



Preserving Yesterday's Heritage for Tomorrow.

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE NO. 2026-5

An Ordinance to Amend § 320-118. Ponds., under Chapter 320 the Zoning Code of the Town of Cedarburg, Ozaukee County, Wisconsin.

- WHEREAS,** the Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town currently regulates ponds under Chapter 320: Zoning of the Town Code; and
- WHEREAS,** the Town Board directed staff to refer the topic to the Plan Commission for consideration, possible work and recommendations to the Town Board regarding ponds; and
- WHEREAS,** all notices required by Town Code and State Statutes have been published and a public hearing was held before the Town Board of Supervisors on April 1, 2026; and
- WHEREAS,** the Plan Commission of the Town of Cedarburg, by a majority vote of the entire Commission, has recommended the Town Board adopt the following amendments to § 320-118. Ponds.; and
- WHEREAS,** the Town Board has determined that such amendments will promote the public health, safety, welfare and comfort of the general public and the Town, and has directed that the Zoning Ordinances of the Town of Cedarburg be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that § 320-118. Ponds., under Chapter 320 the Zoning Code of the Town of Cedarburg is hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).

§ 320-118. Ponds.

[Amended 3-3-1999 by Ord. No. 1999-4; 2-5-2003 by Ord. No. 2003-1]

A. Authority. This ordinance is adopted pursuant to authority conferred by Chapter 60, Wis. Stats, and the Town Board exercising village powers by Ch. 61, Wis. Stats.

A.-B. Pond Permit. No pond shall be constructed, altered or extended in any zoning district unless a Town of Cedarburg permit is obtained and posted. Except as otherwise provided herein for shared ponds, man-made P ponds will not be permitted within 25 feet of any lot line or within 50 feet of a bicycle path. Native plantings may be required around any side of a pond that is within 100 feet of a public bicycle path. PA pond permits from the Town shall not be required for the following:

- (1) Wildlife ponds/wetland scrapes constructed with the assistance and approval of the Wisconsin Department of Natural Resources or the Ozaukee County Land and Water Conservation Department and which are located at least 100 feet from a property line; and

(2) Landscape ponds or ground depressions less than 1,000 square feet in area, less than three feet in depth and greater than 25 feet from a property line or 50 feet from a bicycle path.

(3) Storm water ponds approved by the Town in connection with a required stormwater retention or drainage plan for a land division, subdivision, or site plan development.

C.B.-Lot area. Ponds shall be considered a special accessory use and shall not be limited to any given yard but shall not occupy more than 105% of the total lot area, nor more than 5 acres in total size per individual pond.

DC.-Hearing. A public hearing shall be held by the Plan Commission Town Board before any permit is issued. A Class 2 legal notice shall be published in the qualified newspaper, and at least 10 days prior to the hearing and a notices sent to owners of record of property within 1,000 feet of the proposed pond or pond to be altered or extended. The Plan Commission and Town Board should take into consideration citizen input at the hearing. The Town Board shall also take into consideration as well as written recommendations from the Plan Commission before arriving at a decision whether to grant a permit for the pond. In the event that the property situated within the one-thousand-foot area is owned entirely by a single property owner, then notice shall be given to the next adjacent property owner so that at least two property owners in each cardinal direction are provided notice of the hearing.

[Amended 10-4-2006 by Ord. No. 2006-11]

ED.-Site plan. Plans for the proposed pond shall be submitted with the application for a pond permit to assist the Town Board and Plan Commission in their determinations. The plans shall consist, as a minimum, of a plan view and a typical cross section of the proposed pond. Any new pond or enlargement of any pond resulting in a total pond size of 1 acre or greater shall require plans prepared by a State of Wisconsin licensed civil engineer. The plans shall address seepage, liners, landscaping, subsidence, embankment strength, surface water drainage in the pool area, erosion control and be certified by the engineer. The plan view shall include the configuration of the pond with dimensions and maximum depth areas, distances to property lines, drainage easements, structures, outlet structures, septic systems, spoil locations, proposed overflow spillway, proposed landscaping and any other information that may help the Town Board and the Plan Commission evaluate the pond. The typical cross section shall identify the bank and bottom slopes, maximum depth, outlet and/or overflow structures with elevations and normal water level elevation. A description of the soil type(s) and hydraulic conditions at the site shall be provided to determine the feasibility of a pond. The limits of the proposed pond shall be field staked for review by the Town Board and Plan Commission.

FE.-Fees. A fee as set by the Town Board as part of the annual fee schedule shall be submitted with the permit application to help defray the cost of processing the application and the cost of the public hearing. The applicant is also responsible for reimbursement to the Town for all professional services fees and costs, geotechnical and other study costs, fees and other expenses incurred by the Town as part of the pond permit application.

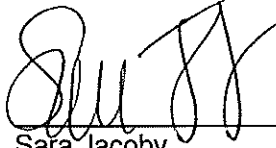
GF.-Construction and maintenance. Location, construction and maintenance of the pond shall be in accordance with the Town permit and regulations and shall also meet state and county rules and regulations. An as-built survey must be provided to the Town upon completion of construction for the Town Engineer or Director of Public Works to verify construction compliance with the approved plans.

H.G. Shared ponds. The Plan Commission and Town Board shall review pond permit applications for ponds proposed to cross lot lines on an individual basis.
[Amended 11-7-2001 by Ord. No. 2001-17]

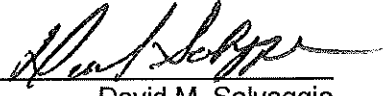
(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 1st day of April, 2026.



Sara Jacoby
Assistant Administrator/Clerk



David M. Salvaggio
Town Chairman