

ORDINANCE NO. 050119-01

**AN ORDINANCE REPEALING AND RECREATING SECTIONS 18-13, 18-210
AND 18-229, AND CREATING SECTIONS 18-229 REGARDING
PRESERVATION OF EXISTING GRADE**

The Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin do ordain as follows:

SECTION 1.

Section 18-13., Definitions, shall be amended, as follows:

The definition of "Retaining Wall" shall be created to read as follows:

Retaining Wall: A structure constructed of manmade or natural materials for the purpose of retaining soil, controlling erosion or preventing the down-slope movement of soil.

SECTION 2.

Section 18-210 of the Village Code of the Village of Fontana-on-Geneva Lake is hereby repealed and recreated to read as follows:

Section 18-210. Purpose.

The purpose of this article is to indicate the standards and minimum requirements for access, visibility, off-street parking and traffic circulation, off-street loading, exterior storage, swimming pools, vibration, noise, air pollution, odor, signal receiving antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, hazardous materials, outdoor wood burning furnaces, preservation of existing grade, and such other subjects within the jurisdiction of this chapter.

SECTION 3.

Section 18-229. Performance Standards and Administration and Enforcement., is hereby renumbered as Section 18-230.

SECTION 4.

Section 18-229, Preservation of Existing Grade, is hereby created to read as follows:

Section 18-229. Preservation of Existing Grade.

- (a) *No Damage to Adjacent Properties.* In addition to any other obligation imposed by the Village-of-Fontana Municipal Code or by law, no land shall be developed or graded and no use shall be permitted which shall result in water run off which causes property damage, a nuisance, or erosion on adjacent properties.

- (b) *Grading Permit Required.* In order to protect adjacent properties from possible damage due to the change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than three (3) horizontal feet to one (1) vertical foot, within a distance of 30 feet from any property line. The property owner proposing to change the existing grade of that owner's land within 30 feet of a property line or proposing the installation of a retaining wall within a distance of 30 feet from any property line shall first obtain a Village Grading Permit by submitting an application, paying a permit fee as determined by the Board from time to time, a grading plan showing existing and proposed grades at one (1) foot contours on the subject land with such detail as is necessary to allow the Village to determine compliance with this Ordinance, a cost recovery certificate and such other information or documentation as the Village may request.

Grading permits pursuant to this Section shall be valid for six (6) months. To the extent this Ordinance conflicts with the requirements of Chapter 16 of the Village-of-Fontana Municipal Code, Chapter 16 shall control.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon and from its passage, approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this 1st day of May, 2019.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: 
Pat Kenny, Village President

Attest: 
Theresa Loomer, Village Clerk