

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 11.0 FEES, PENALTIES AND ENFORCEMENT

11.01 FEES

The Common Council shall, from time to time, establish fees by Resolution for the following reviews and services which are provided by City Departments, Boards, Commissions, Committees, Authorities and the Common Council:

A. Airport Site Plan Reviews.

B. Annexation Agreements.

C. Avigation Easements.

D. Conceptual Plan Review For Conditional Use Permit/Site Plan Review/Rezoning. Conceptual Plan Review entitles the applicant to two (2) permitted reviews: one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted upon payment of a resubmittal fee therefor, established by the Common Council, from time to time, by Resolution.

E. Conditional Use Permits.

F. Development Agreement For a Conditional Use Permit/Site Plan Review. Development Agreement fee is in addition to Conditional Use Permit/Site Plan Review fee.

G. Document Recording. This fee does not include fees charged by any other organization or governmental unit.

H. Conceptual Neighborhood Plan Review. This fee applies to plans prepared by the property owners or agents thereof.

I. Neighborhood Plan Amendment. This fee applies only to amendments of adopted Neighborhood Land Use Plans.

J. Review Authority Appeal.

K. Changes To District Boundaries (Rezoning).

L. Zoning/Floodplain Verification Letter.

M. Boarding of Zoning Appeals.

N. Planned Development Overlay District (PDO).

O. Fee Reduction. A five (5%) percent fee reduction shall apply to all Conditional Use Permits, Site Plan Reviews, and changes to district boundaries (rezonings) when the permit is for a parcel of land which is located within a Federally designated enterprise zone or State designated development zone. There shall be no fee to file a petition for a variance which would, if granted, increase the accessibility of any building to the physically challenged.

P. Reinspection Fees. To compensate the City for inspection and administrative costs, a fee may be charged for any reinspection following an initial inspection which resulted in a order for corrective action. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order. The Common Council shall from time to time, by Resolution, establish such Reinspection Fees.

11.02 PENALTIES

Any person, party, firm or corporation who violates any of the provisions of this Ordinance shall upon conviction be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In any such action, the fact that a permit shall have been issued by any officer, Department or subunit of the City of Kenosha, shall not constitute a defense nor shall any error, oversight, or dereliction of duty on the part of any officer, Department or subunit of the City constitute a defense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

11.03 ENFORCEMENT

In cases where any building or structure is, or is intended to be erected, constructed, reconstructed, altered, moved, or converted, or any building, structure or premises is, or is intended to be used in violation of, or contrary to the provisions of this Ordinance, the City Attorney shall, in addition to other remedies set forth in §62.23 of the Wisconsin Statutes, and in this Ordinance, institute action to enjoin, or take any other appropriate action or proceeding, to prevent such erection, construction,

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reconstruction, alteration, conversion or use.

11.04 RECURRING VIOLATION

As used herein, "recurring violation" shall mean a second, or any subsequent violation of any provision of this Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be the responsible person. Whenever a notice of violation and order has been issued to the responsible person or tenant, where relevant, for a violation of this Code, no further notice and order shall be necessary for any recurrence of the same or similar violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a Court of record.