

ORDINANCE NO. 5.01
Town of Cloverland

RE: ORDINANCE PERTAINING TO THE BUILDING SETBACK TO TOWN ROADS, RULES AND PROCEDURES FOR APPEALS PROCESS.

WHEREAS, The Cloverland Town Board has been granted village powers under Wisconsin Statutes Section 60.10(2)(c) and has the authority to exercise said village powers under Wisconsin Statutes Section 60.22(3); and

WHEREAS, for the interest of promoting health, safety and general welfare of the community, the Cloverland Town Board seeks to establish a building setback of 75 feet from the centerline of all town roads; and

WHEREAS, The Cloverland Town Board further seeks to establish rules and guidelines for any aggrieved land owner who is burdened by this ordinance and chooses to exercise their constitutional right to file an appeal to The Cloverland Town Board by making application for a variance to said ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Cloverland Town Board of Supervisors assembled this 7th day of April, 2004, do ordain as follows:

Section 1. All buildings constructed in the Town of Cloverland shall be placed at a distance of 75 feet or greater to the centerline of an existing town road.

Section 2. Any aggrieved landowner that is burdened by this ordinance may apply for a variance to the setback of 75 feet by completing the Application form for Setback Variance as set forth in the attached document. The application shall be filed with the Town Clerk 3 weeks prior to the Town Board meeting in which the variance will be decided.

Section 3. The Cloverland Town Board shall review applications for setback ordinances and adopt procedures similar to Wisconsin Statutes Section 62.23(7)(e).

Section 4. This ordinance shall take effect upon passage and publication as provided by law.

Section 5. If any claims, provisions, or portions of this ordinance are adjudged invalid or unconstitutional by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected thereby.

Section 6. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 per day, nor more than \$200.00 per offense together with the taxable costs of the action. Each day which the violation exists shall constitute a separate offense. Every violation of this Ordinance shall be deemed a public nuisance and the Town may seek additional remedies to gain compliance with this Ordinance including but not limited to injunctive relief, writs of mandamus, or such other and further relief as the Town may deem appropriate given the facts of the situation.