



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 144**  
[2011 Senate Bill 504]

**Ordinance Moratorium on  
Rezoning and Subdividing**

2011 Wisconsin Act 144 relates to limiting the authority of a city, village, or town to enact a development moratorium ordinance.

The Act authorizes a city, village, or town to enact, by ordinance, a moratorium on rezoning, subdividing, or other division of land by plat or certified survey map, only if the municipality has done all of the following:

- Enacted a comprehensive plan unless the municipality is in the process of preparing a comprehensive plan; is in the process of amending its comprehensive plan in response to a substantial change in conditions in the municipality; or is exempt from needing a comprehensive plan.
- Obtained a written report either from a registered engineer stating that a possible shortage or overburdening of public facilities justifies the need for a moratorium, or from a registered engineer or public health professional stating that the proposed rezoning or subdividing presents such a significant threat to the public health or safety to justify the need for a moratorium.
- Adopted a resolution, after obtaining the professional's written report, stating either that the moratorium is needed to prevent a shortage in, or the overburdening of, public facilities and that the shortage or overburdening would otherwise occur during the period in which the moratorium would be in effect; or that the moratorium is needed to address a significant threat to public health or safety that is presented by the proposed rezoning or subdividing.
- Held at least one public hearing to discuss the proposed ordinance. The legal notice for the public hearing must be published once, at least 30 days before the hearing, and may be noticed by any other appropriate means.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The ordinance must include statements describing the problem giving rise to the need for the moratorium, the specific action that the municipality intends to take to alleviate the need for the moratorium, and the area in which the ordinance applies, and must allow an exemption for any rezoning or subdividing that would have no impact, or slight impact, on the problem giving rise to the need for the moratorium.

The ordinance must give the length of time during which the moratorium is to be in effect, not to exceed 12 months, and must include a statement describing how and why the length of time for the moratorium was determined. The municipality may amend the ordinance to extend the moratorium once, for an additional six months, if necessary to address the problem giving rise to the need for the moratorium.

***Effective date:*** Act 144 is effective April 5, 2012. The procedures created by the Act apply to any rezoning or subdividing request that is submitted to a municipality on or after April 5, 2012, unless the municipality and a developer agree to apply the municipality's development moratorium ordinance retroactively.

***Prepared by:*** Margit Kelley, Staff Attorney

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