

### **Ordinance 03-07-16-03**

#### **An Ordinance Amending Section 18-229 of the Municipal Code of the Village of Fontana-on-Geneva Lake regarding Performance standards exemptions.**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana on Geneva Lake Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

#### **SECTION 1.**

Sec. 18-229 of the Village Code of the Village of Fontana-on-Geneva Lake is hereby amended to read as follows:

#### **Sec. 18-229. - Performance standards administration and enforcement.**

- (a) Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:
- (1) Where determinations can be made by the zoning administrator using equipment normally available to the village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
  - (2) Where technical complexity or extraordinary expense makes it unreasonable for the village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
    - a. The zoning administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the zoning administrator.
    - b. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the zoning administrator within the time limit set constitutes admission of violation of the terms of this chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the village.
- (3) Consideration of Exemptions. The conditional use process may be used to seek exemptions from certain requirements of this article, specifically those found in Sec. 18-211 Access standards, Sec. 18-212 Visibility standards, Sec. 18-213 Off-street parking and traffic

circulation, and Sec. 18-214 Off-street loading standards. An appeal of the plan commission's determination may be taken to the zoning board of appeals.

(b) Enforcement of the provisions of this article shall be per section 18-257.

**SECTION 2.**

Effective Date: This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 7<sup>th</sup> day of March, 2016

Village of Fontana on Geneva Lake

By: \_\_\_\_\_  
Patrick Kenny, President

Attest: \_\_\_\_\_  
Theresa Loomer, Clerk