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## ORDINANCE NO. # 604

### AN ORDINANCE TO AMEND CHAPTER 106 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF EAGLE RIVER, WISCONSIN, BY ADDING A DEFINITION OF "EXCAVATION" TO SECTION 106-1

THE CITY COUNCIL OF THE CITY OF EAGLE RIVER, WISCONSIN, ORDAINS AS FOLLOWS:

**SECTION 1: FINDINGS AND PURPOSE WHEREAS**, Chapter 106 of the Municipal Code of the City of Eagle River regulates zoning within the city limits to promote public health, safety, morals, prosperity, aesthetics and general welfare pursuant to Wis. Stats. § 62.23 and related statutes; and

**WHEREAS**, excavation activities are fundamental to construction, site preparation, utility installation and other development within the city, and clear definitions aid in consistent administration and enforcement of zoning regulations, permitting requirements, and related provisions; and

**WHEREAS**, the addition of a specific definition for "Excavation" in Sec. 106-1 will provide clarity for property owners, developers, the Zoning Administrator and the public, reducing potential ambiguity in interpreting zoning standards related to land disturbance, grading, site preparation, and associated uses or permits; and

**WHEREAS**, a public hearing on this proposed amendment was duly noticed and held in accordance with applicable law, with opportunity for public comment provided;

**NOW, THEREFORE**, the City Council hereby finds that the amendment set forth herein is in the public interest.

**SECTION 2: AMENDMENT** Chapter 106 (Zoning), Article I (In General), Section 106-1 (Definitions) of the Municipal Code of the City of Eagle River, Wisconsin, is hereby amended by adding the following definition in alphabetical order (or as otherwise appropriate within the existing list of definitions):

CITY OF  
**EAGLE RIVER**  
*Wisconsin*

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**Excavation.** Any man-made cut, cavity, trench, depression, hole, or open pit in the earth's surface formed by the removal of soil, rock, earth, sand, gravel, or other materials, whether by mechanical equipment, hand tools, blasting, or other means. Excavation includes, but is not limited to, activities for foundations, basements, footings, trenches for utilities, grading for site preparation, or removal of unsuitable materials. This term does not include minor landscaping grading that does not exceed 12 inches in depth or 500 cubic feet in volume, or routine maintenance activities exempted under other provisions of this Code.

**SECTION 3: SEVERABILITY** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or provision thereof irrespective of the fact that any one or more parts or provisions be declared invalid.

**SECTION 4: EFFECTIVE DATE** This ordinance shall take effect and be in force after its passage and publication as provided by law.

**PASSED AND APPROVED** by the Common Council of the City of Eagle River, Wisconsin, this 12 day of May, 2026.

Debra A Brown Date: 5-12-2026  
Debra A Brown, Mayor

ATTEST:

Becky Bolte Date: 5-12-2026  
Becky Bolte, City Clerk

Date adopted: 5-12-2026  
Date published: 5-20-2026  
Date effective: 5-21-2026

