

CHAPTER 12 ADMINISTRATION AND ENFORCEMENT

Section 13W-12-1 Purpose

The purpose of this Chapter is to establish the administrative and enforcement framework for the application of this Article.

Section 13W-12-2 Zoning Administrator

(a) **Designation**

The Zoning Administrator shall be the Building Inspector, or a designee of the Building Inspector.

(b) **Duties**

The provisions of this Article shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:

- (1) Determine that all Detailed Site Analyses, Building Permits, Certificates of Occupancy, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Article.
- (2) Conduct inspections of buildings, structures and land to determine compliance with all provisions of this Article.
- (3) Maintain permanent and current records of this Article, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
- (4) Receive, file and forward all applications for any and all procedures governed by this Article (see Chapter 11) to the designated official bodies
- (5) Institute, in the name of the City of Sun Prairie, any appropriate actions or proceedings against a violator of this Article, as provided by law.
- (6) Make interpretations regarding the provisions of this Article per Section 13W-11-11.

Section 13W-12-3 Joint Extraterritorial Zoning Committee

The Joint Extraterritorial Zoning Committee shall be established and maintained in accordance with Section 62.23(7a) Wis Stats. and with the following procedures.

(a) **Composition**

The Joint Extraterritorial Zoning Committee shall be composed of six voting members, three members from the Town and three members from the City. The Town members shall be residents of the Town appointed by the Town Board and persons of recognized experience and qualifications. Town Board members are eligible to serve. The City members shall be three citizen members of the City Plan Commission appointed by the Mayor of the City per Wis. Stats. 62.23(7a).

(b) **Terms**

The Town members shall serve for three year terms. The City members shall serve for four year terms in accordance with their tenure on the Plan Commission per Section 2-4-5 of the Code of Ordinance of the City of Sun Prairie.

(c) **Organization**

The City Plan Commission member with the longest tenure shall serve as presiding officer of the Joint Committee. The Joint Extraterritorial Zoning Committee shall organize by the election of a vice-chairperson and such other officers as may in their judgement be necessary. The secretary to the Joint Committee shall be the secretary to the City Plan Commission.

(d) **Record and Voting**

The Joint Committee shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk and the Town Clerk. Four (4) members shall constitute a quorum. All actions shall require the affirmative vote of a majority, or four (4) of the six (6) members of the Committee. The Joint Committee shall comply with all applicable open meeting and records law provisions.

(e) **Duties**

The Joint Committee shall review and prepare recommendations on all zoning matters within the City's extraterritorial zoning jurisdiction of the Town of Windsor, which jurisdiction may be amended from time to time in accordance with law. These duties shall include, but not be limited to, preparing recommendations and holding the necessary public hearings on all petitions for text amendments to the extraterritorial zoning regulations, amendments to the official extraterritorial zoning map, and conditional use permits to ensure their conformance with the City and Town's adopted Comprehensive Plans.

(f) **Building Permits**

The Town shall issue all building permits under these regulations upon receipt of a zoning certificate from the City Zoning Administrator, or his/her designee. All zoning permits and procedures not otherwise herein specified or preempted by this Article shall continue to be issued or operated through Dane County Land Regulation and Records or appropriate County or State agency, including all wetland/shoreland and floodplain zoning matters and permits.

Section 13W-12-4 Board of Zoning Appeals

The Board of Zoning Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this Article (see Section 13W-11-10); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Article (see Section 13W-11-11); except for those areas remaining under Dane County's jurisdiction (floodplain and shoreland/wetland matters). (See also Section 2-4-4 of the Code of Ordinances for the City of Sun Prairie.)

Section 13W-12-5 Fees

(a) **Fees for Procedures Requested by a Private Party:**

The following fees are hereby established and required:

(1)	Text Amendment (per Section 13W-11-2):	\$250.00
(2)	Zoning Map Amendment (per Section 13W-11-3):	\$250.00
(3)	Special Use (per Section 13W-11-4):	\$50.00
(4)	Conditional Use (per Section 13W-11-5):	\$250.00
(5)	Sign Permit (per Section 13W-11-6):	\$25.00 + \$1.00/square foot of sign area
(6)	Site Plan (per Section 13W-11-7):	\$50.00
(7)	Certificate of Occupancy (per building permit fee)	
(8)	Variance (per Section 13W-11-9):	\$250.00
(9)	Interpretation (per Section 13W-11-10):	\$50.00
(10)	Appeal (per Section 13W-11-11):	\$250.00
(11)	Filing or Recording Fee with City/Town Clerk:	\$10.00 + actual recording fee
(12)	Fence Permit	\$40.00
(13)	Zoning Certificate	\$50.00

b) **Fees for Procedures Requested by the City of Sun Prairie or Town of Windsor:**

There shall be no fee in the case of applications filed in the public interest by the City Council or Town Board or the Joint Extraterritorial Zoning Committee, other agency, or official of the City of Sun Prairie or Town of Windsor.

(c) **Payment of Fees**

Fees shall be payable at the time applications are filed with the appropriate officer of the City or Town (per the requirements of this Article), and are not refundable.

Section 13W-12-6 Violations and Penalties

(a) **Violation of this Article**

It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Article, or otherwise neglect, refuse or fail to comply with this Article's requirements. Any person who violates or fails to comply with any of the provisions of this Article shall, upon conviction thereof, be subject to the penalties set forth in Subsection (b), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.

(b) **Penalties**

The penalties set forth in Section 1-1-7 of the City of Sun Prairie Code of Ordinances are adopted and incorporated herein by reference.

(c) **City Promulgated Correction of Violation**

In addition to any other penalty imposed by this Chapter for a violation of the provisions of this Article, the City reserves and maintains the continued right to abate violations of this Article.

- (1) **Hazardous Condition Caused by Violation of this Article:** If the Zoning Administrator determines that a violation of this Article exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (3), below. The Zoning Administrator is hereby authorized to abate a violation of this Article.
- (2) **Non-Hazardous Condition Caused by Violation of this Article:** If the Zoning Administrator determines that a violation of this Article exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Registered Mail on the current owner of the property (as indicated by current City of Sun Prairie and Town of Windsor tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per Subsection (1), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (3), below.
- (3) **Cost of Abatement:** In addition to any other penalty imposed by this Chapter for a violation of the provisions of this Article, the cost of abating a violation of this Article per Subsections (1) and/or (2), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City or Town Clerk shall enter such charges onto the tax roll as a special tax as provided by State Statute 66.615(5)

LIST OF AMENDMENTS TO THE OFFICIAL ZONING MAP

MAP ID#	FILE #	PROPERTY DESCRIPTION	ZONING FROM TO	DATE OF COUNCIL ACTION	ORD. NO.
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LIST OF AMENDMENTS TO THE ZONING ORDINANCE

ID#	FILE #	SECTION #	AMENDMENT DESCRIPTION	DATE OF COUNCIL ACTION	ORD. NO.
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