ENROLLED ORDINANCE 178-46

ADOPT THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE VIOLATION FORFEITURE SCHEDULE (RZ129)

WHEREAS, the Waukesha County Board of Supervisors approved the Waukesha County Shoreland Protection Ordinance on August 22, 2023, effective October 19, 2023; and

WHEREAS, the Waukesha County Shoreland Protection Ordinance references a base forfeiture schedule that is to be adopted by the Waukesha County Board of Supervisors; and

WHEREAS, a violation forfeiture schedule has been prepared to provide for enforcement of shoreland zoning provisions that are contained within the Waukesha County Shoreland Protection Ordinance; and

WHEREAS, the proposed violation forfeiture schedule and staff memorandum have been forwarded to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the violation forfeiture schedule of the Waukesha County Shoreland Protection Ordinance, as set forth immediately below, is hereby adopted.

BE IT FURTHER ORDAINED that the effective date of this forfeiture schedule shall be October 19, 2023, thereby replacing any prior forfeiture schedule under the ordinance.

ADOPT THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE VIOLATION FORFEITURE SCHEDULE (RZ129)

Presented by:

Land Use, Parks, and Environment Committee

Tyler J. Foti, Chair

Jennifer Grant

Christine M. Howard

Robert L. Kolb

Absent

Brian Meier

mmaint Chris Mommaerts

Szpara/ Gary J/

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

123 Date: Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:	X	
Vetoed:	1.	

Date: 10/2/2023

Paul Farrow, County Executive

178-0-046

Waukesha County Shoreland Protection Ordinance Violation Forfeiture Schedule - Page 1

Shoreland Ordinance Section	Offense	Base Forfeitur e	Penalty Assessme nt	Court Costs	Crime Lab/DE A	Justice Informatio n Fee	Jall Assessme nt	Court Support	Total
3	Noncomplian ce with General	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(c)1	Provisions Failure to Obtain Zoning Permit Prior to	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(c)3.C	Construction Failure to Comply with Terms of a Permit	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(c)4	Zoning Permit Expired	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(d)3	Junk, Undesirable Buildings or Structures	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(d)5.A	Shoreland Fill Violation	\$1,000.0 0	\$260.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.5 0
3(d)5.B	Retaining Wall Violation or Land Altering Violation	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(d)5.C	Streambank and Shoreline Stabilization Violation	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(d)9	Shoreland Cutting Violation	\$1,000.0 0	\$260.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.5 0
3(e)1	Failure to Obtain or Noncomplian ce with Approved Site Plan and/or Plan of Operation or other Use Regulations	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(g)	Noncomplian ce with Water Performance Standards	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(h)	Noncomplian ce with Building Location Requirements	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50

Shorelan d Ordinanc e Section	Offense	Base Forfeitur e	Penalty Assessme nt	Court Cost s	Crime Lab/DE A	Justice Informati on Fee	Jail Assessme nt	Court Suppo rt	Total
3(i)	Noncomplian ce with Helght Regulations	\$100.00	\$26.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(j)	Noncomplian ce with Area & Building Footprint Regulations	\$100.00	\$26.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(k)	Noncomplian ce with Offstreet Parking Regulations	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(m)	Noncomplian ce with Mobile Home, Recreational Vehicles and Traller Regulations	\$100.00	\$26.00	\$25.0 0	\$13.00	\$21 <i>.</i> 50	\$10.00	\$68.00	\$263.5 0
3(n)	Noncomplian ce with Signage Regulations	\$100.00	\$26.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(o)	Noncomplian ce with Legal Nonconformit y	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(q)	Noncomplian ce with Swimming Pool	\$100.00	\$26.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(r)	Regulations Noncomplian ce with Guesthouse Regulations	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(s)	Noncomplian ce with Boathouse Regulations	\$500.00	\$130.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(t)	Noncomplian ce with Impervious Surface Standards	\$500.00	\$130.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(u)	Noncomplian ce with Mitigation Standards	\$ 1,000 .0 0	\$260.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.5 0

Waukesha County Shoreland Protection Ordinance Violation Forfeiture Schedule - Page 2

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Referred on: 09/06/23	File Number: 178-O-046	Referred to: LU

Shorelan d Ordinanc e Section	Offense	Base Forfeitur e	Penalty Assessme nt	Court Costs	Crime Lab/DE A	Justice Informatio n Fee	Jail Assessme nt	Court Suppo rt	Total
3(v)	Noncomplian ce with Protected Adult- Oriented Establishmen ts	\$500.00	\$130.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$767.5 0
4(a)	Failure to Obtain CU Permit	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.5 0
4(d)	Noncomplian ce with CU Permit	\$500.00	\$130.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$767.5 0
4(f)	Conditional Use Permit Expiration, Modification or Termination	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.5 0
7 through 37	Noncomplian ce with Zoning District Regulations	\$250.00	\$65.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$452.5 0
38	Noncomplian ce with Board of Adjustment Decision	\$500.00	\$130.00	\$25.0 0	\$13.00	\$21.50	\$10.00	\$68.00	\$767.5 0

Waukesha County Shoreland Protection Ordinance Violation Forfeiture Schedule - Page 3

Note: The Waukesha County Department of Parks and Land Use is authorized to update this Forfeiture Schedule regarding statutory assessments, fees and costs as those amounts are periodically modified by the Wisconsin Legislature.

Proposed Date of Effect 10/19/23 by Enrolled Ordinance

N:\PRKANDLU\Planning and Zoning\Violations\Citations and Legal Action\Citations\Citation Ordinance\Citation forfeiture fee schedules\draft and previous citation forfeiture schedules\2023 fee schedules\2023 Shoreland Citation Schedule.xls

Referred on: 09/06/23	File Number: 178-0-046	Referred to: LU
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Waukesha County

Department of Parks and Land Use

MEMORANDUM

To: Waukesha County Board of Supervisors

From: Jason Fruth, Planning & Zoning Manager

Date: August 30, 2023

Subject: Shoreland and Floodland zoning citation schedule modifications (RZ 129, 130)

On August 22, 2023, the County Board approved the creation of the Waukesha County Floodland Protection Ordinance as a stand alone floodplain zoning ordinance. On the same night, the board also approved changes to the Waukesha County Shoreland & Floodland Protection Ordinance (SFPO) to remove floodplain zoning ordinance provisions from that ordinance and to re-title it as the Waukesha County Shoreland Protection Ordinance. Because of these actions, the existing Waukesha County Shoreland & Floodland Protection Ordinance violation forfeiture schedule needs to be amended and a citation schedule created for the Floodland Protection Ordinance.

The existing SFPO forfeiture schedule is proposed to be modified to eliminate floodplain related zoning matters, reflect ordinance section re-numbering and to update the name of the ordinance consistent with the recent amendments. The proposed changes to the schedule are shown in strike thru and underlined text in the attached Exhibit A. The proposed citation schedule for the Floodland Protection Ordinance includes forfeiture amounts for specific floodplain zoning matters. The base forfeiture amounts for each floodplain zoning offense is set at \$50 consistent with state limitations for such matters.

Forfeiture schedules are referenced in both respective corresponding ordinances. This action will keep the schedules in sync with the recently approved ordinances. Because the board's approval of the two zoning ordinances referenced was conditioned with an effective date of October 19, 2023, these citation schedules are also proposed to have an effective date of the same. The schedules are necessary for the county to be able to fulfill its obligations in enforcing state shoreland zoning and state and federal floodplain zoning standards.

Enclosure

N:\PRKANDLU\Planning and Zoning\Rezones\Project Files\Waukesha County\Citation schedules\Memo explaining changes.docx

EXHIBIT A

Waukesha County Shoreland and Floodland Protection Ordinance Violation Forfeiture Schedule - Page 1

Total	\$452.50	\$452.50	\$767.50	\$263.50	\$452.50	\$200.50	\$1,397.50	\$452.50	\$767.50	\$1,397.50	\$452.50	\$452.50	\$263.50
Court Support	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00	\$68.00
Jail Assessment	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Justice Information Fee	\$21.50	\$21.50	\$21.50	\$21.50	\$21,50	\$21.50	\$21.50	\$21.50	\$21.50	\$21.50	\$21.50	\$21.50	\$21.50
Crime Lab/DEA	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
Penalty Assessment	\$65.00	\$65.00	\$130.00	\$26.00	\$65.00	\$13.00	\$260.00	\$65.00	\$130.00	\$260.00	\$65.00 \$	\$65.00	\$26.00
Base Forfeiture	\$250.00	\$250.00	\$500.00	\$100.00	\$250.00	\$50.00	\$1,000.00	\$250.00	\$500.00	\$1,000.00	\$250.00	\$250.00	\$100.00
Offense	Noncompliance with General Provisions	Failure to Obtain Zoning Permit Prior to Construction	Failure to Comply with Terms of a Permit	Zoning Permit Expired	Junk, Undesirable Buildings or Structures	Floodplain Fill Violation	Shoreland Fill Violation	Retaining Wall Violation or Land Altering Violation	Streambank and Shoreline Stabilization Violation	Shoreland Cutting Violation	Fallure to Obtain or Noncompliance with Approved Site Plan and/or Plan of Operation or other Use Regulations	Noncompliance with Water Performance Standards	Noncompliance with Building Location Requirements
Shoreland Ordinance Section	ო	3(c)1.	3(c)3.C	3(c)4.	3(d)3	3(d)5.A.	3(d)5 .B . <u>A</u>	3(d)5 .C . <u>B</u>	3(d)5 .D.C	3(d)9.	3(e)1.	3(g)	3(h)

Refered to: LU

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File Number: 178-O-046

Referred on: 09/06/23

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Shoreland Ordinance Section	Offense	Base Forfeiture	Penalty Assessment	Court Costs	Crime Lab/DEA	Justice Information Fee	Jail Assessment	Court Support	Total
3()	Noncompliance with Height Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3())e	Noncompliance with Area & Building Footprint Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(k)	Noncompliance with Offstreet Parking Regulations	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(m)	Noncompliance with Mobile Home, Recreational Vehicles and Trailer Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(n)	Noncompliance with	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(0)	bignage regulations Noncompliance with Legal Nonconformity	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(q)	Noncompliance with Swimming Pool Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(r)	Noncompliance with Guesthouse Regulations	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(s)	Noncompliance with Boathouse Regulations	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(1)	Noncompliance with Impervious Surface Standards	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
3(u)	Noncompliance with Mitigation Standards	\$1,000.00	\$260.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.50
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Waukesha County Shoreland and Floodland Protection Ordinance Violation Forfeiture Schedule - Page 2

Refered to: LU

File Number: 178-O-046

Referred on: 09/06/23

Waukes	Waukesha County Shoreland		odland Pro	stection (Ordinance	e Violation	and Floodland Protection Ordinance Violation Forfeiture Schedule - Page 3	Schedule	- Page 3
Shoreland Ordinance Section	Offense	Base Forfeiture	Penalty Assessment	Court Costs	Crime Lab/DEA	Justice Information Fee	Jail Assessment	Court Support	Total
3(v)	Noncompliance with Protected Adult-Oriented Establishments	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
4(a)	Failure to Obtain CU Permit	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
4(d)	Noncompliance with CU Permit	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
4(f)	Conditional Use Permit Expiration, Modification or Termination	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
7 through 37	Noncompliance with Zoning District Regulations	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
8(c)	Unauthorized Building- Within the Floodplain/Floodproofing- Viciation	\$50.0 0	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$65.00	\$2 00.50
38	Noncompliance with Board of Adjustment Decision	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50
	PerSt	ec. 87.30(2)(a)	Wis. Stats., the I	maximum forf	eiture for flood	əlain regulatory v	Per Sec. 87.30(2)(a), Wis. Stats., the maximum forfeiture for floodplain regulatory violations is \$50.00 per day.) per day.	
Note: The Wé fees and cost	Note: The Waukesha County Department of Parks and Land Use is authorized to update this Forfeiture Schedule regarding statutory assessments, fees and costs as those amounts are periodically modified by the Wisconsin Legislature.	Parks and Lan cally modified I	d Use is authorize y the Wisconsin	ed to update tl Legislature.	his Forfeiture S	ichedule regardir	ig statutory asses	sments,	

N:\PRKANDLU\Planning and Zoning\Violations\Citations and Legal Action\Citations\Citation Ordinance\Citation forfeiture fee schedules\draft and previous citation forfeiture schedules\2023 fee schedules\2023 Shoreland Citation Schedule-changes tracked.xls

Effective 12/07/2017 Proposed Date of Effect 10/19/23 by Enrolled Ordinance 172 050-

Referred on: 09/06/23

File Number: 178-O-046

Refered to: LU

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VOTE RESULTS >

24 YES 0 NO 0 ABSTAIN 1 ABSENT

Ordinance 178-0-046

Ordinance 178-O-046: Adopt the Waukesha County Shoreland Protection Ordinance Violation Forfeiture Sch 🐼 Passed By Majority Vote

D1 - FotiAVED10 - ThiemeAVED19 - EnriquezAVED2 - WeilAVED11 - HowardAVED20 - SchellingerAVED3 - MorrisAVED12 - WolffAVED20 - SchellingerAVED4 - BatzkoAVED13 - DeckerAVED21 - GaughanAVED5 - GrantAVED14 - MommaertsAVED22 - SzparaAVED6 - WalzAVED15 - KolbAVED24 - BangsAVED7 - LaFontainAVED16 - CrowleyAVED25 - JohnsonAVED8 - KoremenosAVED17 - MeierAVEAVE	Ave Ave AveD10 - Thieme ThemeAve Ave D11 - HowardD19 - Enriquez D20 - SchellingerAve risD11 - HowardAve D12 - WolffAve D12 - WolffD20 - SchellingerkoAve D13 - DeckerAve D13 - DeckerD21 - GaughantAve D14 - MommaertsAve D15 - KolbD22 - SzparantainAve D15 - KolbAve D16 - CrowleyD24 - BangsmenosAve D17 - MeierAve			AYE	D18 - Nelson	AYE	D9 - Heinrich
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		AYE	D19 - Enriquez	AYE	D10 - Thieme	AYE	D1 - Foti

6th Meeting, 178th Year of the County Board of Supervisors - September 26 2023 07:4 4 PM Meeting

September 26, 2023