

State of Wisconsin



2017 Senate Bill 601

Date of enactment: April 3, 2018
Date of publication*: April 4, 2018

2017 WISCONSIN ACT 242

AN ACT *to amend* 87.30 (1) (b); and *to create* 87.30 (1) (e) of the statutes; **relating to:** conforming a floodplain zoning ordinance to a federal letter of map amendment.

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

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

87.30(1) (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 floodplain 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. ~~Floodplain~~ Except as provided in par. (e), floodplain 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.~~ Except as provided in par. (e), nothing in this subsection may be construed to prohibit a county, city, village, or town from adopting a floodplain ordinance more restrictive than that adopted by the state.

SECTION 2m. 87.30 (1) (e) of the statutes is created to read:

87.30(1) (e) 1. Except as provided in subd. 4., on the request of a property owner who has obtained a letter of map amendment from the federal emergency management agency under 44 CFR 70, the county, city, village, or town in which the property is located shall amend its floodplain determination as necessary to conform with the letter of map amendment. After amending its floodplain determination, the county, city, village, or town may not enforce a floodplain zoning ordinance with respect to that specific property or area to the extent that the ordinance is contrary to the letter of map amendment.

2. A property owner requesting an amendment to a floodplain determination under subd. 1. shall submit to the county, city, village, or town the letter of map amendment and all supplementary documents submitted to the federal emergency management agency as part of the application for the letter of map amendment.

3. The department shall consent to an amendment to a floodplain determination that is necessary to conform with a letter of map amendment under subd. 1.

4. Subdivision 1. does not apply to a county, city, village, or town that participates in the community rating system under the National Flood Insurance Program if amending a floodplain determination to conform with a letter of map amendment would conflict with eligibility requirements under the community rating system.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."