



*Preserving Yesterday's Heritage for Tomorrow.*

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**Town Board of Supervisors**

Dave Valentine, Chairman  
Dave Flowers, District 1  
David Salvaggio, District 2  
Gary Wickert, District 3  
Larry Lechner, District 4

**FOR IMMEDIATE RELEASE**

April 23, 2007

**Town and Developer Seek Declaration by Court  
Regarding City's Alleged Enforcement Authority  
During Interim Extraterritorial Zoning Freeze**

On Monday, April 23rd, the Town of Cedarburg and a commercial developer in the Town filed a declaratory judgment action in Ozaukee County Circuit Court asking a court to declare that the City does not have the legal authority to enforce and administer the Town's Zoning Code during the City's interim extraterritorial zoning freeze.

The complaint against the City is based upon a letter sent by the City Planner to the developer, C.V. Zillig Company, stating that the City under its Ordinance No. 2006-10 must act on all conditional use permits in the 5-Corners area of the Town. Prior to this letter, the Town approved a conditional use permit for the developer to construct an additional retail building on its property located at 7811 State Highway 60, known as the "The Commons at 5 Corners." The City in its letter threatened the developer with potential misdemeanor violations if the developer went forward with its building plans and did not process the conditional use permit application in accordance with the City's extraterritorial zoning authority.

The complaint alleges that the City lacks the authority to enforce Ordinance 2006-10, which was adopted by the City to amend Ordinance 2006-09 and provide the City with enforcement and administration of the Town's zoning. Less than a week earlier, the City adopted Ordinance 2006-09 to freeze the Town's zoning, but the City failed to give itself the authority to enforce and administer the Town's Zoning Code as outlined by Wisconsin statutes.

The suit further alleges that the City's failure to submit the proposed amendment to the Joint Extraterritorial Zoning Committee ("JETZCO") was in violation of the law. In addition the complaint sets forth several discrepancies and irregularities with respect to how and when the City adopted and published its ordinances.

Prior to commencing the lawsuit, the Town and the Developer filed a Notice of Claim with the City to give the City an opportunity to stay the enforcement and repeal Ordinance 2006-10. However, the City did not respond to the claim.

"Unfortunately this lawsuit is necessary to define the zoning authority, rights and legal status of the Town with this Developer, and for all other landowners and developers in the Town whose land development rights are now in question due to the City's extraterritorial actions," stated Town Chairman Dave Valentine.

***Town of Cedarburg, Wisconsin***

*The Town of Cedarburg, a historically rural community, is located in a rapidly developing portion of Ozaukee County. The town, which is home to Wisconsin's last covered bridge, strives to maintain its rural charm and high-quality of life while balancing growth and progress. For more information, log on to [www.town.cedarburg.wi.us](http://www.town.cedarburg.wi.us).*