



Adopting a comprehensive plan by ordinance—what does it mean?

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Wisconsin's comprehensive planning and "smart growth" law, passed by the Legislature in 1999, states that a comprehensive plan must be adopted by an ordinance passed by the governing body of a local governmental unit. What does it mean for a local government to adopt something by ordinance?

When local governments in Wisconsin take some type of action or make a decision, there are generally three ways the local government might take the action—by ordinance, resolution, or motion. In some cases, the Wisconsin Statutes specify which form of action local governments need to follow when they act. In other cases they do not. Specifying the form of action in the statutes removes uncertainty about which procedure local governments should follow.

Prior to the 1999 changes in Wisconsin's planning laws, Wisconsin law required that when cities, villages, and towns prepared a land use plan, only the non-elected plan commission had to adopt the plan and they could do so by resolution. For counties, the governing body (the county board) was required to adopt the county development plan by resolution.

The 1999 law changed the procedure for adopting a comprehensive plan by requiring that the governing body (common council, village board, town board, county board) enact an ordinance adopting the comprehensive plan. The ordinance must be enacted by a majority vote of the elected members of the governing body. The legal differences between adopting a plan by resolution versus adopting a plan by ordinance are relatively minor. For example, an ordinance needs to be published after it has been passed by the governing body while a resolution does not need to be published.

The requirement that a comprehensive plan must be adopted by an ordinance should not be confused with a zoning ordinance. A community may choose to adopt a zoning ordinance as one of many mechanisms available to implement its comprehensive plan. Separate laws and procedures govern the adopting of zoning ordinances. These laws have been part of the statutes for decades. In fact, there are many different matters where Wisconsin law specifies that if a local government wants to take the action, it must do so by ordinance. For example, the Wisconsin Statutes state that villages must enact an ordinance to change the salaries of the village president and village trustees. Villages must also enact an ordinance if they want to establish an alternative procedure for the letting of contracts. Cities need to enact an ordinance to provide for a fire department. A city, village, town, or county may designate bicycle lanes and bicycle ways by ordinance. A town board may enact an ordinance that provides a procedure for approving certain financial claims against the town. Towns may enact ordinances governing the system of management and operation of a town cemetery. Cities, villages, towns and counties may also enact an ordinance regarding the procedure for destroying obsolete public records. These examples are only a few of a very wide variety of actions that need to be done by ordinance.

The following is an example of an ordinance adopting a comprehensive plan. The author gratefully acknowledges Curt Witynski at the League of Wisconsin Municipalities and Tom Harnish of the Wisconsin Towns Association for their helpful comments on the following ordinance.

Ordinance No. _____

AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN OF THE
[CITY/VILLAGE/TOWN/COUNTY] OF _____, WISCONSIN.

The [common council/village board/town board/county board] of the [city/village/town/county] of _____, Wisconsin, do ordain as follows:

SECTION 1. Pursuant to sections [59.69(2) and (3) (for counties)/62.23(2) and (3) (for cities, villages, and towns exercising village powers under 60.22(3))] of the Wisconsin Statutes, the [city/village/town/county] of _____, is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2. The [common council/village board/town board/county board] of the [city/village/town/county] of _____, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION 3. The plan commission of the [city/village/town/county] of _____, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to [common council/village board/town board/county board] the adoption of the document entitled "COMPREHENSIVE PLAN OF THE [CITY/VILLAGE/TOWN/COUNTY] OF _____," containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

SECTION 4. The [city/village/town/county] has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 5. The [common council/village board/town board/county board] of the [city/village/town/county] of _____, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, "COMPREHENSIVE PLAN OF THE [CITY/VILLAGE/TOWN/COUNTY] OF _____," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION 6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the [common council/village board/town board/county board] and [publication/posting] as required by law.

ADOPTED this _____ day of _____, 20__.

[mayor/village president/town board chair/county board chair]

(Published/Posted): _____ [Date]

(Approved, Vetoed:)

Attest: _____
[city/village/town/county clerk]