance between the two points where the lines of a lot abutting on a lake, river, stream or other body of water or waterway intersect the water's edge at normal water level.

(19) Waterfront Lot. A lot abutting upon a river, stream, lake, or other waterway or body of water.

(20) Width of Lot. The quotient produced by dividing the area of a lot in square feet by the depth of such lot in linear feet.

3.04 GENERAL PROVISIONS.

(1) Use and Height Regulations. The use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in

compliance with the regulations established herein for the district in which such land or building is located. Chimneys and flues shall not be considered in determining building height. Watertowers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, microwave radio relay structures, telephone, telegraph and power poles and lines and necessary mechanical appurtenances may be excepted from the height regulations of this ordinance by the Board of Zoning Appeals upon petition and subject to such conditions as the Board may impose.

(2) Lot Size Regulations. Except as otherwise provided herein, no building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered on a lot having less than the minimum required area, width or water frontage prescribed herein for the district in which it is located; nor shall the area of any lot be reduced by any means so as to create a lot possessing less than such required area, width or water frontage or, if already less than the required size, so as to further reduce such size.

(3) Building Location Regulations. No building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered except in conformity with the setback, offset and other regulations of building location specified for the district in which such building or structure is or will be located. In no case shall there be more than one principal building on a lot.

(a) Basic Setbacks. No building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered so that any portion thereof shall be closer to the street line than the setback distance hereinafter specified for the district in which the building or structure shall be located, except as hereinafter provided.

(b) Setback Exceptions for Adjacent Buildings. Where the nearest existing building on either side of a proposed building is at less than the required setback and within 300 feet of a proposed building, the required setback shall be established at an angle from the setback of the existing building which is reasonable considering the setback of the existing building and the distance between the buildings. Such angle shall be computed by drawing the hypotenuse of a right triangle with a base 300 feet long on the required setback line

and its side along the nearer side of the existing building and as long as the distance between the setback of the existing building and the required setback line. The setback line for the proposed building shall be established so that no part of such building shall be in front of the hypotenuse of said right triangle. If there are existing buildings on both sides of the proposed building at less than the required setback and within 300 feet of the proposed building, the side of said triangle shall be located along the nearer side of the nearest building and shall be as long as the distance between the average setback of the existing buildings and the required setback line.

(c) Permitted Structures in Basic Setback Areas. The only structures permitted within the area between any street line and a basic setback line shall be necessary highway and traffic signs, public utility poles and lines, fences, rural mail boxes and signs which are permitted in a Residence or Agricultural District.

(d) Vision Setbacks. At an intersection of streets where grades are not separated, the vision setback line for each corner shall be the straight line connecting the points located on the intersecting setback lines of each street which are 50 feet from the intersection of such setback lines. At an intersection of a street and a railroad where grades are not separated, vision setback lines across each sector formed by such intersection shall be the straight lines connecting the points located on the setback lines of the street and the line of the railroad right-of-way which are 100 feet from the intersection of such setback line and railroad right-of-way. No building or structure of any kind, in excess of 3 feet in height, except necessary highway and traffic signs, or public utility lines and open fences through which there shall be clear vision, shall be constructed, erected or moved into the space between the street lines or railroad right-of-way and a vision setback line as hereinabove established. No plants or other objects or material, whether natural or otherwise, which obscure safe vision of the approaches to any such intersection,

shall be permitted to grow, exist or accumulate between a street line or a railroad right-of-way and a vision setback line.

(e) Corner Lot Exception. With respect to any corner lot of record at the time this ordinance shall become applicable thereto, the foregoing setback requirements shall not reduce the width of the area of such lot in which there may be buildings to less than 30 feet.

(f) Basic Offsets. No building or structure shall hereafter be erected, converted, moved, enlarged, or structurally altered so that any portion thereof shall be closer to any lot line, other than the street line, than the offset distance hereinafter specified for the district in which it is located except as follows:

- (i) Where the lot abuts upon a lake, river, stream or other body of water or waterway, the regulations pertaining to "Waterfront Offsets" set forth in paragraph (g) below shall apply in lieu of the basic offset regulations.
- (ii) Where a lot abuts upon a district boundary line, the offset from such line in the district of less restrictive building location requirements shall not be less than that required for the district of more restrictive building location requirements.
- (iii) Fences and retaining walls shall be permitted structures within the basic offset area.

(g) Waterfront Offsets. No building shall hereafter be converted, moved, enlarged, or structurally altered on any lot abutting on a lake, river, stream, or other body of water or waterway so that any portion thereof shall be closer to the water's edge at normal water level than the waterfront offset distance hereinafter specified for the district in which it is located.

(h) Maintenance and Use of Setback and Offset Areas. All basic and vision setback areas and basic and waterfront offset areas shall be kept clean and free from any accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material, except for the private storage of boats, fishing gear and other aquatic recreational equipment within a waterfront offset area.

(i) Accessory Buildings. No accessory building shall be erected, converted, moved, enlarged, or structurally altered so that any roofed or enclosed portion thereof shall be closer than 10 feet to the principal building on a lot.

(4) Nonconformity to Regulations. The nonconformity to any use, height, lot size, building location or other regulation herein of any building, structure or land actually and lawfully existing at the time of adoption of this ordinance, within the original boundaries of the Village, or existing at the date of annexation to the Village, as to any area included in such annexation, may be continued subject to the limitations prescribed by statute and the conditions hereinafter set forth:

(a) No nonconforming use shall be expanded or enlarged.

(b) No existing building or structure devoted to a nonconforming use and no existing building or structure, other than a single family dwelling, which does not conform to the regulations of the district in which it is situated with respect to size, height, location (offsets and setbacks) or area, width or water frontage of the lot on which it is located shall be expanded or enlarged; nor may total structural repairs or alterations made to any such building or structure during its life exceed 50% of its equalized value at the time it became nonconforming, unless such nonconformity shall be eliminated. When any such nonconforming building or structure shall be damaged to the extent of more than 50% of its current equalized value prior to such damage, it shall not be restored unless such nonconformity shall be eliminated.

(c) A lawfully existing building used as a single family dwelling which does not conform to the regulations

of the district in which it is situated with respect to height or location or which is located on a lot which does not conform to the area, width or water frontage requirements of such district may nevertheless be repaired, reconstructed, altered and/or enlarged, so long as it shall comply with the other applicable provisions hereof; provided, that the degree of such nonconformity shall not in any case be increased by any such repair, reconstruction, alteration or enlargement and shall be lessened whenever and insofar as practicable as determined by the Building Inspector.

(d) Except as provided in (c) above, no building or zoning permit or certificate of occupancy and compliance shall be issued with respect to any building upon or use or occupancy of any existing lot which does not fulfill the lot size requirements for the district in which it is situated; nor shall the size or shape of any such lot be altered in any way so as to increase the degree of nonconformity with such requirements.

(e) If no structural alterations are made, a non-conforming use of a building or structure may be changed to another use determined by the Board of Zoning Appeals, upon petition, to involve a lesser degree of nonconformity. Whenever such a change shall have been made, such nonconforming use shall not thereafter be changed to a use involving a greater degree of nonconformity.

(f) Whenever any nonconforming use shall have been discontinued for a period of 12 consecutive months, any future use of the building, structure or land shall conform to the applicable regulations for the district in which it is located.

(5) Undesirable Structures, Stacking or Piling Materials, etc.

(a) No building or structure of any kind whatsoever shall be erected, converted, moved, enlarged or structurally altered, with a design or appearance by reason of shape, size, material of which constructed, painting or decoration, which is so unorthodox, abnormal or unharmonious with

buildings in the vicinity and the surroundings as to be so unsightly or offensive that it affects, in a substantially adverse way, the value of the property on which it is located or of adjoining properties and the general desirability of the neighborhood. The Building Inspector is empowered to enforce this subsection and to order the removal or alteration of any building or structure not meeting the requirements of this subsection.

(b) No lumber, materials, furniture, or other equipment shall, without the approval of the Building Inspector, be stacked or piled on any premises which is so unsightly or offensive as to affect, in a substantially adverse manner, the value of adjoining properties and the general desirability of the neighborhood. The Building Inspector is empowered to enforce this subsection and to order the removal or alteration of any such stack or pile not meeting the requirements of this subsection.

(6) Drainage Regulations. No main building shall be erected, converted, moved, enlarged, structurally altered, or remodeled on land which is not adequately drained at all times, nor which is subject to periodic flooding or within such distance of the ordinary high water line of any surface water drainage channel, natural water course, or pond or lake on which the lot abuts so that the lowest floor (excluding the basement floor) of said building is less than 2 feet above the ordinary high water mark. The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course or the filling of areas which lie below the ordinary high water mark or which serve as natural overflow or flood control basins, shall not be permitted except with approval of the Village Board.

(7) Sanitation and Water Supply. No building intended for human use or occupancy shall be erected, converted, moved, enlarged or structurally altered unless a sewer is installed running to a septic tank, designed and located in accordance with the Village Building Code and other governmental laws or regulations then applicable to sewage disposal systems or to an approved municipal or other state approved disposal system, and unless satisfactory evidence has been submitted to the Building Inspector to show that suitable provision for disposal of sewage based on the proposed use of said lot is possible, if it is not served by an approved municipal or other state approved sewage disposal system. No outhouses or privies shall hereafter

be erected, structurally altered or relocated and no zoning permit or certificate of occupancy and compliance for a building to be used as a residence shall be issued unless provision is made for a safe and adequate supply of water.

(8) Required Access. No lot shall hereafter be created nor shall any building be erected or placed upon any lot which does not abut on a public street, unless such lot shall have access to a public street by permanent easement or right-of-way at least 21 feet in width.

(9) Preservation of Topography. Every building hereafter erected, structurally altered or relocated shall be at a grade approved by the Building Inspector as in harmony with the existing or established grade of the street or water-front area on which the lot on which said building is to be situated abuts, the grade of adjoining lots, and the requirements for drainage and safe vehicular access. No change in the existing topography of any land shall be made which will alter the existing drainage or flood control areas or adversely affect adjoining premises or increase the slope to a ratio greater than 1-1/2 horizontal to 1 vertical within 20 feet from the lot lines, without the approval of the Building Inspector; and such approval may be conditioned upon a requirement that an adequate retaining wall be constructed. The Building Inspector is authorized to impose such requirements and to enforce compliance therewith.

3.06 RESIDENCE DISTRICTS.

(1) Uses. No building other than single-family dwellings and buildings accessory thereto shall be erected, converted, moved, enlarged, structurally altered or used upon any parcel of land within any Residence District of the Village, except as provided in Section 3.10 hereof. There shall be no more than one such single family dwelling upon any one lot within said Residence Districts, except that on any lot containing five (5) acres or more there may be an accessory building used as living quarters only for caretakers or servants employed on the premises. No land within any Residence District shall be used for other than the following purposes:

- (a) single family dwellings and accessory buildings;
- (b) professional offices in single family dwellings;
- (c) farming and gardening (not including farms operated for the disposal or reduction of garbage, sewage,

rubbish or offal, for the raising of poultry or of animals for their fur, or as rendering plants).

No trailer, tent or temporary structure shall be used for human habitation in any Residence District. No advertising sign of any character shall be permitted in any Residence District, except as provided in Section 3.03(11) and except for one sign for each main building not exceeding 4 square feet in area pertaining to the lease, hire or sale of such premises.

(2) Height of Buildings. In the Residence Districts main buildings shall not exceed 35 feet in height and accessory buildings shall not exceed 16 feet in height, except as provided in Section 3.04(1) hereof.

(3) Setbacks. In Residence Districts No. 1 and No. 2 the basic setback distance shall be seventy-five (75) feet and in Residence District No. 3 the basic setback distance shall be fifty (50) feet.

(4) Offsets. In all Residence Districts the waterfront offset distance shall be seventy-five (75) feet. In Residence Districts No. 1 and No. 2 the basic offset distance shall be thirty (30) feet; and in Residence District No. 3 the basic offset distance shall be twenty-two (22) feet; provided, that in Residence District No. 3 the basic offset distance from one lot line may be reduced by not more than four (4) feet if the basic offset distance from the opposite line of such lot shall be increased by a corresponding distance.

(5) Lot Size. With respect to lots situated in one of the Residence Districts the minimum required area of each such lot and minimum required width or water frontage shall be as follows:

(a) Residence District No. 1.

(i) Waterfront lots.

Minimum water frontage: 200 feet.

Minimum area: 5 acres; provided that such required area shall be reduced at the rate of 1 acre for every 50 feet of water frontage of such lot in excess of the above specified minimum but in no case shall such lot area be less than 3 acres.

- (ii) Interior lots.
Minimum width: 300 feet.
Minimum area: 5 acres.

(b) Residence District No. 2

- (i) Waterfront lots.
Minimum water frontage: 150 feet.
Minimum area: 2 acres; provided that such required area shall be reduced at the rate of 1/2 acre for every 50 feet of water frontage of such lot in excess of the above specified minimum but in no case shall such lot area be less than 1-1/2 acres.

- (ii) Interior lots.
Minimum width: 200 feet.
Minimum area: 3 acres.

(c) Residence District No. 3
Minimum width: 150 feet.
Minimum area: 1 acre.

(6) Waterfront Use Density. No lot or tract of land within any Residence District shall be used, occupied, subdivided into lots, sold, leased, or otherwise disposed of, nor shall any easement or interest be created herein, so as in any way to give access to Oconomowoc Lake or any waterway connected therewith to more than one (1) family for the minimum required water frontage of such lot or tract of land as specified above.

3.07 AGRICULTURAL DISTRICT.

(1) Uses. In the Agricultural District, no building or premises shall be used and no building shall be erected, converted, moved, enlarged, structurally altered or used except for one or more of the following purposes:

(a) ~~Any~~ use permitted in any of the Residence Districts.

(b) General farming, except farms operated for the disposal of garbage, rubbish, offal or sewage or as rendering plants.

(c) Roadside stands for the sale of farm products produced on the premises on which such stand is located.

(d) Signs not over 12 square feet in area, displaying the name of a farm or farm organization or advertising farm products produced on the premises.

(2) Height. In the Agricultural District the maximum height of buildings for human habitation shall not exceed 35 feet in height, farm buildings shall not exceed 60 feet in height, and all other buildings and structures shall not exceed 16 feet in height except as provided in Section 3.04 (1) hereof.

(3) Setbacks. The basic setback distance in the Agricultural District shall be seventy-five (75) feet.

(4) Offsets. In the Agricultural District the waterfront offset distance shall be seventy-five (75) feet and the basic offset distance shall be thirty (30) feet.

(5) Lot Size. The minimum required area and width of each lot situated in the Agricultural District and the minimum water frontage of each such lot abutting on a body of water or waterway shall be as follows:

Minimum width: 300 feet.
Minimum water frontage: 200 feet.
Minimum area: 5 acres.

3.08 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals appointed in accordance with Section 2.06 of Ordinance 4 of the Village shall be organized and constituted and shall function in accordance with the provisions of Section 62.23(e), Wisconsin Statutes, and shall have and exercise the powers granted therein; provided, that no action of the Board of Zoning Appeals shall have the effect of permitting in any district a use prohibited in such district.

3.09 PERMITS AND CERTIFICATES.

(1) Zoning Permits. No building shall hereafter be erected and no existing building shall hereafter be altered or moved within the Village until a zoning permit has been applied for in writing and has been obtained from the Village Building Inspector. Said permit shall be posted in a prominent place on the premises prior to, and during the period of construction, alteration, or moving. All applications for zoning permits shall be filed in the office of the Building Inspector on forms supplied by the Building Inspector and containing such information and data

as the Building Inspector shall reasonably deem necessary for purposes of ascertaining compliance herewith.

(2) Certificate of Occupancy and Compliance. No. vacant land shall be occupied or used for other than farming purposes, and no building now or hereafter erected, altered, or moved shall be occupied, used, or changed in use, until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or vacant lands complies with the provisions of the ordinance. Certificates of occupancy and compliance shall be applied for coincident with the application for a zoning permit and shall be issued within 10 days after the erection, alteration, or moving of such building shall have been completed and in conformity with the statements on the application.

(3) Temporary Permit. Pending issuance of a regular permit, a temporary permit may be issued for a period not exceeding 6 months during the completion of alterations or during partial occupancy of a building pending its permanent occupancy. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

(4) Records of Permits and Certificates. The Building Inspector shall keep an accurate record of all permits and certificates issued by him, each type of permit and certificate being numbered sequentially in the order of issuance and recorded in a separate record book which shall be the property of the Village.

(5) Fees. No fee shall be charged for an original zoning permit applied for coincidentally with the application for a building permit. For all other zoning permits or for copies of any original permit there shall be a charge of \$1.00 each.

3.10 PERMITS FOR CERTAIN BUILDINGS.

(1) Village Board Approval Required. Upon application in writing to the Village Board, said Board may, after first submitting the application to the Village Plan Commission for study and recommendation, authorize the following uses and/or direct the Building Inspector to grant a permit for the erection of buildings for the following uses:

- (a) Municipal and/or public utility buildings.
- (b) Churches.
- (c) Schools.
- (d) Clubs, not conducted for profit.
- (e) Temporary structures for use in connection with the construction of other buildings for a period not exceeding one (1) year.

provided, that such buildings shall conform with the requirements respecting minimum dimensions of yards and height for the district in which it is located, and shall cover not more than five per cent (5%) of the area of the lot on which said buildings are to be situated, exclusive of the area of the street or the areas reserved for highway purposes. Except for variation of the use restrictions, such buildings shall, in addition to the foregoing, be subject to all other applicable provisions of this ordinance and all other applicable ordinances of the Village, including the Building Code.

(2) Plan Commission Report. The Village Plan Commission shall investigate said application, hold such meetings as it deems necessary, and report its recommendations to the Village Board. Unless such report is made within thirty (30) days, or such longer period as may be stipulated in each instance by the Village Board, the Village Board may take final action without it.

(3) Public Hearing and Findings Required. Upon receipt of the report of the Plan Commission, the Village Board shall hold a public hearing upon said application. Before granting any such application, the Village Board shall in each case determine as a fact that the requirements of sanitation will be met and that a need for said building or buildings exists within the Village, including in the case of churches, schools and clubs, the extent of membership or enrollment of residents, and that the size and nature of the building or buildings is such as will not be detrimental to the health, safety, and general welfare of residents of the Village. The Village Board shall, in making its findings, take into consideration the report of the Plan Commission.

(4) Protest. In the case of a protest against the granting of such application, filed in writing prior to the granting of such application and duly signed and acknowledged by the owners of twenty per cent (20%) or more of the area of the land immediately adjacent thereto, or by owners of twenty per cent (20%) or more of the land directly opposite thereto, the application shall not be granted except by the favorable vote of three-fourths (3/4) of the members of the Village Board.

3.11 NOTICE.

Any public notice of hearing required by law to be given in connection with proceedings of the Board of Zoning Appeals, the Plan Commission or the Village Board with respect to zoning matters shall be given by posting the same in not less than three public places in the Village at least 10 days before the date of such hearing and shall set forth the time, place and purpose of such hearing.

3.12 ENFORCEMENT AND PENALTIES.

All provisions hereof shall be enforced by the Building Inspector under the directions of the Village Board. Any person, firm or corporation which shall fail or refuse to comply with the provisions of this ordinance or any orders of the Building Inspector or Board of Zoning Appeals issued in accordance herewith shall be subject to a forfeiture of not to exceed the sum of \$200.00 for each offense, together with the costs of any action to recover such forfeiture, and in default of payment thereof shall be imprisoned in the Waukesha County Jail until such forfeiture and costs shall have been paid, but not to exceed 60 days. Each and every day during which a violation continues shall be deemed a separate offense punishable as such. The foregoing shall be in addition to and not exclusive of the measures of enforcement, remedies and penalties provided in Section 62.23, Wisconsin Statutes.

3.13 VALIDITY AND INTERPRETATION.

(1) Severability. The several sections, subsections, paragraphs and subparagraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other provision of this ordinance.

(2) Other Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any ordinance, rule, regulation, or permit previously adopted or issued pursuant to laws and applying to any area included in the Village; provided, that where this ordinance imposes a greater restriction or requirement respecting the character, construction or use of a building or structure or

land or the height or area of a building or structure, or requires larger open spaces, more water frontage, wider lots or larger lot areas, than are required by other ordinances, rules, regulations or permits or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

(3) Statutory References. References herein to sections of the Wisconsin Statutes shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

Passed and Adopted by the Village Board of Oconomowoc Lake this 3rd day of March, 1960.



Village President

Countersigned:



Village Clerk

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

SS

AFFIDAVIT OF POSTING
ORDINANCE

Ordinance No. 5

The undersigned, being first duly sworn, on oath deposes and states that on March 5, 1960, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance 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) On the west side of the bend on County Trunk Highway "P" at its junction with Lindsay Road.

(3) At the northeast corner of the junction of County Trunk Highway "P" and the private drive leading into the Borisch, Robinson, Morsell, et al. properties.



Subscribed and sworn to before me
this 5th day of March, 1960.

Ruth H. Lindsay
Notary Public, Waukesha County, Wis.
My Commission Expires: Dec. 22, 1963