

**1973 Assembly Bill 1242**

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**CHAPTER 197, Laws of 1973**

**AN ACT to create 30.27 of the statutes, relating to preservation of the lower St. Croix river and granting rule-making authority.**

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

**30.27 of the statutes is created to read:**

**30.27 Lower St. Croix river preservation.** (1) **PURPOSE.** The lower St. Croix river, between the dam near St. Croix Falls and its confluence with the Mississippi river, constitutes a relatively undeveloped scenic and recreational asset. The preservation of this unique scenic and recreational asset is in the public interest and will benefit the health and welfare of the citizens of Wisconsin. The state of Wisconsin is therefore determined that the lower St. Croix river be included in the national wild and scenic rivers system under the wild and scenic rivers act, as amended (Title 16 USC 1271 et seq.) and the lower St. Croix river act of 1972 (Pub. L. No. 92-560). The purpose of this section is to ensure the continued eligibility of the lower St. Croix river for inclusion in the national wild and scenic rivers system and to guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations.

(2) **ZONING GUIDELINES.** As soon as possible after the effective date of this act (1973), the department shall adopt, by rule, guidelines and specific standards for local zoning ordinances which apply to the banks, bluffs and bluff tops of the lower St. Croix river. The guidelines shall designate the boundaries of the areas to which they apply. In drafting such guidelines and standards, the department shall consult with appropriate officials of counties, cities, villages and towns lying within the affected area. The standards specified in the guidelines shall include, but not be limited to: a) the prohibition of new residential, commercial and industrial uses, and the issuance of building permits therefor, where such uses are inconsistent with the purposes of this section, and b) the establishment of acreage, frontage and setback requirements where compliance with such requirements will result in residential, commercial or industrial uses which are consistent with the purposes of this section. Such standards shall be consistent with but may be more restrictive than any pertinent guidelines and standards promulgated by the secretary of the interior under the wild and scenic rivers act. If it appears to the department that the purposes of this section may be thwarted or the wild, scenic or recreational values of the river adversely affected prior to the implementation of rules under this section, the department may exercise its emergency rule-making authority under s. 227.027, and such rules shall be effective and implemented and enforced under sub. (3) until permanent rules are implemented under sub. (3).

(3) **IMPLEMENTATION.** Counties, cities, villages and towns lying, in whole or in part, within the areas affected by the guidelines adopted under sub. (2) are empowered to and shall adopt zoning ordinances complying with the guidelines and standards adopted under sub. (2) within 30 days after their effective date. If any county, city, village or town does not adopt an ordinance within the time limit prescribed, or if the department determines that an adopted ordinance does not satisfy the requirements of the guidelines and standards, the department shall immediately adopt such an ordinance. An ordinance adopted by the department shall be of the same effect as if adopted by the county, city, village or town, and the local authorities shall administer and enforce the ordinance in the same manner as if the county, city, village or town had adopted it. No zoning ordinance so adopted may be modified nor may any variance therefrom be granted by the county, city, village or town without the written consent of the department, except nothing in this section shall be construed to prohibit

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a county, city, village or town from adopting an ordinance more restrictive than that adopted by the department.

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