

ORDINANCE NO. 305

**AN ORDINANCE TO CREATE SECTION 17.17(10) ENTITLED "OCCUPANCY BOND REQUIRED" INTO THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE AND TO ADD LANGUAGE TO 17.27(1) CONCERNING CERTIFICATE OF OCCUPANCY AND COMPLIANCE AND TO FINAL INSPECTIONS.**

**WHEREAS**, upon receipt of the Village Board's recommendation, the Village Plan Commission initiated this amendment to the Village of Oconomowoc Lake Village code; and

**WHEREAS**, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on May 18, 2020, after providing all required notice, as required by 17.62(5)(a) of the Village of Oconomowoc Lake Village Code; and

**WHEREAS**, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good zoning practice requires the Village of Oconomowoc Lake Zoning Code as described herein.

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 17.17 (10) entitled "Occupancy Bond Required" is hereby created as follows:

17.17 (10) OCCUPANCY BOND REQUIRED

- (a) Deposit required. No building or razing permit shall be issued by the Village of Oconomowoc Lake for the construction or demolition of a building or construction of an addition to or remodeling of an existing building on any land if the project is subject to Architectural Review Board approval or has a projected dollar amount greater than of \$20,000.00 until a cash deposit, based on the of the total amount of all estimated costs of all proposed improvements to include but not limited to construction and landscaping costs in the amount of the greater of 5% or \$5,000.00 and shall not be more than \$100,000.00. The deposit shall be paid to the Village of Oconomowoc Lake at the time an application is made for issuance of the building permit.
- (b) Deposit returned.
- (1) The sums deposited shall be retained by the Village of Oconomowoc Lake until such time as the treasurer receives written notice from the Village Administrator to refund some or all of the money deposited. The Village Administrator shall not authorize any refund of the money deposited until after grading and landscaping of the premises has been completed with grass established, certification that the construction or demolition of

a building or construction of an addition to a remodeling of an existing building to the satisfaction of the Village Administrator has been completed, construction debris removed, all applicable ordinances have been complied with and occupancy has been granted. All Construction as well as Landscaping shall be concluded in accordance with those plans that had been originally submitted to and previously approved by the Village of Oconomowoc Lake Architectural Control Board.

- (2) In the event damage is done to Village roads or to the road ditch adjacent to the property as a result of construction activities, the deposit shall be used to pay any cost incurred by the Village, to repair such damage. In the event the deposit is insufficient to cover all costs incurred by the Village, the property owner shall be liable to the Village for payment of any excess costs and no occupancy permit shall be issued for the property until such costs are paid. The balance of the deposit, after deducting such expenses incurred by the Village to repair the damage, or alternatively, the entire deposit in the event no such damage has occurred, shall be disbursed to the then-current owner of the subject property by the treasurer after receipt of written note from the building inspector as noted in subsection (b)(1) of this section.
  - (3) The property owner shall pay and reimburse the Village promptly upon billing for all fees, expenses, costs and disbursements which shall be incurred by the Village work contemplated by or to enforce the building permit or razing permit including without limitation by reason of enumeration, design, engineering, review, supervision, inspection and legal, administrative and fiscal work. Any such charge not paid by property owner within thirty (30) days of being invoiced may be charged against the deposit held by the Village pursuant to this agreement or assessed against the subdivision land as a special charge pursuant to 66.0627, Wis. Stats.
  - (4) The property owner is solely responsible to claim disbursement of the deposit from the treasurer. If the work contemplated by the building permit or razing permit is fully complete, including landscaping, removal of construction debris, compliance with ordinances and an occupancy permit has been granted, and the property owner makes no claim for recovery of the deposit within 24 months of such completion, the deposit shall be automatically and irrevocably forfeited to the Village. Upon such forfeiture, the treasurer is directed to place the deposit into the Village general fund.
- (c) Time to pay. The Village shall give each property owner billed for payment of any excess costs a period of time not to exceed 30 days to pay and, thereafter, if that charge remains unpaid, the clerk shall automatically charge that delinquent bill against the deposit on file with the Village and/or charge the current or next tax roll as a delinquent tax against the property as

provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

- (d) Appeal. Any person who wishes to dispute the amount of refund may contact the clerk and request to appear before the Village Board at the upcoming regular Village Board meeting and may, at that time, present the matter to the Village Board for resolution. Appeal from the decision of the Village Board shall be by writ of certiorari to circuit court.

SECTION 2: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled "Zoning Code," Section 17.27 entitled "Certificate of Occupancy and Compliance," Subsection (1) is hereby repealed and re-created as follows:

17.27 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

- (1) No vacant lands 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 Zoning Inspector stating that the building or proposed use of a building or vacant land complies with the provisions of this chapter. Certificates of occupancy and compliance shall be applied for with the application for a zoning permit and shall be issued with ten (10) days after the erection, alteration or moving of such building shall have been completed in conformity with statements on the application, provided that all requirements of this Zoning Code have been satisfied, including, but not limited to, the requirements of the zoning permit as stated in Section 17.17 of this Zoning Code. Whenever a building permit and zoning permit is issued, a final inspection shall be required. If compliant with all Village of Oconomowoc Lake ordinances and the original permit application, and approved plans, a certificate of occupancy may be issued.

SECTION 3: 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 4: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 18th day of May, 2020.

VILLAGE OF OCONOMOWOC LAKE



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Michael Bickler Sr., Village President

ATTEST:



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Katelyn Vaughan, Village Clerk