

TOWN OF BLOOM

ORDINANCE NO. 2009- 4

**AN ORDINANCE REGULATING RESIDENTIAL LOT SIZE IN THE
TOWN OF BLOOM**

The Town Board of Supervisors of the Town of Bloom, Richland County, does ordain as follows:

SECTION I. STATUTORY AUTHORITY

Pursuant to Section 60.61 of Wisconsin Statutes and as an exercise of the police power vested by law in the Town, the Town Board hereby elects to adopt a procedure to review and control the size of residential lots in the township in order to ensure residential safety, safe water standards and to protect the health, safety, morals and public welfare.

SECTION II. DEFINITIONS

In this ordinance the following definitions of terms shall apply:

2.1 "Residential Lot" means real property purchased, subdivided or used for the express purpose of placing thereon a residential structure for human habitation.

2.2 "Substandard Lot" means a lot or parcel of real property less than two (2) acres in size.

SECTION III. RESTRICTION ON RESIDENTIAL LOT SIZE

Except as provided in Section IV, no person may construct, erect or place a residential structure for human habitation on a residential lot smaller than two (2) acres.

SECTION IV. EXCEPTIONS FROM SECTION III RESTRICTION

4.1 Any person wishing to construct, erect or place a residential structure for human habitation on a residential lot of less than two (2) acres must apply to the Town Board for a permit prior to construction of such residential structure.

4.2 If an owner has two or more abutting substandard lots with continuous frontage, the lots involved shall be considered an individual parcel for the purposes of this ordinance.

SECTION V. PERMIT APPLICATION

5.1 Persons needing to obtain a building permit from Town Board shall submit a written application including a survey plat, showing indicating specific lot size and size and placement of proposed residence on the lot, along with written verification of soil testing, and proposed plans for septic and well type and placement.

5.2 Permit applications will be placed on the agenda for the appropriate monthly meeting of the town board. Applications and any citizen input will be reviewed by town board prior to determining whether to issue the permit.

5.3 An appropriate permit application fee will be set by the town board, and reviewed annually.

SECTION VI. TOWN AUTHORITY

6.1 Upon receiving a complaint or notification of a violation of any part of this ordinance, the Town Chairman or his designee shall inspect the property and/or documentation to determine compliance. He will then issue a report of his findings to the Town Board.

6.2 Upon the Town Board determining that a violation exists, the Town Clerk may issue a notice to the property owner, listing the specific violations noted, the corrections required for the violations and imposing a time limit in which corrections shall be made, and any fees or penalties being imposed. After the issuance of the notice, each day a violation exists or continues constitutes a separate offense under this ordinance.

SECTION VII. PENALTY PROVISIONS

7.1 Forfeiture. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance may be prosecuted for such violation and shall, upon conviction, forfeit to the Town of Bloom not less than \$100.00 nor more than \$200.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. Where the owner of real estate upon which a violation of this ordinance exists is not the occupant of the real estate, as where the occupant is a renter, either the owner or the occupant or both may be prosecuted for a violation of this ordinance.

7.2 An action to impose a forfeiture may be commenced either by a citation issued by a Town Supervisor or by a complaint filed by the Town's attorney.

7.3 Other Remedies. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this ordinance the Town of Bloom may, in circumstances deemed appropriate by the Town Board, proceed by court action against any violation or violator of this Chapter for injunction or other legal remedy available to the Town.

7.4 Remedies not Exclusive. An action seeking other remedies shall not be deemed waived by the Town by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to a proceeding for other remedies, including removal and disposition pursuant to Section V.

SECTION VIII. NON-EXCLUSIVITY

8.1 Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

8.2 The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION IX. SEVERABILITY

If any provision of this ordinance is adjudged invalid or unconstitutional, or if its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION X. REPEAL OF PRIOR ORDINANCE

Town of Bloom Ordinance No. 2007-2 is repealed.

SECTION XI. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication on posting as provided by law

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bloom on June 9, 2009.

Votes for: X Against:

Calvin Brown
Town Chairman

James Wallace
Town Supervisor

Charles O. Davis
Town Supervisor

ATTEST:

Theresa Osborne
Town Clerk