

SECTION 13
ZONING ORDINANCE ADMINISTRATION AND PROCEDURES

13.1 ZONING ADMINISTRATOR DESIGNATED.

The position of Zoning Administrator is hereby created. Unless otherwise appointed by the Town Board, the position of Zoning Administrator shall be filled by the Plan Commission or designee. If deemed necessary and appropriate to properly administer and enforce the provisions of this Ordinance. Duties of the Zoning Administrator may be assigned to individuals who also serve as Building Inspector, Town Constable, and/or Town Clerk.

The Zoning Administrator is responsible for enforcing the provisions of this Ordinance. In addition to enforcement, the Zoning Administrator shall have the following duties and authority:

- (1) Provide, receive and review for completeness all permit applications and applications for other approvals as required by the provisions of this Ordinance and ensure that the provisions of this Ordinance have been complied with;
- (2) Keep an accurate record of all permits issued and approvals granted by the Zoning Administrator, Plan Commission, and Town Board pursuant to the provisions of this Ordinance.
- (3) The Zoning Administrator shall, at a reasonable time, for any proper purpose, and with reasonable notice, enter upon any public or private premises and make inspection thereof in order to ensure compliance of such premises with this Ordinance and/or permits or approvals granted;
- (4) Upon reasonable cause or question as to proper compliance, to revoke any Building, Occupancy Permit, or Zoning Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in effect until reinstated by the Zoning Administrator or the Zoning Board of Appeals;
- (5) In the name of the Town, and with authorization of the Town Board for matters initiated in Circuit Court and without authorization of the Town Board for matters initiated in Municipal Court, commence any legal proceedings necessary to enforce the provisions of this Ordinance including the collection of forfeitures provided for herein.

13.2 NOTICE OF PUBLIC HEARINGS.

Legal notice of any public hearing by the Plan Commission, Town Board, or Board of Zoning Appeals is required to hold pursuant to the provisions of this Ordinance shall be published in accordance with the Class 2 notice requirements set forth in Chapter 19.84, Wis. Stats. Notice shall also be posted at various prominent locations throughout the Town. For purposes of this provision, owners of adjacent or nearby property shall be deemed to be those appearing as owner(s) on the latest available tax roll for the Town. Notwithstanding any other provision herein, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect in providing the required notification provided that proper legal notice has been published as required by Chapter 19.84, Wis. Stats. *{amended July, 2008}*

13.3 PROTEST.

In the event of a protest is lodged against a petition for a zoning ordinance text amendment, zoning map revision, i.e. rezoning, or a conditional use permit application where an appropriate protest petition has been duly signed and acknowledged by the owners of fifty (50) percent or more of the land immediately adjacent and extending one hundred (100) feet therefrom, or, by the owners of fifty (50) percent or more of the land directly opposite thereto and extending one

hundred (100) feet from the street frontage of such opposite land, the petition or permit shall not become effective except by a unanimous vote of the Town Board.

13.4 ZONING PERMIT.

- (1) Permit Required.
No vacant land shall be occupied or used and no building or structure shall be erected, structurally altered, expanded, relocated, or used including, but not limited to, a change in use by a new owner, tenant or operator, until a Zoning Permit has been approved by the Zoning Administrator to certify that any such site, building, structure or use complies with the provisions of this Ordinance, including application for any and all additional permits or approvals required by this Ordinance.
- (2) Application.
Zoning permit applications shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.
- (3) Issuance of Zoning Permit.
If such use complies with the requirements of this Ordinance and such other additional measures as may be imposed pursuant to the requirements of this Ordinance, the Zoning Administrator shall approve the zoning permit application. Action to approve, approve with conditions, or deny a permit application should occur within forty-five (45) days after receipt of the permit application.
- (4) Zoning Permit Expiration.
A Zoning Permit shall expire if within twelve (12) months of the date of issuance of a Zoning Permit the proposed construction or preparation of land for use has not commenced or if the use has not occupied the structure or location. Upon the showing of valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Permit for a period not to exceed six (6) months.

13.5 APPLICATION, REVIEW AND PROCESSING FEES.

As a condition of the review of any permit or approval application required under the provisions of this Ordinance, the property owner and/or applicant(s) shall pay at the time of application all application fees and other charges deemed necessary by the Town to defray the costs direct and indirect costs of processing and reviewing such applications. Charges may include, but not be limited to, advertising, publishing, postage, recording, and charges incurred by the Zoning Administrator, Building Inspector, Plan Commission, and any other experts or consulting services deemed necessary by the Town, e.g. engineering services, to ensure processing, review, and compliance with the provisions of this Ordinance. All fees and charges shall be paid in full to the Town prior to receiving the necessary permits and/or approvals.

No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees and charges. Failure to fully pay any such fees and charges when due shall be grounds for the Town of Clyman to refuse to process an application and/or deny or revoking any permit or approval sought.

The Town may require the establishment of an escrow account to which a deposit(s) is/are made in an amount of funds estimated by the Town Zoning Administrator as being necessary to fully process and review such permit and approval applications. Outstanding balances that remain upon completion of the review process, regardless of whether or not the permit was issued or approval granted, shall be returned to the property owner and/or applicant(s) making the escrow deposit(s).

All fees and charges shall be established by resolution and set forth in a fee schedule available through the Town Clerk.

13.6 SURETIES.

The Plan Commission may impose time schedules for the completion of buildings, parking areas, grading, drainage facilities, required surfacing, screening, landscaping, and other improvement and development features proposed as part of a permit application. Prior to the issuance of any permit or the granting of any approval, the Plan Commission may require appropriate sureties be provided to the Town in order to guarantee that the required improvements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation and the Zoning Administrator shall initiate the appropriate action to correct the violation following an inspection and verification of such violation.

13.7 VIOLATIONS.

It shall be unlawful to use a lot or parcel or construct any building or structure in violation of any provisions of this Ordinance. In case of violation, the Town Board, the Zoning Administrator, Building Inspector, the Town Attorney, the Plan Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.

13.8 PENALTIES AND REMEDIES.

- (1) Double Fee.
A double fee shall be charged if work is started before the necessary permit(s) or approval(s) is/are applied for and granted. Payment of such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
- (2) Remedial Action.
Whenever an order of the Town has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, the Building Inspector, Town constable or Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
- (3) Forfeiture.
Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than fifty (\$50) nor more than five hundred (\$500) dollars plus the costs of prosecution for each offense.
- (4) Separate Offense.
Each day a violation exists or continues shall constitute a separate offense.
- (5) Injunctive Relief.
In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provisions of this Ordinance.