

# State of Wisconsin



2019 Assembly Bill 736

Date of enactment: **March 3, 2020**  
Date of publication\*: **March 4, 2020**

## 2019 WISCONSIN ACT 145

AN ACT *to amend* 59.69 (5) (a), 59.69 (5) (b) and 59.692 (1c); and *to create* 59.692 (2) (bg) and 992.23 of the statutes; **relating to:** town zoning in shorelands, the scope of county shoreland zoning ordinances, and authorizing partial county zoning.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 59.69 (5) (a) of the statutes is amended to read:

59.69 (5) (a) When the county zoning agency has completed a draft of a proposed zoning ordinance, it shall hold a public hearing thereon, following publication in the county of a class 2 notice, under ch. 985. The proposed zoning ordinance may specify whether it would apply in all or part of a town's territory. If the proposed ordinance has the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the ordinance or a description of the property affected by the ordinance and a statement that a map may be obtained from the zoning agency. After such hearing the agency may make such revisions in the draft as it considers necessary, or it may submit the draft without revision to the board with recommendations for adoption. Proof of publication of the notice of the public hearing held by such agency shall be attached to its report to the board.

**SECTION 2.** 59.69 (5) (b) of the statutes is amended to read:

59.69 (5) (b) When the draft of the ordinance, recommended for enactment by the zoning agency, is received by the board, it may enact the ordinance as submitted, or

reject it, or return it to the agency with such recommendations as the board may see fit to make. The board may enact an ordinance that applies in all or part of a town's territory, including applying in all of the territory of some towns in the county, and in only part of the territory of other towns in the county. In the event of such return subsequent procedure by the agency shall be as if the agency were acting under the original directions. When enacted, a copy of the ordinance shall be submitted by the clerk to each town clerk, under par. (g), for consideration by the town board.

**SECTION 3.** 59.692 (1c) of the statutes is amended to read:

59.692 (1c) To effect the purposes of s. 281.31 and to promote the public health, safety and general welfare, each county shall zone by ordinance all shorelands in its unincorporated area. The requirements in this ordinance shall relate to the purposes in s. 281.31 (1). This ordinance may be enacted separately from ordinances enacted under s. 59.69.

**SECTION 4.** 59.692 (2) (bg) of the statutes is created to read:

59.692 (2) (bg) A town may enact a zoning ordinance affecting the same shorelands as an ordinance enacted under this section, subject to the restrictions in ss. 60.61 (3r) and 60.62 (5).

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 5.** 992.23 of the statutes is created to read:

**992.23 Validation of actions; county zoning.** Any zoning ordinance enacted by a county under s. 59.69 before the effective date of this section .... [LRB inserts date], which applied to some towns in the county but not all towns within the county, and which is in effect on the effective date of this section .... [LRB inserts date], is declared to be legal, valid, and binding.

**SECTION 6. Initial applicability.**

(1) The treatment of ss. 59.69 (5) (a) and (b) and 59.692 (1c) and (2) (bg) first applies to a zoning ordinance that takes effect on the effective date of this subsection.

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