



2001 SENATE BILL 350

December 12, 2001 - Introduced by Senators BRESKE, A. LASEE, ERPENBACH, WIRCH, SHIBILSKI and M. MEYER, cosponsored by Representatives FREESE, OWENS, GRONEMUS, HAHN, HUEBSCH, HUNDERTMARK, LADWIG, F. LASEE, M. LEHMAN, LIPPERT, MCCORMICK, MUSSER, OTT, PETROWSKI, PETTIS, PLOUFF, RYBA, SCHNEIDER, SCHOOFF, SERATTI, STARZYK, SYKORA, TOWNSEND, VRAKAS, HUBLER and SHERMAN. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to repeal* 60.10 (2) (c); and *to amend* 60.10 (2) (intro.), 60.22 (3), 60.23
2 (19) and 60.62 (1) of the statutes; **relating to:** authorizing a town board to
3 exercise village powers.

Analysis by the Legislative Reference Bureau

Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers relating to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. For example, a town board exercising village powers may not create a tax incremental financing district, annex territory, exercise extraterritorial zoning jurisdiction over another town, or, in counties that have adopted a county zoning ordinance, enact a town zoning ordinance unless it is approved by the county board. If a town board exercises village powers, the town is still subject to annexation by a city or village and may be subject to extraterritorial zoning powers exercised by a city or village.

Under this bill, the power of a town meeting to authorize a town board to exercise village powers is repealed, and the bill authorizes a town board to exercise such powers.

For further information see the *state and 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:

SENATE BILL 350

1 **SECTION 1.** 60.10 (2) (intro.) of the statutes is amended to read:

2 60.10 **(2)** DIRECTIVES OR GRANTS OF AUTHORITY TO TOWN BOARD. (intro.) ~~Except~~
3 ~~as provided under par. (c), directives~~ Directives or grants of authority to the town
4 board under this subsection may be general and continuing or may be limited as to
5 purpose, effect, or duration. A resolution adopted under this subsection shall specify
6 whether the directive or grant is general and continuing or whether it is limited as
7 to purpose, effect, or duration. A resolution that is continuing remains in effect until
8 rescinded at a subsequent town meeting by a number of electors equal to or greater
9 than the number of electors who voted for the original resolution. This subsection
10 does not limit any authority otherwise conferred on the town board by law. By
11 resolution, the town meeting may:

12 **SECTION 2.** 60.10 (2) (c) of the statutes is repealed.

13 **SECTION 3.** 60.22 (3) of the statutes is amended to read:

14 60.22 **(3)** VILLAGE POWERS. ~~If authorized under s. 60.10 (2) (c), may~~ May exercise
15 powers relating to villages and conferred on village boards under ch. 61, except those
16 powers which conflict with statutes relating to towns and town boards.

17 **SECTION 4.** 60.23 (19) of the statutes is amended to read:

18 60.23 **(19)** FENCES IN SUBDIVISIONS. ~~If authorized under s. 60.10 (2) (c) to exercise~~
19 exercising village powers, by ordinance require a subdivider to construct a fence
20 under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a
21 condition of plat approval by the town. The fence shall be maintained under s. 90.05
22 (2) and repaired under ss. 90.10 and 90.11.

23 **SECTION 5.** 60.62 (1) of the statutes is amended to read:

