



2003 ASSEMBLY BILL 702

December 12, 2003 - Introduced by Representatives HUBLER, MUSSER, MONTGOMERY, BERCEAU, TURNER, TOWNSEND, J. LEHMAN, STASKUNAS and SERATTI, cosponsored by Senator JAUCH. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 59.69 (5) (e) 2. and 59.69 (5) (e) 6. of the statutes; **relating to:**
2 changing the method by which a town clerk is notified of certain county zoning
3 changes.

Analysis by the Legislative Reference Bureau

Currently, one of the methods by which a county board may amend a zoning ordinance or change the boundaries of a zoning district is by taking action following the receipt of a petition to amend a zoning ordinance from a property owner affected by the proposed amendment. Before the county board may act, it must call a public hearing on the petition. A copy of the notice for the hearing must be sent by registered mail to the town clerk of each town affected by the proposed amendment.

Also under current law, in general, if the county board amends a zoning ordinance that makes a change that is different from the change sought in the petition, the county clerk must submit by registered mail a copy of the enacted ordinance to the town clerk of each town affected by the proposed amendment.

Under this bill, the notice and the copy of the enacted ordinance may be sent by regular mail and, upon receipt, a town clerk must send a signed and dated admission of service to the county clerk.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 702**SECTION 1**

1 **SECTION 1.** 59.69 (5) (e) 2. of the statutes is amended to read:

2 59.69 **(5)** (e) 2. Upon receipt of the petition by the agency it shall call a public
3 hearing on the petition. Notice of the time and place of the hearing shall be given
4 by publication in the county of a class 2 notice, under ch. 985. A copy of the notice
5 shall be mailed ~~by registered mail~~ to the town clerk of each town affected by the
6 proposed amendment at least 10 days prior to the date of such hearing and, upon
7 receipt, each town clerk shall send a signed and dated admission of service to the
8 county clerk. If the petition is for any change in an airport affected area, as defined
9 in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or
10 operator of the airport bordered by the airport affected area.

11 **SECTION 2.** 59.69 (5) (e) 6. of the statutes is amended to read:

12 59.69 **(5)** (e) 6. If an amendatory ordinance makes only the change sought in
13 the petition and if the petition was not disapproved prior to, at or within 10 days
14 under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public
15 hearing by the town board of the town affected in the case of an ordinance relating
16 to the location of district boundaries or by the town boards of a majority of the towns
17 affected in the case of all other amendatory ordinances, it shall become effective on
18 passage. The county clerk shall record in the clerk's office the date on which the
19 ordinance becomes effective and notify the town clerk of all towns affected by the
20 ordinance of the effective date and also insert the effective date in the proceedings
21 of the county board. Any other amendatory ordinance when enacted shall within 7
22 days thereafter be ~~submitted~~ mailed in duplicate by the county clerk ~~by registered~~
23 ~~mail~~ to the town clerk of each town in which lands affected by the ordinance are
24 located and, upon receipt, each town clerk shall send a signed and dated admission
25 of service to the county clerk. If after 40 days from the date of the enactment a

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1 majority of the towns have not filed certified copies of resolutions disapproving the
2 amendment with the county clerk, or if, within a shorter time a majority of the towns
3 in which the ordinance is in effect have filed certified copies of resolutions approving
4 the amendment with the county clerk, the amendment shall be in effect in all of the
5 towns affected by the ordinance. Any ordinance relating to the location of boundaries
6 of districts shall within 7 days after enactment by the county board be transmitted
7 by the county clerk by registered mail only to the town clerk of the town in which the
8 lands affected by the change are located and shall become effective 40 days after
9 enactment of the ordinance by the county board unless such town board prior to such
10 date files a certified copy of a resolution disapproving of the ordinance with the
11 county clerk. If such town board approves the ordinance, the ordinance shall become
12 effective upon the filing of the resolution of the town board approving the ordinance
13 with the county clerk. The clerk shall record in the clerk's office the date on which
14 the ordinance becomes effective and notify the town clerk of all towns affected by
15 such ordinance of such effective date and also make such report to the county board,
16 which report shall be printed in the proceedings of the county board.

17 (END)