



2011 SENATE BILL 504

1 **AN ACT** *to create* 66.1002 of the statutes; **relating to:** limiting the authority of
2 a city, village, or town to enact a development moratorium ordinance.

Analysis by the Legislative Reference Bureau

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

- 3 **SECTION 1.** 66.1002 of the statutes is created to read:
- 4 **66.1002 Development moratoria. (1) DEFINITIONS.** In this section:
- 5 (a) “Comprehensive plan” has the meaning given in s. 66.1001 (1) (a).
- 6 (b) “Development moratorium” means a moratorium on rezoning or approving
7 any subdivision or other division of land by plat or certified survey map that is
8 authorized under ch. 236.
- 9 (d) “Municipality” means any city, village, or town.
- 10 (e) “Public health professional” means any of the following:

SENATE BILL 504**SECTION 1**

1 1. A physician, as defined under s. 48.375 (2) (g).

2 2. A registered professional nurse, as defined under s. 49.498 (1) (L).

3 (f) “Registered engineer” means an individual who satisfies the registration
4 requirements for a professional engineer as specified in s. 443.04

5 **(2) MORATORIUM ALLOWED.** Subject to the limitations and requirements
6 specified in this section, a municipality may enact a development moratorium
7 ordinance if the municipality has enacted a comprehensive plan, is in the process of
8 preparing its comprehensive plan, is in the process of preparing a significant
9 amendment to its comprehensive plan in response to a substantial change in
10 conditions in the municipality, or is exempt from the requirement as described in s.
11 66.1001 (3m), and if at least one of the following applies:

12 (a) The municipality’s governing body adopts a resolution stating that a
13 moratorium is needed to prevent a shortage in, or the overburdening of, public
14 facilities located in the municipality and that such a shortage or overburdening
15 would otherwise occur during the period in which the moratorium would be in effect,
16 except that the governing body may not adopt such a resolution unless it obtains a
17 written report from a registered engineer stating that in his or her opinion the
18 possible shortage or overburdening of public facilities justifies the need for a
19 moratorium.

20 (b) The municipality’s governing body adopts a resolution stating that a
21 moratorium is needed to address a significant threat to the public health or safety
22 that is presented by a proposed or anticipated activity specified under sub. (4), except
23 that the governing body may not adopt such a resolution unless it obtains a written
24 report from a registered engineer or public health professional stating that in his or
25 her opinion the proposed or anticipated activity specified under sub. (4) presents

SENATE BILL 504

1 such a significant threat to the public health or safety that the need for a moratorium
2 is justified.

3 **(3) ORDINANCE REQUIREMENTS.** (a) An ordinance enacted under this section
4 shall contain at least all of the following elements:

5 1. A statement describing the problem giving rise to the need for the
6 moratorium.

7 2. A statement of the specific action that the municipality intends to take to
8 alleviate the need for the moratorium.

9 3. Subject to par. (b), the length of time during which the moratorium is to be
10 in effect.

11 4. A statement describing how and why the governing body decided on the
12 length of time described in subd. 3.

13 5. A description of the area in which the ordinance applies.

14 6. An exemption for any activity specified under sub. (4) that would have no
15 impact, or slight impact, on the problem giving rise to the need for the moratorium.

16 (b) 1. A development moratorium ordinance may be in effect only for a length
17 of time that is long enough for a municipality to address the problem giving rise to
18 the need for the moratorium but, except as provided in subd. 2., the ordinance may
19 not remain in effect for more than 12 months.

20 2. A municipality may amend the ordinance one time to extend the moratorium
21 for not more than 6 months if the municipality's governing body determines that such
22 an extension is necessary to address the problem giving rise to the need for the
23 moratorium.

24 (c) A municipality may not enact a development moratorium ordinance unless
25 it holds at least one public hearing at which the proposed ordinance is discussed. The

SENATE BILL 504**SECTION 1**

1 public hearing must be preceded by a class 1 notice under ch. 985, the notice to be
2 at least 30 days before the hearing. The municipality may also provide notice of the
3 hearing by any other appropriate means. The class 1 notice shall contain at least all
4 of the following:

5 1. The time, date, and place of the hearing.

6 2. A summary of the proposed development moratorium ordinance, including
7 the location where the ordinance would apply, the length of time the ordinance would
8 be in effect, and a statement describing the problem giving rise to the need for the
9 moratorium.

10 3. The name and contact information of a municipal official who may be
11 contacted to obtain additional information about the proposed ordinance.

12 4. Information relating to how, where, and when a copy of the proposed
13 ordinance may be inspected or obtained before the hearing.

14 **(4) APPLICABILITY.** A development moratorium ordinance enacted under this
15 section applies to any of the following that is submitted to the municipality on or after
16 the effective date of the ordinance:

17 (a) A request for rezoning.

18 (c) A plat or certified survey map.

19 (d) A subdivision plat or other land division.

20 **SECTION 2. Initial applicability.**

21 (1) This act first applies to any request for rezoning, plat or certified survey
22 map, or subdivision plat or other land division that is submitted to a municipality
23 on the effective date of this subsection, unless the municipality and a developer agree
24 to apply the municipality's development moratorium ordinance retroactively.

25 **(END)**