

Adopting an Ordinance: A Step-By-Step Guide

Adopting an Ordinance

1. Proposal to Governing Body
2. Notice of Public Hearing
 - Two consecutive weeks at least a week before hearing.
3. Public Hearing
4. Decision by Governing Body
5. Ordinance Publication
6. Prepare for DNR Approval:
 - Affidavit of Publication of Notice
 - Certified Copy of Final Ordinance Text
 - Affidavit of Publication of Enacted Ordinance
7. Approval by DNR
 - This is the last step, but to speed the approval process up, submit the draft proposal to DNR before starting the ordinance adoption process.

1. Ordinance/Amendment Proposal

Generally, ordinance proposals are drafted by the zoning administrator, planning and zoning staff, corporation counsel or a regional planning commission at the request of the local governing body.

Notice of public hearing (a Class 2 notice under ch. 985, Stats.) must appear in a newspaper on two consecutive weeks, the last publication at least **seven days** prior to the hearing date.

2. Notice of Public Hearing

Communities must provide notice of the public hearing to be conducted on the proposed ordinance/ amendment. Publication of the notice of public hearing must meet the Class 2 legal requirements (under Ch. 985, Stats.) in order for the zoning ordinance or amendment to be valid. Posting notice of public hearing is permitted in lieu of publication only if the municipality is not required to have an official newspaper.

3. Public Hearing

In cities and villages, the hearing may be held before the designated planning and zoning committee or before the municipal governing body. In counties, hearings on proposed zoning ordinances or amendments are held by the county zoning committee before consideration of an ordinance or amendment by the county board.

Calendar						
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4. Decision of the Governing Body

In cities, two thirds of the members of the municipal governing body constitute a quorum except in cities with less than five aldermen, where a majority constitutes a quorum. In villages, a majority of the members constitute a quorum. In counties, a majority of the supervisors constitute a quorum and must be present for a legal vote on proposed zoning ordinances or amendments.

5. Publication of Adopted Ordinance Text

An adopted zoning ordinance or amendment must be published once in the municipality's official newspaper as a Class I Notice Posting. Posting is an option

if the municipality is not required to have an official newspaper published in the municipality that meets the requirements.

6. Ordinance/Amendment Approval

For the DNR to approve an adopted ordinance, the community must submit the following documentation:

- **An affidavit of publication from the newspaper and a copy of the published notice.** This verifies that the notice of public hearing was published or posted correctly. If the notice was posted, a notarized affidavit by the local official (i.e. clerk) stating that the notice of public hearing was posted in three public places (with date and location) is sufficient proof.
- **A certified copy of the adopted ordinance passed by the governing body.** A notarized statement by the local official (i.e. clerk) affixed to the ordinance stating that the ordinance is a true and correct copy of what was adopted by the municipality.
- **An affidavit of publication from the newspaper and a copy of the notice of the enacted ordinance.** If the enacted ordinance (or where to view enacted ordinance) was posted, a notarized affidavit by the local official (i.e., clerk) stating that it was posted in three public places (with date and location) is sufficient proof.

7. Wisconsin Department of Natural Resources

The DNR reviews ordinances for compliance with the minimum state standards. Both the ordinance and adoption procedures are reviewed. When it is determined that all the requirements are met, a formal approval letter is sent to the adopting community.

Floodplain zoning ordinances and amendments do not become effective until approved by the DNR; thus formal approvals are issued each time the ordinance is amended. DNR approvals are required by FEMA for a community to maintain their flood insurance.

To minimize the time and expense associated with ordinance revisions, communities should submit a draft of the proposed language to DNRFLOODPLAIN@wi.gov. Once the DNR has reviewed the draft and the community has made any needed revisions, please follow the complete adoption process outlined in this guide. If you have questions regarding floodplain ordinance adoption, please contact DNR Floodplain staff at DNRFLOODPLAIN@wi.gov or 608-220-5633.