

ORDINANCE NO. 2015-09AN ORDINANCE TO REPEAL
SECTIONS 9.14(2) AND 9.14(3)
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
RELATED TO GREEN SPACE AND FLOODPLAIN
SEPARATION MINIMUM STANDARDS

WHEREAS, given the State regulatory scheme which creates State shoreland zoning standards, County shoreland zoning ordinance authority and zoning preemption, including recent amendments to those laws pursuant to 2015 Wisconsin Act 55 and 2015 Wisconsin Act 41 which include standards for green space and floodplain separation, Town regulation of green space and floodplain separation through ordinary police powers could invite challenges; and

WHEREAS, rather than face such challenges, the Town hereby chooses to allow green space and floodplain separation in shoreland areas to be regulated through the State and County regulatory scheme.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.14 entitled "Minimum Property Standards," subsection (3) entitled "Green Area," is hereby repealed.

SECTION 2: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.14 entitled "Minimum Property Standards," subsection (2) entitled "Floodplain Separation," is hereby repealed.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in

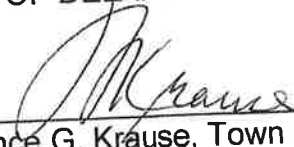
conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.


Dated this 8th day of December, 2015.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chairman

ATTEST:



Mary Elsner, Town Clerk

This ordinance posted or published 12/24/15
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