

CHAPTER 301, Laws of 1975

AN ACT to amend 87.30 (1) of the statutes, relating to determinations of the department of natural resources as to the sufficiency of local flood plain zoning regulations.

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

87.30 (1) of the statutes is amended to read:

87.30 (1) STATE POWERS. (a) If any county, city or village does not adopt a reasonable and effective flood plain zoning ordinance by January 1, 1968, the department shall, upon petition of an interested state agency, a municipality, 12 or more freeholders, or upon its own motion as soon as practicable and after public hearing, determine and fix by order the limits of any or all flood plains within such county, city or village within which serious damage may occur. Thereafter the department shall as soon as practicable after public hearing adopt a flood plain zoning ordinance applicable to such county, city or village, except that no such ordinance may be enacted unless the hydraulic and engineering studies necessary to determine the floodway limits, if such floodway limits are deemed necessary by the department, have been made at state or federal expense. If the department utilizes hydraulic and engineering studies previously completed, the department shall be responsible for ensuring that such studies are reasonable and accurate. Thirty days' notice of all hearings on flood plain determination or zoning before the department shall be given to the county, city or village clerk, the clerks of all towns where lands may be affected and to the highway commission. The department of transportation shall keep an official record of all proceedings. Exhibits and testimony shall be a part of the official record. Failure of a county, city or village to adopt a flood plain zoning ordinance for an area where appreciable damage from floods is likely to occur or to adopt an ordinance which will result in a practical minimum of flood damage in an area shall be prima facie proof of the necessity for action specified herein by the department. The department shall make a decision in writing of insufficiency of any county, city or village flood plain zoning ordinance before adopting an ordinance superseding such county, village or city ordinance.

(b) All final orders, determinations or decisions made under this subsection shall be subject to review under ch. 227 and be effective 20 days after the same have been served unless such order, determination and decision specifies a different date upon which the same shall be effective. Such flood plain determination and zoning ordinance shall be of the same effect as if adopted by the county, city or village. Thereafter it is the duty of the county, city, village and town officials to administer and enforce the ordinance in the same manner as if the county, city or village had adopted it. Flood plain determinations and zoning ordinances so adopted may be modified by the county, city or village concerned only with the written consent of the department except that nothing in this subsection shall may be construed to prohibit a county, city, village or town from adopting a flood plain ordinance more restrictive than that adopted by the state. ~~The~~

(d) Except as provided under par. (a), the cost of such flood plain determination and ordinance promulgation and enforcement by the state shall be assessed against the

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county, city or village concerned and collected in substantially the same manner as other taxes levied by the state.
