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ORDINANCE NO. 9-05-06-1

ORIGINAL

AN ORDINANCE OF THE TOWN OF VIENNA ESTABLISHING
OCCUPANCY PERMIT REQUIREMENT

The Town Board of the Town of Vienna, Dane County, Wisconsin, pursuant to authority vested in it, does hereby ordain as follows:

SECTION I. PURPOSE

A. The Town Board has found that there exists and in the future may exist building occupancies that are likely to affect the health, safety, and general welfare of the citizens and inhabitants of the Town. The general purpose of this ordinance is to protect the public health, safety, and general welfare of the town.

B. The Town Board recognizes the need for the Town Clerk/Town Treasurer to maintain an accurate record of commercial businesses in the Town for the purpose of properly updating personal property tax rolls.

SECTION II. POLICY

It is the policy of the Town of Vienna that a certificate of occupancy is required prior to a new residential dwelling being occupied and prior to a new or existing commercial unit being occupied. The process shall be as follows:

A. An occupancy permit application shall be completed and submitted to the Town's building inspector along with a \$25.00 nonrefundable fee. The application and fee shall be given to the Town Clerk who will then produce a certificate of occupancy provided any and all obligations to the Town have been completely satisfied.

B. The occupancy permit application shall be signed by the building inspector when it has been determined that the building is ready for occupancy in accordance with state and local laws, codes which are applicable at that time, and any development agreement with the Town.

C. The occupancy permit application shall be submitted to the Town Clerk. When the Town Clerk is satisfied that all conditions have been met, he/she will sign the occupancy permit application, then issue the certificate of occupancy, and mail or otherwise deliver it to the applicant.

SECTION III. ENFORCEMENT

A. No person or business may have occupancy of a building until the certificate of occupancy has been issued. Any person or business occupying a building prior to the issuance of a certificate of occupancy is subject to a fine of no less than Fifty Dollars (\$50.00) and no more than Two Hundred Dollars (\$200.00) for each violation plus all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law. Each day a violation occurs or exists shall be considered a separate violation.

B. All costs incurred by the Town relating to the enforcement of this ordinance or in making the determinations or inspections necessary hereunder shall be paid by the applicant/owner including, but not limited to, Town administrative costs, Town inspection costs, and attorneys' fees. If an applicant/owner refuses to comply with this ordinance, the Town may charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Stats.

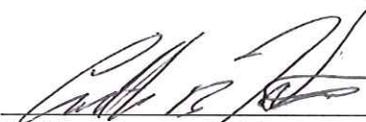
SECTION IV. SEVERABILITY

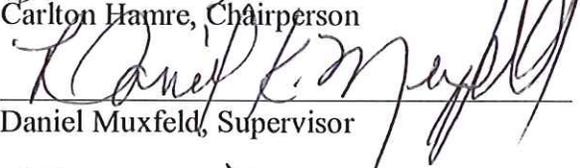
The various provisions of this ordinance are intended to be severable. If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any of the remaining provisions or applications of this ordinance which shall continue in full force and effect.

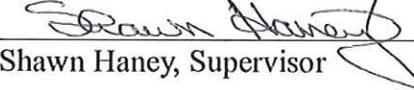
SECTION V. EFFECTIVE DATE

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

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on September 5, 2006.



Carlton Hamre, Chairperson


Daniel Muxfeld, Supervisor


Shawn Haney, Supervisor

I hereby certify that the foregoing ordinance relating to establishing an occupancy permit requirement within the Town of Vienna was published as a Class 1 notice under ch. 985, Wis. Stats., on the 21 day of September, 2006.

Dated: September 22, 2006



Robert Pulvermacher, Clerk