

**ORDINANCE NO. 2016-13****AN ORDINANCE TO ADOPT A ZONING CODE  
AND MAP FOR THE TOWN OF VERNON**

WHEREAS, at the April 2, 1957 Annual Town Meeting, the Town Board for the Town of Vernon was authorized and directed by the electors to exercise all powers relating to villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes excepting such power, the exercise of which would conflict with the Statutes relating to Towns and Town Boards; and

WHEREAS, Sections 60.62(1) and (2) of the Wisconsin Statutes provides that a town board has been granted authority to exercise village powers may adopt zoning ordinances under Section 61.35 of the Wisconsin Statutes provided, however, that if the county in which the town is located has enacted a zoning ordinance under Section 59.69 of the Wisconsin Statutes, the exercise of such authority is subject to approval by the town meeting or by a referendum vote of the electors of the town held at the time of any regular or special election; and

WHEREAS, the Town of Vernon is wholly located within the County of Waukesha, which has adopted a zoning ordinance under Section 59.69 of the Wisconsin Statutes; and

WHEREAS, Section 60.10(2)(h) of the Wisconsin Statutes grants authority for a town meeting to adopt a resolution in a town located in a county which has enacted a zoning ordinance under Section 59.69 of the Wisconsin Statutes, to authorize the Town Board under Section 60.62(2) of the Wisconsin Statutes to enact town zoning ordinances under Section 61.35 of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 60.12(1)(c) of the Wisconsin Statutes, at a regular meeting of the Town Board held on March 24, 2016 the Town Board for the Town of Vernon voted to call for a Special Town Meeting, beginning at 7:00 p.m. on April 21, 2016 at the Town of Vernon Town Hall to request authority by the Electors of the Town of Vernon to exercise village zoning authority under Wis. Stat. § 60.10(2)(h); and

WHEREAS, notice of the Special Town Meeting on April 21, 2016 at the Town of Vernon Town Hall to consider authorizing the Town Board to adopt zoning ordinances pursuant to Section 60.10(2)(h) was duly published as a Class 2 notice by the Town Clerk not less than 20 days nor more than 15 days before the April 21, 2016, Special Town Meeting in fully compliance with the requirements of Sections 60.12(3) and (4); and

WHEREAS, notice of the Special Town Meeting on April 21, 2016, at the Town of Vernon

Town Hall to consider authorizing the Town Board to adopt zoning ordinances pursuant to Section 60.10(2)(H) was duly noticed by the Town Clerk pursuant to the open meetings law; and

WHEREAS, at the April 21, 2016, Special Town Meeting, the electors for the Town of Vernon, by resolution which is general and continuing, granted approval under Section 60.10(2)(h) of the Wisconsin Statutes for the Town Board of the Town of Vernon to exercise certain zoning authority and the authority to adopt zoning ordinances for the Town of Vernon under Section 61.35 of the Wisconsin Statutes and directed the Town Attorney to prepare a formal written resolution;

WHEREAS, following the formation of tentative recommendations a public hearing was held by the Town Board upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, the Town Board has received a recommendation from the Town Plan Commission in favor of adopting the ordinance to create a Zoning Code and Map for the Town of Vernon; and

WHEREAS, the Zoning Ordinance that is hereby adopted has been available for public inspection for not less than two weeks before its enactment, and shall be published as a code pursuant to Wisconsin Statutes Section 66.0103; and

WHEREAS, The Town Board of the Town of Vernon having carefully reviewed the recommendation of the Town Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied, having determined that the Zoning Ordinance and Map are consistent with the recommendations found in the Town of Vernon Comprehensive Plan, having given the matter due consideration, and having based its determination on the effect of the adoption of such Zoning Ordinance and Map on the health, safety and welfare of the community, and having given due consideration to such municipal issues as noise, dust, smoke and odor, and others, hereby determines that the Zoning Code and Map adoption will be a benefit to, and will not be contrary to, the public health, safety and general welfare of the Town of Vernon.

NOW, THEREFORE, the Town Board of the Town of Vernon, Waukesha County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Town of Vernon Zoning Code attached hereto and incorporated herein as Exhibit A, is adopted as the Zoning Code for the Town of Vernon, Waukesha County, Wisconsin.

SECTION 2: The Town of Vernon Zoning Map attached hereto and incorporated herein as Exhibit B, is adopted as the Zoning Map for the Town of Vernon, Waukesha County, Wisconsin.

SECTION 3: SEVERABILITY


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as a Code of Ordinances pursuant to Wisconsin Statutes Section 66.0103, immediately upon the approval of the Waukesha County Board of Supervisors pursuant to Wisconsin Statutes Section 60.62(3).

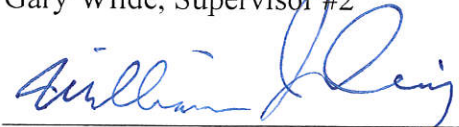
Dated this 14th day of ~~September~~, 2016, in the Town of Vernon

  
\_\_\_\_\_  
Thomas G. Bird, Chairperson

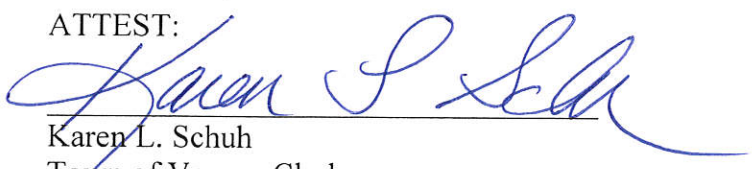
  
\_\_\_\_\_  
Jeff Millies, Supervisor #1

  
\_\_\_\_\_  
Gary Wilde, Supervisor #2

  
\_\_\_\_\_  
Ed Moline, Supervisor #3

  
\_\_\_\_\_  
William Craig, Supervisor #4

ATTEST:

  
\_\_\_\_\_  
Karen L. Schuh  
Town of Vernon Clerk  
Waukesha County

Published and Posted on September 16, 2016