



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 454**

March 13, 1996 – Offered by COMMITTEE ON ENVIRONMENT AND ENERGY.

1     **AN ACT** *to create* 59.971 (1) (d), 59.971 (1) (e), 59.971 (8), 61.351 (1) (ag), 61.351  
2           (1) (am), 61.351 (7), 62.231 (1) (ag), 62.231 (1) (am) and 62.231 (7) of the  
3           statutes; **relating to:** zoning of shorelands by counties and zoning of wetlands  
4           in shorelands by cities and villages.

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

5           **SECTION 1.** 59.971 (1) (d) of the statutes is created to read:  
6           59.971 (1) (d) “Special zoning permission” has the meaning given in s. 59.97  
7           (15) (g).

8           **SECTION 2.** 59.971 (1) (e) of the statutes is created to read:  
9           59.971 (1) (e) “Wetland” has the meaning given in s. 23.32 (1).

10          **SECTION 3.** 59.971 (8) of the statutes is created to read:  
11          59.971 (8) (a) A county may not rezone shorelands, enact an amendment to a  
12          county ordinance enacted under this section or grant special zoning permission  
13          under such an ordinance in order to validate any activity that is in a wetland located  
14          on shorelands and that is in violation of the county zoning ordinance at the time that

1 the activity occurs, unless the county had the authority by rezoning or by granting  
2 a special zoning permission under such an ordinance to approve the activity before  
3 it occurred.

4 (b) If a county determines that an activity to which par. (a) applies has a  
5 significant adverse impact on the functional values of the wetlands, the county shall  
6 require the person committing the violations to undertake reasonable efforts to  
7 restore the wetlands, including their functional values, in the manner required  
8 under a wetlands restoration plan approved by the county. The county shall provide  
9 a copy of a proposed restoration plan to the department not less than 10 days before  
10 approving the restoration plan. The department may require the modification of a  
11 proposed restoration plan before its approval by the county if the department  
12 determines that the proposed restoration plan is not likely to restore the wetlands  
13 or their functional values. The department shall provide technical assistance to the  
14 county, upon the county's request, for the purpose of evaluating, modifying or  
15 approving a proposed restoration plan or for any other purpose under this  
16 subsection.

17 **SECTION 4.** 61.351 (1) (ag) of the statutes is created to read:

18 61.351 (1) (ag) "Special zoning permission" has the meaning given in s. 62.23  
19 (7) (i) 7.

20 **SECTION 5.** 61.351 (1) (am) of the statutes is created to read:

21 61.351 (1) (am) "Wetland zoning ordinance" means an ordinance enacted under  
22 this section by a village or an ordinance enacted under s. 59.971 (7) that applies to  
23 a wetland in an area annexed by the village.

24 **SECTION 6.** 61.351 (7) of the statutes is created to read:

1           61.351 (7) REZONING OF WETLANDS. (a) A village may not rezone wetlands, enact  
2           an amendment to a wetland zoning ordinance or grant special zoning permission  
3           under a wetland zoning ordinance in order to validate any activity that is subject to  
4           a wetland zoning ordinance that is in violation of the wetland zoning ordinance at  
5           the time that the activity occurs, unless the village had the authority by rezoning or  
6           by granting a special zoning permission under the wetland zoning ordinance to  
7           approve the activity before it occurred.

8           (b) If a village determines that an activity to which par. (a) applies has a  
9           significant adverse impact on the functional values of the wetlands, the village shall  
10          require the person committing the violations to undertake reasonable efforts to  
11          restore the wetlands, including their functional values, in the manner required  
12          under a wetlands restoration plan approved by the village. The village shall provide  
13          a copy of a proposed restoration plan to the department not less than 10 days before  
14          approving the restoration plan. The department may require the modification of a  
15          proposed restoration plan before its approval by the village if the department  
16          determines that the proposed restoration plan is not likely to restore the wetlands  
17          or their functional values. The department shall provide technical assistance to the  
18          village, upon the village's request, for the purpose of evaluating, modifying or  
19          approving a proposed restoration plan or for any other purpose under this  
20          subsection.

21           **SECTION 7.** 62.231 (1) (ag) of the statutes is created to read:

22           62.231 (1) (ag) "Special zoning permission" has the meaning given in s. 62.23  
23           (7) (i) 7.

24           **SECTION 8.** 62.231 (1) (am) of the statutes is created to read:

1           62.231 (1) (am) “Wetland zoning ordinance” means an ordinance enacted under  
2           this section by a city or an ordinance enacted under s. 59.971 (7) that applies to a  
3           wetland in an area annexed by the city.

4           **SECTION 9.** 62.231 (7) of the statutes is created to read:

5           62.231 (7) REZONING OF WETLANDS. (a) A city may not rezone a wetland, enact  
6           an amendment to a wetland zoning ordinance or grant special zoning permission  
7           under a wetland zoning ordinance in order to validate any activity that is subject to  
8           a wetland zoning ordinance and that is in violation of the wetland zoning ordinance  
9           at the time that the activity occurs, unless the city had the authority by rezoning or  
10          by granting a special zoning permission under the wetland zoning ordinance to  
11          approve the activity before it occurred.

12          (b) If a city determines that an activity to which par. (a) applies has a significant  
13          adverse impact on the functional values of the wetlands, the city shall require the  
14          person committing the violations to undertake reasonable efforts to restore the  
15          wetlands, including their functional values, in the manner required under a  
16          wetlands restoration plan approved by the city. The city shall provide a copy of a  
17          proposed restoration plan to the department not less than 10 days before approving  
18          the restoration plan. The department may require the modification of a proposed  
19          restoration plan before its approval by the city if the department determines that the  
20          proposed restoration plan is not likely to restore the wetlands or their functional  
21          values. The department shall provide technical assistance to the city, upon the city’s  
22          request, for the purpose of evaluating, modifying or approving a proposed restoration  
23          plan or for any other purpose under this subsection.

24          **SECTION 10. Initial applicability.**

