



## 2007 ASSEMBLY BILL 839

February 21, 2008 – Introduced by Representatives ALBERS, BIES, HAHN, OWENS, MUSSEY and TOWNSEND, cosponsored by Senators SCHULTZ and A. LASEE. Referred to Committee on Natural Resources.

1     **AN ACT** *to amend* 23.32 (3) (a) (intro.); and *to create* 23.32 (4) and 59.692 (1u)  
2           of the statutes; **relating to:** requiring the Department of Natural Resources to  
3           provide wetland maps to counties and restricting the enforcement of state  
4           shoreland zoning standards and county shoreland zoning ordinances that  
5           relate to wetlands.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Natural Resources (DNR) is required to prepare maps that identify each wetland located in this state that has an area of at least five acres. For many counties, DNR has mapped all wetlands that are at least two acres in size. Current law authorizes DNR to charge a fee for these maps.

Under current law, a county must enact specific zoning ordinances to regulate activities in any shoreland located within its boundaries. Current law defines “shorelands” as lands within certain distances of navigable waters. Rules promulgated by DNR establish minimum standards for these ordinances. These standards for structures and buildings include restrictions on how far from the water they may be placed, on minimum lot sizes for buildings, and on activities in wetland areas that are located in shorelands.

This bill requires DNR to provide to each county a copy of each wetland map prepared by DNR that is applicable to the area within the county’s jurisdiction. The bill imposes deadlines for providing these maps and prohibits DNR from charging a fee for providing these maps to the counties. The bill also prohibits DNR or a county

**ASSEMBLY BILL 839**

from starting an enforcement action against an owner of a building or structure that is in violation of shoreland zoning laws relating to wetlands if the county, on the date a building permit for the building or structure was issued, has not received copies of the maps from DNR or the maps fail to indicate the existence of wetlands either at the location of the building or structure or within 75 feet from where the building or structure is or will be located.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 23.32 (3) (a) (intro.) of the statutes is amended to read:

2           23.32 (3) (a) (intro.) The department may sell, and may enter into contracts to  
3 sell, wetland maps. The Except as provided in sub. (4), the fees for the maps shall  
4 be as follows:

5           **SECTION 2.** 23.32 (4) of the statutes is created to read:

6           23.32 (4) The department shall distribute to each county a copy of each wetland  
7 map that is prepared pursuant to this section and that is applicable to any land  
8 located within the jurisdiction of that county. For each wetland map prepared before  
9 the effective date of this subsection .... [revisor inserts date], the department shall  
10 provide the map to the appropriate county within 45 days after the effective date of  
11 this subsection. For each wetland map completed or updated on or after the effective  
12 date of this subsection .... [revisor inserts date], the department shall provide the  
13 map within 20 days after the map is completed or updated. The department may not  
14 charge a fee for a copy of any map provided under this subsection.

15           **SECTION 3.** 59.692 (1u) of the statutes is created to read:

16           59.692 (1u) (a) A county or the department may not commence an enforcement  
17 action against a person who owns a building or structure in a given county for which  
18 a building permit has been issued that is in violation of a shoreland zoning standard

**ASSEMBLY BILL 839**

1 related to wetlands or an ordinance enacted under this section related to wetlands  
2 if any of the following apply:

3 1. The county does not possess the applicable wetland maps prepared under s.  
4 23.32 (4) on the date the building permit is issued.

5 2. The applicable wetland map prepared under s. 23.32 (4) that is in the  
6 possession of the county on the date the building permit is issued does not indicate  
7 the existence of wetlands either at the location of the building or structure or within  
8 75 feet from where the building or structure is or will be located.

9 (b) Each county shall designate its zoning agency, its office of register of deeds,  
10 or another appropriate agency or office as the depository for the wetland maps  
11 prepared under s. 23.32 (4).

12 **SECTION 4. Initial applicability.**

13 (1) The treatment of section 59.692 (1u) of the statutes first applies to new  
14 construction, development, reconstruction, structural alteration, or moving of  
15 buildings and structures for which a building permit has been issued by the county  
16 on the effective date of this subsection.

17 **SECTION 5. Effective dates.** This act takes effect on the first day of the 3rd  
18 month beginning after publication, except as follows:

19 (1) The treatment of section 23.32 (4) of the statutes takes effect on the day after  
20 publication.

21 (END)