

Chapter 14.56
Administration and Enforcement

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14.56.010 Zoning officer.

This title shall be administered and enforced by the building inspector. No building permit or certificate of occupancy shall be issued by him except where the provisions of this title have been complied with. (Ord. dated 12/10/82 § 13.1)

14.56.020 Building regulations.

Refer to chapter Title 15 and Chapter 8.12 of this code for the following:

- A. Permits required;
- B. Application for permit;
- C. Permit fees;
- D. Building codes;
- E. Fire district regulations. (Ord. dated 12/10/82 § 13.2)

14.56.030 Expiration of building permit.

A. Refer to Section 15.04.030 of this code.

B. If the work described on any building permit shall not have been substantially completed within three hundred sixty-five (365) consecutive days from the issuance thereof, said permit shall expire and be canceled by the building inspector, and written notice thereof shall be given to the applicant, together with notice that further work as

described on the canceled permit shall not proceed until a new permit shall have been issued, provided, however, that for commercial and industrial building the permit shall extend for such period as set forth in the application for the building permit as the time necessary to complete the building.

C. A building permit issued for the establishment of the use of land where no structure is involved, or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the building inspector at one-year intervals from the date of issuance of such permit to insure compliance with the regulations and standards of this title. (Ord. dated 12/10/82 § 13.3)

14.56.040 Certificate of occupancy.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of occupancy shall have been issued by the building inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this title. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this title. Under such rules and regulations as may be established by the village board, the building inspector may issue a temporary certificate of occupancy for part of a building. Upon written request from the owner, the building inspector shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of the ordinance codified in this title, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the title. (Ord. dated 12/10/82 § 13.4)

14.56.050 Appeals from board of appeals decision.

Any person or persons, jointly or severally aggrieved by a decision of the board of appeals, or any taxpayer, or any officer, department, board

or bureau of the municipality, may in accordance with this section, appeal such decision of the board of appeals by submitting a petition, duly verified, setting forth that such decision is illegal, in whole or in part and specifying the grounds of the illegality, in accordance with the following:

A. Such petition shall first be filed with board of appeals and with the village board. The board of appeals shall forthwith transmit all the papers constituting the record upon which the action appealed from was taken. Such appeal shall be presented to the board of appeals and the village board within thirty (30) days after the filing of the decision in the office of the board of appeals.

1. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

2. The village board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

3. In exercising the above-mentioned powers, such village board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken, and may issue or direct the issue of a permit.

B. After first submitting a petition to the village board, and after a decision on such petition is made by the village board, any person noted in this section may, in accordance with Statutes, present to a court of record such petition, duly verified, within thirty (30) days after the filing of the village board's decision in the office at the board of appeals. (Ord. dated 12/10/82 § 13.6)

14.56.060 Violation and penalties.

A. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the zoning officer. The zoning officer shall record properly such complaint, immediately investigate and take action thereon as provided by this title.

B. In case any structure is erected, constructed, reconstructed, altered, converted, or any structure, or land is used in violation of this title:

1. The zoning officer, or any owner or tenant of real property in the same contiguous zoning district as the structure or land in question, in addition to other remedies, may institute an appropriate action or proceeding in any court of competent jurisdiction.

a. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use of a structure;

b. To prevent the occupancy of the structure or land;

c. To prevent any illegal act, conduct, business or use in or about such structure or land;

d. To restrain, correct or abate the violation.

C. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this title may also be required, upon conviction, to forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense, together with the

costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

D. Nothing herein contained shall prevent the village from taking such lawful action as is necessary to prevent any violation. (Ord. dated 12/10/82 § 13.7)

14.56.070 Amendments.

The regulations and standards, restrictions, and district boundaries set forth in this title may from time to time be amended, supplemented, changed or repealed. No such action may be taken unless and until:

A. A written application is submitted to the planning commission. Such application may be initiated by the village board, the plan commission, or the owners of more than fifty (50) percent of the area involved.

B. Each such application, except that initiated by the village board or by the plan commission, shall be accompanied by a fee, as determined by Section 13.4 to be paid by the applicant.

C. At least ten days, but not more than thirty (30) days, notice of the time and place of the hearing of such action shall be published as a Class 2 Notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation in the village.

D. A public hearing by the planning commission shall be held, any person may appear in person, or by agent or by attorney.

E. The planning commission may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of such action need not be made.

F. Within thirty days after the close of the public hearing, the planning commission shall make a report and recommendation to the village board on amendments to the zoning ordinance.

G. Action of the village board:

1. In the event that the report of the planning commission is adverse to such action referred to it, such action shall not be passed except by the favorable vote of two-thirds of all the members of the village board.

2. In case of a protest against changes, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the village board. (Ord. dated 12/10/82 Art. 14)

14.56.080 Validity.

The invalidity of any provisions of the title shall not affect the validity of the remainder of this title.

If any court of competent jurisdiction shall declare invalid the application of any provision of this title to a particular property, structure or land, such ruling shall not affect the application of said provision to any other property, structure, or land not specifically included in said ruling. (Ord. dated 12/10/82 Art. 15)

14.56.090 Conflict with other laws.

Whenever the regulations made under authority of this title require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this title shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open

spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this title, the provisions of such statute or local ordinance or regulations shall govern. (Ord. dated 12/10/82 Art. 16)