

CHAPTER 6

ENFORCEMENT

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ZN 6.01 BONDS.

The Plan Commission may require that a performance bond or letter of credit be obtained for the benefit of the Village and filed with the Village so as to insure compliance with the terms of this Ordinance or a permit. In setting the amount of the bond or letter of credit, consideration should be given to 1) the purpose of the bond or letter of credit, 2) the use to which any forfeited money is to be applied, and 3) the time when it may be applied and any increased costs due to time or inflation that may be incurred by the Village in the event of non-compliance with this Ordinance or the terms of a permit or that may be incurred for purposes of rehabilitation. The amount of the bond may be subject to further review. Failure to obtain or maintain such bond or letter of credit shall invalidate any permit.

ZN 6.02 VIOLATIONS, INJUNCTION, ABATEMENT AND REMOVAL.

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 Ordinance or order of the Plan Commission or Board of Adjustment. In case of any violation, the Village Board of Trustees, the Village Attorney, the Director of Planning and Zoning, the Plan Commission, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate legal action or proceedings to enjoin a violation of this Ordinance, or seek abatement or removal. In addition, those actions commenced on behalf of the Village may seek a forfeiture or penalty as outlined herein.

ZN 6.03 PROCEEDINGS.

(1) CIVIL PROCEEDINGS.

Pursuant to the provisions of §66.12, Wis. Stats., an action for violation of a municipal ordinance is deemed a civil action. Accordingly, Chapters 801 to 847, Wis. Stats., shall apply where applicable to violations of this Ordinance.

(2) VILLAGE ATTORNEY.

The Village Attorney may in his discretion commence legal actions or proceedings as outlined above and may proceed pursuant to the proceedings outlined in §66.119, §66.12, or §288.10, Wis. Stats. or pursuant to the issuance of a summons and complaint.

(3) UNIFORM CITATION ORDINANCE.

Pursuant to the Uniform Citation Ordinance of the Municipal Code of the Village of Somers, citations may be issued by the Planning and Development Administrator, or authorized deputies.

(4) SPECIAL INSPECTION WARRANTS.

The provisions of §66.122 and §66.123, Wis. Stats., shall govern the issuance of all special inspection warrants.

(5) STATUTE OF LIMITATIONS.

Pursuant to §893.21(4), Wis. Stats., any action to recover a forfeiture or penalty imposed by ordinance or regulation of the Village, when no other limitation is prescribed by law, shall be commenced within two (2) years of said violation. In those situations in which there occurs a continuing violation in existence for more than two (2) years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of

violation occurring more than two (2) years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two (2) year period prior to the issuance of the complaint.

ZN 6.04 PENALTIES.

(1) GENERAL PENALTIES.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than Fifty (\$50.00) Dollars, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to §87.30, Wis. Stats.

(2) SCHEDULE OF CASH DEPOSITS FOR VIOLATIONS CHARGED UNDER SECTION ZN 6.03(3).

The cash deposit for the violation of any section or subsection of this Ordinance shall be One Hundred (\$100.00) Dollars. In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs, shall be imprisoned in the Village jail until payment thereof, but not exceeding thirty (30) days. For a second offense of a similar nature within a twelve (12) month period, the cash deposit shall be Two Hundred Fifty (\$250.00) Dollars and for a third offense of a similar nature within a twelve (12) month period, the cash deposit shall be Five Hundred (\$500.00) Dollars.

ZN 6.05 LIENS.

In addition to all other remedies available at law, pursuant to Wisconsin Statutes, authorizing the Village Board to prescribe rules and regulations as it may deem necessary for the enforcement of the provisions of this Ordinance, judgment on convictions of violations of the terms of this Ordinance wherein a forfeiture or penalty is imposed shall be filed with the Register of Deeds Office for Kenosha Village and shall constitute a lien on the property and running with the property wherein the violation occurred and shall be removed only upon payment of said penalty or forfeiture. Notice of the imposition of such a lien shall be given to the defendant and prior to the filing of the lien, the defendant shall be given ten (10) days to appeal to the court of the Village in imposing such a lien on the property wherein the violation occurred. Any judgment so filed with the Register of Deeds shall note thereon the imposition of such a lien and a legal description of the property so affected. Upon satisfaction or partial satisfaction of such judgment, notice of such satisfaction or partial satisfaction shall be filed with the Register of Deeds.