

Town of Garfield, Jackson County, Wisconsin : Ordinances

June 10, 2009 Ordinance - Building Setback to Town Roads

TOWN OF GARFIELD, JACKSON COUNTY, WISCONSIN

RESOLUTION

BUILDING SETBACK TO TOWN ROADS/RULES AND PROCEDURE FOR APPEALS PROCESS

WHEREAS, The Garfield Town Board has been granted Village Powers under Wisconsin Statutes Section 60.10(20) (c) and has the authority to exercise said Village Powers under Wisconsin statutes Section 60.22(3); and

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

WHEREAS, The Garfield 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 Garfield Town Board by making a written application for a variance to said ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Garfield Town Board of Supervisors assembled this 10th day of June 2009, do ordain as follows:

Section 1. All buildings constructed, moved, and/or remodeled shall be placed at a distance of 75 feet or greater from the centerline of existing Town roads.

Section 2.

(a) Any aggrieved landowner that is burdened by this ordinance may apply for a variance to the setback of 75 feet.

(b) The application shall be in writing and filed with the Town Clerk at least 3 weeks prior to the regularly scheduled Town Board Meeting.

(c) Within 3 days of receiving the application, the Town Clerk shall provide written notice to the Chair of the Garfield Planning Commission of the pending application.

(d) After receiving notice from the Town Clerk, the Chair of the Garfield Planning Commission shall properly notice a meeting of the Garfield Planning Commission to consider the variance application. This meeting shall be held at least 1 week in advance of the regularly scheduled Town Board Meeting.

(e) Within 3 days of said meeting of the Garfield Planning Commission, the Planning Commission Chair will provide written notice with the Town Clerk, stating the recommendation(s) of the Commission concerning the variance application.

(f) The Town Clerk shall include the "review of the variance application" on the agenda and properly notice this item for the next regularly scheduled Town Board Meeting.

(g) The Town Board will consider the recommendation of the Planning Commission and act on the variance application at said regularly scheduled Town Board Meeting. The Town Board retains the right to seek further information concerning the variance before its final determination. Determination may be delayed until a future meeting if

deemed necessary by the Town Board.

Section 3.

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.

Section 4.

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 5.

This Ordinance shall take effect upon passage and publication as provided by law.

/s/ Steve Dickinsen, Town Chairman

/s/ Ardy Robertson, Town Clerk