

**County of Bayfield Ordinance No. 13-1-102A(h)(2)**

**AN ORDINANCE REGARDING THE REOPENING AND REHEARING OF BOARD OF ADJUSTMENT CASES.**

**WHEREAS**, Wisconsin Statutes §59.694(1) authorizes the County Board to appoint and grant power to a board of adjustment; and

**WHEREAS**, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

**WHEREAS**, Section 13-1-104 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

**WHEREAS**, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-102A(h)(2) Code of Ordinances, Bayfield County, Wisconsin so reopening or rehearing of board of adjustment cases may be done on a limited basis; and

**WHEREAS**, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

**NOW, THEREFORE**, the Bayfield County Board of Supervisors does hereby ordain as follows:

**Section 1.** Subsection (h)(2) of Section 13-1-102A [Board of Adjustment Rules and Procedure] of Article F [Administration and Enforcement] of Chapter 1 [Zoning Code] or Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows:

(2) **Reopenings and Rehearings Limited.** The Board, on its own motion, may not reopen any case upon which a previous hearing has been held, except in the following circumstances:

- a. To correct a manifest error or when there is some ambiguity or missing element in the decision that makes it impossible for the Planning and Zoning Department to apply the decision(s). In such a situation, the Board may reopen a case at its next scheduled meeting.
- b. The Board, at the request of the Planning and Zoning Department, may also reopen a case without regard to time limits if an interpretation of a prior decision is necessary, or if interpretation, modification or enforcement of conditions of a board decision is necessary. Nothing in this section c. should be interpreted as allowing a complete reopening of the case, nor require or presume that the Board of Adjustment should make any substantial change in their decision. There shall be a \$100.00 filing fee assessed if the applicant is the party seeking a partial reopening under this section c. for purposes of deleting or substantially modifying a condition placed on a Board of Adjustment decision. There shall be no

filing fee if the request for reopening is solely at the request of the Planning and Zoning Department. In any rehearing or reopening of a Board of Adjustment decision, the criteria for decision shall be the same legal criteria as for the original decision.

**Section 2.** Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

**Section 3. SEVERABILITY.** If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

**Section 4. EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Adopted by the Board of Supervisors of the County of Bayfield on the \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

By: \_\_\_\_\_

Date Published: \_\_\_\_\_

Attest: \_\_\_\_\_