

TOWN OF CLEVELAND
Ordinance Imposing a Moratorium on
Construction Inconsistent With Existing Activities and Land Uses,
Changes in Existing Activities and Land Uses, and
Expansion of Existing Activities and Land Uses
Pending the Study of Possible Legislative Action

TITLE 7, CHAPTER 4

RECITALS

WHEREAS, the Town of Cleveland (“Town”) in Chippewa County, Wisconsin, adopted the document entitled, “Town of Cleveland, Comprehensive Plan” (“Comprehensive Plan”) pursuant to Ordinance No. 2009-01. A copy of the adopting ordinance is attached as Exhibit A and incorporated by reference;

WHEREAS, the Comprehensive Plan shows that a strong majority of Town residents would like the Town to consider adopting police power and other activity and land use regulations or zoning regulations to allow the Town to oversee changes in current activities and uses and expansions of existing activities and uses that could have significant impacts on the Town;

WHEREAS, the Comprehensive Plan identifies the high groundwater tables in much of the Town as cause for concern regarding activities and land uses that may result in groundwater pollution;

WHEREAS, currently, building permits are not required for construction in the Town other than building permits that are required for one- and two-family dwellings administered by Chippewa County;

WHEREAS, the Town residents attending the annual town meeting on April 17, 2018 voted overwhelmingly in support of the appointment of a new planning committee, imposition of a moratorium, and consultation with professional support to allow consideration of a range of potential regulations in the Town;

WHEREAS, the Town believes that the best and most equitable way to engage in an evaluation of the scope of Town authority and identification of the preferred means of applying additional regulation of activities or land use in the Town, if any, is under a temporary moratorium on construction inconsistent with existing activities and land uses, on changes in existing activities and land uses, and on expansion of existing activities and land uses (this “Moratorium”);

WHEREAS, the Town believes that this Moratorium is necessary to allow the Town and its residents time to complete an adequate study of the advisability of adopting one or more licensing ordinances for particular types of activities or uses that have the

potential to have significant impacts on the health, safety, and welfare of Town residents and on the environment of the Town, of requiring building permits for construction not regulated by the Town or Chippewa County under current law, of opting to be subject to county zoning, of drafting a separate zoning ordinance for the Town, or of other legislative options for regulating the commencement or expansion of certain activities or land uses in the Town:

WHEREAS, the Town believes that this Moratorium is necessary to allow consideration of these legislative options while minimizing the need for closed session meetings of the Town Board, maximizing public engagement in this process, and promoting constructive public discourse related to this study;

WHEREAS, the Town believes that this Moratorium is necessary to avoid any unnecessary and potentially harmful race to perfect or vest rights to certain types of activities on or uses of property within the Town that may be inconsistent with the future direction of the Town identified through this process;

WHEREAS, the Town Board finds that this Moratorium is necessary to allow the Town adequate time to complete its study of the possible impacts that adoption of additional regulations may have on the health, safety, and general welfare of the residents of the Town, including impacts on air quality, water quality, public infrastructure, property values, and the local economy;

WHEREAS, the Town finds that the potential public benefits that are expected to arise from imposing a temporary Moratorium support a finding by the Town Board that immediate action is warranted; and,

WHEREAS, the Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town to complete this evaluation, and the Town Board anticipates that this can be completed within approximately one (1) year;

NOW, THEREFORE, in consideration of the above Recitals, which are incorporated herein by reference, the Town Board of the Town of Cleveland ordains as follows:

7-4-1 TITLE AND PURPOSE

- A. Title. The title of this Ordinance is the Town of Cleveland Moratorium on Construction Inconsistent With Existing Activities and Land uses, and Expansion of Existing Activities and Land Uses.
- B. Purpose. The purpose of the Moratorium is to create opportunity for the Town to study possible legislative action related to regulating activities and

land use in the Town and to promote meaningful implementation of the principles outlined in the Town's Comprehensive Plan. A Moratorium is necessary for the reasons set forth in the Recitals and consistent with the findings made by the Town Board in the Recitals, each and all of which are incorporated herein by reference.

7-4-2 AUTHORITY:

The Town Board relies on Wis. Stat. § 61.34, the general police powers of a village board, which have been conferred on the Town Board pursuant to Wis. Stat. §§ 60.10 (2)(c) and 60.22(3), and Wis. Stat. §§ 60.23, 60.61, and 60.62.

7-4-3 MORATORIUM IMPOSED:

- A. For the duration of the Moratorium, the Town Board prohibits construction inconsistent with existing activities and land use, changes in existing activities and land use, and expansion of existing activities and land uses. For purposes of this Ordinance, "expansion of existing activities and land uses" means an expansion by more than 50% of any existing trade, industry, activity, or use of a property.
- B. Notwithstanding the foregoing, this Moratorium does not prohibit or otherwise apply to construction, expansion, or remodeling of one-family or two-family residential structures and related residential accessory structures.
- C. Notwithstanding the foregoing, this Moratorium does not apply to the approval of any subdivision or other division of land by plat or certified survey map that is authorized under Wis. Stat. ch. 236.

7-4-4 DURATION OF MORATORIUM:

The Moratorium shall be in effect from the date of adoption until April 20, 2019, unless terminated earlier or extended further by an ordinance duly adopted by the Town Board.

7-4-5 ACTION ANTICIPATED DURING MORATORIUM:

- A. The Town shall consider adopting licensing ordinances for particular types of activities or uses that have the potential to have significant impacts on the health, safety, and welfare of Town residents and on the environment of the Town, requiring building permits for construction not regulated by the Town or Chippewa County under current law, and other legislative options for regulating the commencement or expansion of certain activities or land uses in the Town as it deems prudent and necessary to address the Town's

current planning needs. The Town may also review the Chippewa County Comprehensive Zoning Ordinance, analyzing it for consistency with the Town's Comprehensive Plan and adequacy for implementation of the Comprehensive Plan and the desires of Town residents. The Town may also consider the possibility of drafting a separate zoning ordinance for the Town.

- B. The Town shall provide opportunities for public participation throughout the process, and consider the public health, safety, and general welfare of Town residents during its review process.
- C. Upon completion of this process, in accordance with applicable statutes and ordinances, the Town Board shall act upon the recommendations from the Town residents and the Town's consultants as the Town Board deems prudent and necessary to address the Town's current planning needs.

The Town Board shall take such action as it deems appropriate to terminate the Moratorium early or extend the Moratorium beyond April 20, 2019.

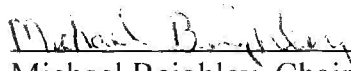
7-4-6 **AMENDMENT, EFFECTIVE DATE, AND PUBLICATION:**

- A. Upon adoption by the Town Board, the Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. §60.80 (1).
- B. This Ordinance shall be effective the day after its publication or posting under Wis. Stat. §60.80 (1).
- C. This Ordinance amends the Title 7, Chapter 4 Moratorium Ordinance adopted by the Town Board on April 20, 2018 by adding Section 3.2 above.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on this 9th day of May, 2018, by a vote of 2 for, 0 against and 0 abstentions.

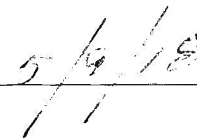
TOWN OF CLEVELAND


Michael Beighley, Chairperson


Peter Hetke, Supervisor

**ATTESTED BY:
TOWN OF CLEVELAND**

By: 
Linda Laird, Clerk

Date: 

ORDINANCE # - 2009-01
AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN
OF THE TOWN OF CLEVELAND, WISCONSIN

The Town Board of the Town of Cleveland, Wisconsin, do ordain as follows:

SECTION 1. Pursuant to sections 62.23(2) and (3) for towns exercising village powers under 60.22(3) of the Wisconsin Statutes, the Town of Cleveland 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 Town Board of the Town of Cleveland, 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 Town of Cleveland, Wisconsin, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled "Town of Cleveland, Comprehensive Plan," containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

SECTION 4. The Town 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 Town Board of the Town of Cleveland, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, "Town of Cleveland, Comprehensive Plan," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION 6. This ordinance shall take effect upon the passage by a majority vote of the members-elect of the Town Board and publication/posting as required by law.

ADOPTED this 14th day of Dec, 2009

Charles J. Carrell
Charles Carrell, Town Board Chair

Published:
Posted: 12/15/09

Attest: Linda Laird
Linda Laird, Town Clerk

