

ORDINANCE NO. 270

AN ORDINANCE TO AMEND ORDINANCE #176 ENTITLED AN ORDINANCE TO IMPOSE CONSTRUCTION AND MAINTENANCE REQUIREMENTS UPON PUBLIC STREETS, PRIVATE ROADS AND PRIVATE DRIVEWAYS TO CREATE SECTION 1 H TO ALLOW FOR THE VILLAGE BOARD TO GRANT WAIVERS TO THE MINIMUM WIDTH FOR PRIVATE ROADS AND PRIVATE STREETS

WHEREAS, the Village of Oconomowoc Lake has, within its boundaries, a considerable number of private roads and private driveways; and

WHEREAS, it has long been the policy of the Village of Oconomowoc Lake to permit and encourage private roads and private driveways in order to maintain the rural ambiance of the village, assure privacy to its residents and minimize construction and maintenance costs to the Village as a whole; and

WHEREAS, the Village of Oconomowoc Lake has, in the past, provided to private roads and private driveways certain municipal services, including snow plowing, of a nature typically provided to public streets; and

WHEREAS, in order for the Village of Oconomowoc Lake to continue to provide the above-noted services, it was necessary to provide for a certain minimum maintenance requirement for pre-existing private roads and private driveways and to impose certain minimum construction requirements upon future private roads and private driveways by Ordinance #176; and

WHEREAS, in order for the Village of Oconomowoc Lake to continue to provide the above-noted services, it was necessary to provide for by an amendment to Ordinance #176 to allow for emergency repair of private roads; and

WHEREAS, the Village of Oconomowoc Lake has always shown concern for the preservation of the natural resources; and

WHEREAS, the Village Administrator has determined that in some instances the minimum widths for private roads or private driveways required by ordinance #176 cannot be met without the filling of wetlands or conservancy areas.

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

SECTION 1. AN ORDINANCE #176 ENTITLED CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PUBLIC STREETS, PRIVATE ROADS AND PRIVATE DRIVEWAYS, subsection (1)(H) is hereby created to read as follows:

H. Waiver of minimum width requirements for Private Roads and Private Driveways.

The width requirements set forth above may be waived by the Village Board at its sole discretion, after referring the issue to the Plan Commission for review and recommendation, upon a finding by the Village Board that:

- (1) the minimum width requirements can not be met without the filling of wetlands or conservancy areas, and
- (2) the modification of the minimum width requirements will not create an unsafe situation.

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.

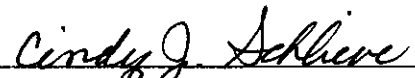
This ordinance passed this 15th day of July, 2013.

BY THE VILLAGE BOARD OF THE
VILLAGE OF OCONOMOWOC LAKE:



Joseph Birbaum, Village President

ATTEST:



Cindy J. Schieve, Village Clerk

Published or posted on the 18th day of July, 2013

VILLAGE OF OCONOMOWOC LAKE
35328 W. PABST ROAD
OCONOMOWOC, WI 53066

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

Ordinance No. 270 Regarding Private
Roads and Driveways Passed on
July 15, 2013

The undersigned, being first duly sworn, on oath deposes and states that on July 19, 2013, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board 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) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer Signature

Subscribed and sworn to before me

This 19th day of July 2013



Notary Public, Waukesha County, Wisconsin
My Commission expires: June 7, 2015