

# Adopting An Ordinance: A Step-By-Step Guide

It is essential that you follow the procedures outlined in state statutes when adopting (or amending) your community's zoning ordinances. Ordinances that were not adopted using procedures specified in statute can be declared invalid. Consult with the local corporation counsel if you have process related questions.



- 1. Draft the Ordinance/Amendment**
- 2. Notice the Public Hearing**
- 3. Hold the Public Hearing**
- 4. Decision by the governing body**
- 5. Notice the Enacted Ordinance**
- 6. Submit final documents for DNR approval**
- 7. Approval by DNR**

## 1. Draft the Ordinance/Amendment

Generally, ordinance proposals are drafted by the zoning administrator, planning and zoning staff, corporation counsel, a regional planning commission or DNR staff at the request of the local governing body. To minimize the time and expense associated with ordinance revisions, communities should submit a draft of the proposed language to DNR staff (for floodplain ordinances, email [DNRfloodplain@wisconsin.gov](mailto:DNRfloodplain@wisconsin.gov) and for shoreland, contact your [shoreland zoning specialist](#)). Once the DNR has reviewed the draft and the community has made any needed revisions, please follow the complete adoption process outlined below.

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 the Public Hearing

Communities shall provide notice of the public hearing to be conducted on the proposed ordinance/amendment. Statute requires a Class 2 legal notice for the zoning ordinance or amendment to be valid. Posting the notice of public hearing may be permitted in lieu of publication only if the municipality is not required to have an official newspaper. When posting the notice, it shall be posted in three public places or one public place along with the community website.

## 3. Hold the Public Hearing

In cities or villages, a public hearing may be held before the designated committee before the governing body votes. In counties, a public hearing may be held before by the county's zoning committee prior to the county board consideration and vote.

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## 4. Decision of the Governing Body

The governing body for the village/city/county will vote to adopt the

ordinance. The ordinance shall be adopted by the appropriate quorum for the city/village/county.

## 5. Notice the Enacted Ordinance

An adopted zoning ordinance or amendment shall be published once in the municipality's official newspaper as a Class 1 Notice. Posting may be an option (see section 2. Notice the Public Hearing).

## 6. Submit Final Documents for DNR Approval

The city/village/county accepts the responsibility for complying with the ordinance adoption requirements of state law in order to have a duly enacted and enforceable ordinance. The community shall submit the following documentation demonstrating compliance with these requirements for DNR approval:

- Affidavit of the notice of the public hearing including a copy of the Public Hearing notice.** This verifies that the notice of public hearing was published or posted correctly.
- Certified copy of the adopted ordinance/amendment passed by the governing body.** This is a notarized statement by the local official stating that the ordinance is a true and correct copy of what was adopted by the municipality, combined with a copy of what was adopted.
- Affidavit of the notice of the Enacted Ordinance including a copy of the enacted ordinance notice.** This verifies that the notice of enacted ordinance was published or posted correctly.

## 7. Approval by the DNR

The DNR reviews the ordinance for compliance with minimum state standards for shoreland, and state and federal minimum standards for floodplain. When it is determined that all the requirements are met, a formal approval letter is sent to the adopting community. Formal DNR approvals are issued each time the ordinance is amended. A DNR approval for a floodplain ordinance is part of maintaining good standing as a member of the NFIP.