

CHAPTER 2
Administration and Enforcement

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(Adopted Ordinance 2022-23; 10/03/22)

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SEC. 16-2-1 ZONING ADMINISTRATOR DESIGNATED.

- (a) The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of Title 16. For such duties, they may be provided with the assistance of such additional persons as they may designate.
- (1) Term, Appointment, and Duties. The Zoning Administrator shall be appointed by the Village Administrator, subject to confirmation by the Village Board, and shall serve at the pleasure of the Village Board for an indefinite term. The Zoning Administrator shall have the following powers and duties:
- a. Advise applicants of the provisions of this Title; assist them in preparing permit applications and provide information in the event of an appeal, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - b. Promulgate policies and procedures as necessary to administer and enforce this Title.
 - c. Determine that all permit applications and their constituent plans, certificate of occupancy applications, sign permit applications and their constituent plans, and site plans comply with all the provisions of this Title.
 - d. Keep records of all official actions such as: All permits issued, inspections made, work approved, maintain documentation of certified lowest floor and regional flood elevations for floodplain development, and maintain records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

- e. Investigate and enforce this Title, prepare reports and report violations of this Title to the Village Police Department and the Village Attorney for prosecution.
 - f. In case of any finding of a violation of a provision of this Title, notify in writing, the actual violator where known, owner of the property on which the violation has taken place and the Village Board, indicating the nature of the violation and the action necessary to correct it. Following such notice, issue citations for violations of this Title.
 - g. Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.
- (2) **Authority:** In the enforcement of said Title, the Zoning Administrator shall have the power and authority for the following:
- a. At any reasonable time and for any proper purpose to enter upon any public or private premises as provided by law and make inspection thereof.
 - b. Upon reasonable cause or question as to proper compliance, to initiate revocation proceedings as provided by law any permit under this Title, and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Title; or take any other action as directed by the Village Board to insure compliance with or to prevent violation of its provisions.
 - c. In the name of the Village and with authorization of the Village Board commence any legal proceedings necessary to enforce the provisions of this Title, including the collection of forfeitures provided for herein.

SEC. 16-2-2 BUILDING PERMITS AND OCCUPANCY PERMITS.

(a) **Required.**

- (1) No structure classified as a building, nor any swimming pool, shall be erected, structurally altered, or relocated within the Village until a building permit has been issued by the Building Inspector (“Building”) certifying that such building as proposed, would be in compliance with the provisions of this Title and with the Building Code of the Village.
- (2) No vacant land shall be occupied or used except for agricultural purposes, and no building shall be hereafter erected, structurally altered, relocated, used or occupied until a Building Permit (“Zoning Permit”) and/or Occupancy Permit (“Occupancy Permit”) have been issued certifying that any such building, use, or occupancy complies with the provisions of this Title. Like permits shall be obtained before any change is made in the type of use, before any legal non-conforming use is resumed, changed, extended, or granted conditional use status.

(b) **Procedure.**

- (1) **Applications.** Applications for Building and Occupancy Permits shall be filed with the Building Inspection Department. Said applications to be filed with the Village shall be filled out completely and all required data must be submitted with application in accordance with this Title and Title 15 of this Code of Ordinance.
- (2) **Inspection.** After the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Zoning Administrator

and/or Building Inspector shall make an inspection of the premises and any building thereon and if the building and the intended use thereof, and the proposed use of the premises comply with the requirements of this Code of Ordinances an Occupancy Permit shall be issued.

- (3) **Expiration.** Timelines for commencement of work and completion of work under a building permit shall be governed by Sec. 15-1-7 of this Code of Ordinances. An extension of the permit may be granted by the Zoning Administrator or designee for a like period of time upon request of the owner or applicant and submittal of the required fee prior to permit expiration.
- (4) **Noncompliance.** Any Building Permit issued in conflict with the provisions of this Title or Title 15 shall be null and void.
- (5) **Minor revision.** A minor revision to a Building Permit may be granted by the Building Inspector upon request of the owner or applicant and submittal of the required fee prior to permit expiration. The Zoning Administrator may determine if the amendment is minor or whether a new Building Permit will be required. The granting of a minor revision does not alter the date of permit expiration.
- (6) **Application.** In addition to information required under Title 15 Chapter 1, Applications for a Building Permit shall be made to the Building Inspection Department on forms furnished by the Village and shall include the following where applicable:
 - a. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds, referenced to the U.S. Public Land Survey System; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - c. Plat of survey prepared by a land surveyor registered in the state showing the location, property boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, rear and shore yards; the location, yard grade (elevation) and use of abutting lands within forty (40) feet of the subject site; and the location of the highwater elevation. In addition, when the subject site contains floodlands, the permit application shall show the limits of the floodland, the lowest floor elevation (basement) of any proposed structure, the first floor elevation of the proposed structure, and the yard grade (elevation); and the first floor elevation and yard grade surrounding any abutting structure within forty (40) feet of the subject site.
 - d. Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by the county sanitarian who shall state in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county, and state regulations.

- e. Proposed water supply plan if municipal water service is not available. This plan shall be approved by the Village plumbing inspector of the Village in which the property is located, who shall state in writing that an adequate and safe supply of water can be provided.
- f. Additional information as may be required by the Village staff and officials.

(c) **Other Permit Site Restrictions.**

- (1) **Land Suitability.** No permit shall be issued and no land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this county.
- (2) **Frontage; Width.** A minimum of thirty-three (33) feet of all lots shall abut upon a public street, or other means of access that was in existence prior to the original adoption of this Title and which has been approved by the Village. All lots shall also have a minimum width at the street yard setback line as prescribed for the particular zoning district in which the lot is located.
- (3) **Principal Structure.** All principal structures shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot unless more are allowed and regulated by conditional use permit or site plan review.
- (4) **Street Access.** No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width. No building permit shall be issued for a lot which abuts upon the termination of a non-through-public street unless such street has been or is to be provided with a permanent cul-de-sac or other type of permanent turnaround as determined by the Village Board in which such lot is located.
- (6) **Sanitary regulations.** Where public water supply systems are not available, private well construction shall be required to conform to ch. NR112, Wisconsin Administrative Code. Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by Chapter 19 of the Racine County Code of Ordinances adopted by Racine County pursuant to W.S.A., § 59.065. Holding tanks shall comply with the requirements of Title 4 Ch. 8. Widths and area of all lots not served by a public sanitary sewer system or other sewage disposal system approved by that state agency having jurisdiction over the approval or disapproval of such system shall be sufficient to permit the use of a private on-site wastewater treatment system (POWTS) designed in accordance with applicable state and county sanitary regulations but in no case shall be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area unless said lot width and area has been approved by Village Board through the land division or conditional use process. No private waste disposal systems or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without full compliance of Racine County codes. A Building Permit for a principal structure or an addition thereto may not be issued until evidence of such compliance is provided to the Zoning Administrator.

SEC. 16-2-3 OFFICIAL ZONING MAPS ESTABLISHED.

- (a) **Districts Mapped.** The Village of Caledonia is hereby divided into zoning districts as shown upon a map designated as the Zoning Map (“Zoning Map”) of the Village of Caledonia and made part of this Chapter and all the notations, references and other information shown thereon shall be as much a part of this Title as if the matters and information set forth by said map were all fully described herein.
- (b) **Zoning Map Changes.** The Zoning Map shall be kept current at all times and all amendments thereto shall be by ordinance adopted by a majority vote of the Village Board after a public hearing and review and recommendation by the Plan Commission.
- (c) **Determination of Zoning District Boundaries.** District boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any question as to the interpretation of such boundary lines the Plan Commission (“Plan Commission”) shall interpret the map according to the reasonable intent of this Title. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section, or sixteenth section lines; or the center lines of streets, highways, railways or alleys.
- (d) **Additional Maps Adopted.** The following maps are hereby adopted and made part of this Title and are on file in the Village Hall:
 - 1. Floodplain zoning maps as per Chapter 13 of Title 16 of the Village of Caledonia Code as amended from time to time.
- (e) **Identification of Official Ordinance and Map.** The text of the zoning regulations and the corresponding zoning map shall be kept on file in the offices of the Village and any other copies thereof shall be purely informational and shall not have the status of law.

SEC. 16-2-4 APPEALS.

- (a) **Right to Appeal.** Any person aggrieved, or any officer, department, board or committee, commission of the Village affected by a decision of the Zoning Administrator, the Plan Commission or Village Board may appeal such decision to the Board of Appeals as hereinafter established, provided such appeal be taken within a reasonable time, as provided by Sec. 16-3-1 and the rules of said Board of Appeals, and provided such appeal falls within the jurisdiction as set forth under the powers of the Board of Appeals.
- (b) **Appeals Restricted.** This section shall not apply to decisions of the Village Board or Plan Commission relating to the following: Building, Site and Operation Plans; Signs of a temporary or permanent nature as part of a site plan review; Residential Accessory Structures; Conditional Use permit; and zoning district amendments. This Section shall apply only to those appeals of which the Board of Appeals has jurisdiction under. Sec. 16-3-1(b). In a case where a variance from the basic zoning regulations is sought, the Plan Commission and Village Board may file a recommendation with the Board of Appeals outlining its opinion and findings as they relate to the issue(s) being appealed.
- (c) **Procedure.** Procedures for an appeal to the Board of Appeals are located in Section 16-3-2 of this Title.
- (d) **Further Appeal.** Any person or persons aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board committee or commission of the Village may appeal from a decision of the Board of Appeals within 30 days after the

filing of the decision in the office of the Board of Appeals in the manner provided in Section §62.23(7)(e)10 of the Wisconsin Statutes and Section 16-3-2 of this Title.

SEC. 16-2-5 REFILEING FOLLOWING DENIAL, WITHDRAWAL, OR DEFERRAL.

- (a) **Waiting Period.** Upon denial by the Village Board or Planning Commission of any application by a property owner or his/her authorized agent for a zoning district amendment, conditional use, site plan review, appeal or variance, no further application concerning any or all of the same property that is substantially the same as the application denied shall be made within twelve (12) months from the date of such denial.
- (b) **Re-notice of Public Hearing.** Whenever consideration of such an application is deferred or adjourned at the request of the property owner or authorized agent, after notice of any public hearing has been first published, the applicant shall bear the additional advertising and mailing costs.
- (c) **No Refund of Fee.** In no event shall there be any refund of fees in the case of a denial, deferral, or withdrawal.

SEC. 16-2-6 ENFORCEMENT & PENALTIES.

- (a) **Enforcing Officer.** The Zoning Administrator or their designee shall be the enforcing officer of this Title.
- (b) **Enforcement Procedures.**
 - (1) **Non-emergency matters.** In the case of violations of this Title that do not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owner or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 3 up to 30 days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by mail unless the document is returned, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.
 - (2) **Emergency matters.** In the case of violations of this chapter that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Village may use the enforcement powers available under this chapter without prior notice, but the Zoning Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner and to applicants for any relevant permits.
- (c) **Violations.**
 - (1) It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this Title or order of the Village. In case of any violation the Village may institute appropriate legal action or proceedings to enjoin a violation of this Title, or seek abatement or removal. In

addition, those actions commenced on behalf of the Village may seek a forfeiture or penalty as outlined herein.

(d) **Penalties.**

(1) Any person who fails to comply with the provisions of this chapter, or any order of the zoning administrator issued in accordance with this chapter, or resists enforcement shall, upon conviction thereof, forfeit not less than three hundred seventy six dollars (\$376.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

(e) **Declared Nuisances.** Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this Title is hereby declared to be a nuisance per se, and the Village may apply to any Court of competent jurisdiction to retain or abate such nuisance.

(f) **Enforcement by Injunction.** Compliance with the provisions of this Title may also be enforced by injunction order upon petition by the Village to a Court of competent jurisdiction or one or more owners of real estate situated within an area affected by the regulations of this Title.

SEC. 16-2-7 FEES.

For the purpose of defraying the cost of inspection and administrative processing, the Village may charge fees as established from time to time by resolution of the Village Board.

SEC. 16-2-8 SEVERABILITY.

The several sections, subsections, and paragraphs of this Title are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this Title shall be declared by a decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Title, or of the section of which the invalid portion or paragraph may be a part.