

3 AN ORDINANCE CREATING § 8.04(15) OF THE
4 VILLAGE OF LAC LA BELLE CODE OF ORDINANCES
5 REGULATING ZONING
6

7 THE BOARD OF TRUSTEES OF THE VILLAGE OF LAC LA BELLE DO ORDAIN AS
8 FOLLOWS:

9 SECTION 1: § 8.04(15) of the Village of Lac La Belle Ordinances is hereby created by the
10 addition of underlined text.

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12 I. Preclusion of Transient Commercial Use of Residential Property in Certain Zoning
13 Districts.

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15 (1) Precluding Transient Commercial Use of Residential Property in the Village's R-
16 I, R-I-A, R-II, R-III, R-IV, R-V, R-VI, R-VII and R-VIII zoning districts is found
17 to be and deemed essential to the character, general health, safety, morals and
18 general welfare of the Village.

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20 The goals advanced with the preclusion of Transient Commercial Use of
21 Residential Property are:

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23 (a) Avoidance of vehicular traffic that is greater than normally expected in the
24 residential neighborhood.
25 (b) Prevention of excessive noise, fumes, glare and vibrations generated
26 during the use of the residential neighborhood.
27 (c) Reduction of the commercial use of Residential Property to maintain
28 Residential Property values.
29 (d) Avoidance of the intensification of parking problems within Residential
30 Property districts.
31 (e) Encouragement of a more permanent population within Residential
32 Property districts that facilitates and contributes to the more effective
33 delivery of public safety services.
34 (f) Reduction of public safety problems within Residential Property districts.

35 (2) Definitions.

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37 For the purpose of this subsection 8.04(15), the following words and phrases shall
38 have the following definitions:

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40 Dwelling Unit: An area within a Structure which a natural person can use as a
41 sleeping place.

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Residential Property: Any property having a Dwelling Unit located within a zoning district or underlying zoning district, in conjunction with a Planned Development Overlay District, consisting of the following zoning districts: R-I, R-I-A, R-II, R-III, R-IV, R-V, R-VI, R-VII and R-VIII.

Transient Commercial Use of Residential Property: Any use of Residential Property for which remuneration is exchanged such as compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property and where the term of occupancy, possession or tenancy of the property by any person allowed such occupancy, possession or tenancy is less than ninety (90) consecutive calendar days.

Village: The Village of Lac La Belle, Wisconsin.

- (3) The Transient Commercial Use of Residential Property by a natural person or family is prohibited.

Any property owner or natural person or family who engages in, or facilitates acts contrary to this prohibition shall be subject to prosecution.

- (4) Penalty.

Any person found guilty of violating subsection 8.04(15), notwithstanding the general penalty provision contained in § 15.04 of this Code, upon conviction thereof, shall forfeit not less than \$150 or no more than 200% of the compensation of value received by the party in violation of this section for each such offense together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be subject to the alternate penalties provided for in Wis. Stat. § 800.095.

Each violation and each day or fraction thereof a violation continues or occurs shall constitute a separate offense.

Nothing in this Code shall preclude the Village from maintaining any action, including but not limited to, injunctive relief, to abate, prevent, or remove a violation of any provision of this Code.

Whenever any person fails to pay any forfeiture and costs of prosecution as ordered by a court, such person shall be subject to the alternate penalties provided for in Wis. Stat. § 800.095 from time to time.

SECTION 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

82 be deemed a separate, distinct and independent provision, and such holding shall not affect the
83 validity of the remainder of such ordinance.

84 **SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and
85 publication by posting commencing on July 1, 2017.

86 Passed and approved this 22nd day of February, 2017.

VILLAGE OF LAC LA BELLE

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91 By: Tim Clark
92 Tim Clark, Village President

93 ATTEST:

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97 Lori S. Boyer
98 Lori Boyer, Village Clerk

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