

ORDINANCE No. 18-5

**AN ORDINANCE REGARDING SUBSTANDARD LOTS**

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

**SECTION I. ADOPTION OF PROVISIONS.**

Section 13-1-183 of the Village of Elk Mound Code of Ordinances is created to read as follows:

**Sec. 13-1-183 Substandard Lots.**

- (a) **Definition.** Per Sec. 66.10015(1)(e), Wis. Stats., a "substandard lot" is a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements."
- (b) **Prohibited Actions Regarding Substandard Lots.** Notwithstanding any other law or rule, or any action or proceeding under common law, the Village, and its subunits and officials, may not enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:
  - (1) Conveying an ownership interest in a substandard lot.
  - (2) Using a substandard lot as a building site if all of the following apply:
    - a. The substandard lot or parcel has never been developed with one (1) or more of its structures placed partly upon an adjacent lot or parcel.
    - b. The substandard lot or parcel is developed to comply with all other ordinances of the Village.
- (c) **Prohibited Lot Merger Requirement.** Notwithstanding the authority granted under Secs. 61.35 and 62.23, Wis. Stats., the Village may not enact or enforce an ordinance or take any other action that requires one (1) or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

*State Law Reference:* Sec. 66.10015, Wis. Stats.

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this

Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 21 day of March, 2018.

VILLAGE OF ELK MOUND, WISCONSIN

  
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Village President

  
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Village Clerk-Treasurer

INTRODUCED: 3/21/18  
ADOPTED: 3/21/18  
POSTED/PUBLISHED: 3/26/18

State of Wisconsin:  
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Elk Mound on the 26 day of March, 2018. and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 26 day of March, 2018.

  
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Pat Hahn, Village Clerk-Treasurer