

ENROLLED ORDINANCE 178-47

**ADOPT THE WAUKESHA COUNTY FLOODLAND
PROTECTION ORDINANCE VIOLATION FORFEITURE SCHEDULE
(RZ130)**

WHEREAS, pursuant to the requirements of Chapter 87.30 of the Wisconsin Statutes, the Waukesha County Board of Supervisors adopted the Waukesha County Floodland Protection Ordinance on August 22, 2023; and

WHEREAS, the Waukesha County Floodland Protection Ordinance provides for citation authority relative to administration of floodplain zoning violations; and

WHEREAS, a violation forfeiture schedule has been prepared to provide for enforcement of floodplain zoning provisions that are contained within the Waukesha County Floodland Zoning 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 following violation forfeiture schedule of the Waukesha County Floodland Protection Ordinance is hereby adopted:

Waukesha County Floodland Protection Ordinance Violation Forfeiture Schedule									
Floodland Ordinance Section	Offense	Base Forfeiture	Penalty Assessment	Court Costs	Crime Lab/DEA	Justice Information Fee	Jail Assessment	Court Support	Total
1.5	Noncompliance with General Provisions	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
2	Noncompliance with General Floodplain Standards	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
2.5	Floodplain Fill Violation	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
3-5	Noncompliance with District Regulations	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
6	Noncompliance with Legal Nonconformity	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
7.5	Floodproofing Violation	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
7.3	Noncompliance with Board of Adjustment Decision	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50

Per Sec. 87.30(2)(a), Wis. Stats., the maximum forfeiture for floodplain regulatory violations is \$50.00 per day.

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.

BE IT FURTHER ORDAINED that the effective date of this forfeiture schedule shall be October 19, 2023.

ADOPT THE WAUKESHA COUNTY FLOODLAND PROTECTION ORDINANCE VIOLATION
FORFEITURE SCHEDULE (RZ130)


Presented by:

Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair


Jennifer Grant



Christine M. Howard


Robert L. Kolb


Absent

Brian Meier


Chris Mommaerts


Gary J. Szpara

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

Date: 9/29/2023, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 10/2/2023, 
Paul Farrow, County Executive



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\Rezoning\Project Files\Waukesha County\Citation schedules\Memo explaining changes.docx

EXHIBIT A

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

Shoreland Ordinance Section	Offense	Base Forfeiture	Penalty Assessment	Court Costs	Crime Lab/DEA	Justice Information Fee	Jail Assessment	Court Support	Total
3	Noncompliance with General Provisions	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(c)1.	Failure to Obtain Zoning Permit Prior to Construction	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(c)3.C	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	Floodplain-Fill Violation	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
3(d)5-B-A	Shoreland Fill Violation	\$1,000.00	\$260.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.50
3(d)5-C-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-D-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	\$1,000.00	\$260.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$1,397.50
3(e)1.	Failure to Obtain or Noncompliance 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)	Noncompliance with Water Performance Standards	\$250.00	\$65.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$452.50
3(h)	Noncompliance with Building Location Requirements	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50

Waukesha County Shoreland and Floodland Protection Ordinance Violation Forfeiture Schedule - Page 2

Shoreland Ordinance Section	Offense	Base Forfeiture	Penalty Assessment	Court Costs	Crime Lab/DEA	Justice Information Fee	Jail Assessment	Court Support	Total
3(f)	Noncompliance with Height Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(f)	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 Signage Regulations	\$100.00	\$26.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$263.50
3(o)	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(t)	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

Waukesha County Shoreland and Floodland Protection Ordinance Violation Forfeiture 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(e)	Unauthorized Building Within the Floodplain/Floodproofing Violation	\$50.00	\$13.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$200.50
38	Noncompliance with Board of Adjustment Decision	\$500.00	\$130.00	\$25.00	\$13.00	\$21.50	\$10.00	\$68.00	\$767.50

~~Per Sec. 87.30(2)(e), Wis. Stats., the maximum forfeiture for floodplain regulatory violations is \$60.00 per day.~~

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.

Effective ~~12/07/2017~~ Proposed Date of Effect 10/19/23 by Enrolled Ordinance ~~172-069~~

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

VOTE RESULTS >

24

YES

0

NO

0

ABSTAIN

1

ABSENT

Ordinance 178-O-047

Ordinance 178-O-047: Adopt the Waukesha County Floodland Protection Ordinance Violation Forfeiture Sch

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolf	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	ABSENT
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

6th Meeting, 178th Year of the County Board of Supervisors - September 26 2023 07:47:15 PM

September 26, 2023