

2013 DRAFTING REQUEST

Bill

Received: 9/7/2012 Received By: rkite  
 Wanted: As time permits Same as LRB:  
 For: Jeffrey Mursau (608) 266-3780 By/Representing: himself  
 May Contact: Drafter: rkite  
 Subject: Nat. Res. - wet/shore/flood Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Rep.Mursau@legis.wisconsin.gov  
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Shoreland zoning ordinances in annexed areas

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 10/5/2012	evinz 10/23/2012		_____			
/1			jmurphy 10/23/2012	_____	srose 10/23/2012	sbasford 2/28/2013	

FE Sent For:

*none needed*

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 9/7/2012 Received By: rkite  
Wanted: As time permits Companion to LRB:  
For: Jeffrey Mursau (608) 266-3780 By/Representing: himself  
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/1			10/23/2012	_____	srose 10/23/2012		

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1/?	rkite	1 rev 10/22/12	1 rev 10/23/12	Jm + RS 10/23			

FE Sent For:

<END>

**Kite, Robin**

---

**From:** Rep.Mursau  
**Sent:** Thursday, September 06, 2012 11:14 AM  
**To:** Kite, Robin

Robin,

I understand drafting requests are currently being accepted and LRB will work on them will begin in September.

Please re-draft 2005 AB 299 for the 2013 legislative session.

Please feel free to contact me or my staff should you have any questions.

**Representative Jeff Mursau**  
Wisconsin State Assembly  
**36th Assembly District**  
**Committee on Natural Resources**, Chair  
**Committee on Forestry**, Chair  
**Committee on Agriculture**, Member  
PO Box 8952  
Madison, WI 53708-8953  
(608) 266-3780

## 2005 ASSEMBLY BILL 299

April 7, 2005 – Introduced by Representatives GUNDERSON, ALBERS, BIES, FIELDS, GOTTLIEB, GUNDRUM, HAHN, HINES, HUNDERTMARK, JENSEN, KESTELL, KRAWCZYK, LEHMAN, MONTGOMERY, MOULTON, MURSAU, MUSSER, NISCHKE, OTT, PETTIS, SUDER, VOS, VRAKAS, WIECKERT, ZIEGELBAUER and ZEPNICK, cosponsored by Senators KAPANKE, LAZICH, STEPP, GROTHMAN and LASSA. Referred to Committee on Natural Resources.

1 AN ACT *to repeal* 59.692 (7), 66.0203 (10), 66.0213 (2) (b) and 66.0215 (7) (b); *to*  
2 *renumber* 66.0213 (2) (a) and 66.0215 (7) (a); and *to amend* 59.692 (6m),  
3 66.0217 (8) (a), 66.0219 (6) and 66.0223 (1) of the statutes; **relating to:** the  
4 effect of county shoreland zoning ordinances in territories annexed by cities,  
5 villages, or towns or incorporated as cities, or villages.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water.

Current law provides, with certain exceptions, that if a city, village, or town annexes a county shoreland area after a specified date and that area, before annexation, was subject to a county shoreland ordinance, then the county shoreland ordinance continues to be in effect and must be enforced by the annexing city, village, or town. This bill eliminates this requirement that the annexing city, village, or town continue to keep the ordinance in effect and enforce the ordinance.

Current law also provides that, if a territory is incorporated as a city or village, or if a town is incorporated as a fourth class city, and the incorporated territory is covered by a shoreland zoning ordinance, then that ordinance remains in force after incorporation. This bill eliminates the requirement that county shoreland zoning

**ASSEMBLY BILL 299**

ordinances remain in force after a territory is incorporated as a city or village or after a town is incorporated as a fourth class city.

---

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

1           **SECTION 1.** 59.692 (6m) of the statutes is amended to read:

2           59.692 **(6m)** For an amendment to an ordinance enacted under this section that  
3 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a),  
4 the department may not proceed under sub. (6) ~~or (7) (b) or (c)~~, or otherwise review  
5 the amendment, to determine whether the ordinance, as amended, fails to meet the  
6 shoreland zoning standards.

7           **SECTION 2.** 59.692 (7) of the statutes is repealed.

8           **SECTION 3.** 66.0203 (10) of the statutes is repealed.

9           **SECTION 4.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

10          **SECTION 5.** 66.0213 (2) (b) of the statutes is repealed.

11          **SECTION 6.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

12          **SECTION 7.** 66.0215 (7) (b) of the statutes is repealed.

13          **SECTION 8.** 66.0217 (8) (a) of the statutes is amended to read:

14          66.0217 **(8)** (a) An ordinance for the annexation of the territory described in the  
15 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected  
16 members of the governing body not less than 20 days after the publication of the  
17 notice of intention to circulate the petition and not later than 120 days after the date  
18 of filing with the city or village clerk of the petition for annexation or of the  
19 referendum election if favorable to the annexation. If the annexation is subject to  
20 sub. (6) the governing body shall first review the reasons given by the department  
21 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~

**ASSEMBLY BILL 299**

1     ~~an~~ An ordinance under this subsection may temporarily designate the classification  
2     of the annexed area for zoning purposes until the zoning ordinance is amended as  
3     prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a  
4     temporary classification, the proposed classification shall be referred to and  
5     recommended by the plan commission. The authority to make a temporary  
6     classification is not effective when the county ordinance prevails during litigation as  
7     provided in s. 59.69 (7).

8             **SECTION 9.** 66.0219 (6) of the statutes is amended to read:

9             66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim  
10     zoning ordinance to become effective only upon approval of the annexation at the  
11     referendum election may be enacted by the governing body of the city or village.  
12     ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the  
13     classification of the annexed area for zoning purposes until the zoning ordinance is  
14     amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance  
15     shall be referred to and recommended by the plan commission prior to introduction.  
16     Authority to make a temporary classification is not effective when the county zoning  
17     ordinance prevails during litigation as provided in s. 59.69 (7).

18            **SECTION 10.** 66.0223 (1) of the statutes is amended to read:

19            66.0223 (1) In addition to other methods provided by law and subject to sub.  
20     (2) and ~~ss. 59.692 (7) and s.~~ 66.0307 (7), territory owned by and lying near but not  
21     necessarily contiguous to a village or city may be annexed to a village or city by  
22     ordinance enacted by the board of trustees of the village or the common council of the  
23     city, provided that in the case of noncontiguous territory the use of the territory by  
24     the city or village is not contrary to any town or county zoning regulation. The  
25     ordinance shall contain the exact description of the territory annexed and the names

**ASSEMBLY BILL 299**

1 of the towns from which detached, and attaches the territory to the village or city  
2 upon the filing of 7 certified copies of the ordinance in the office of the secretary of  
3 state, together with 7 copies of a plat showing the boundaries of the territory  
4 attached. Two copies of the ordinance and plat shall be forwarded by the secretary  
5 of state to the department of transportation, one copy to the department of  
6 administration, one copy to the department of natural resources, one copy to the  
7 department of revenue and one copy to the department of public instruction. Within  
8 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed  
9 or delivered to the clerk of the county in which the annexed territory is located.  
10 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

**SECTION 11. Initial applicability.**

11  
12 (1) This act applies retroactively to annexations that occurred after May 7,  
13 1982, and to incorporations that occurred after April 30, 1994.

14 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



RM  
not run  
0040/1

LRB-0509/1

RNK:10.rs

eev

2013  
2011 BILL

In  
10/5  
PWF  
pm 10/23

D-Note

regen. cat

1 AN ACT *to repeal* 59.692 (7), 66.0203 (10), 66.0213 (2) (b), 66.0215 (7) (b) and  
 2 66.0216 (8) (b); *to renumber* 66.0213 (2) (a), 66.0215 (7) (a) and 66.0216 (8) (a);  
 3 *to amend* 59.692 (6m), 66.0217 (8) (a), 66.0219 (6) and 66.0223 (1); and *to*  
 4 *create* 59.692 (7m) of the statutes; **relating to:** the applicability of <sup>a</sup> county  
 5 shoreland zoning ordinances <sup>of a</sup> in shoreland areas annexed by, or incorporated as,  
 6 <sup>a city</sup> ~~villages~~ or villages.

**Analysis by the Legislative Reference Bureau**

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water.

Current law provides, with certain exceptions, that, if a city or village annexes a county shoreland area after a specified date and that area, before annexation, was subject to a county shoreland ordinance, then the county shoreland ordinance continues to be in effect and must be enforced by the annexing city or village. This bill eliminates this requirement that the annexing city or village continue to keep the ordinance in effect and enforce the ordinance.

Current law also provides that, if a shoreland area that is part of a town is incorporated as a city or village after a specified date, then a county shoreland zoning ordinance that covered that shoreland area before incorporation remains in effect. This bill eliminates the requirement that county shoreland zoning ordinances

**BILL**

remain in force after a shoreland area is incorporated as a city or village <sup>or after a</sup>  
~~town is incorporated as a fourth class city.~~

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

<sup>or (4)(a),</sup>

<sup>x</sup>  
**SECTION 1.** 59.692 (6m) of the statutes is amended to read:

59.692 **(6m)** For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) <sup>or</sup> (3) (a), the department may not proceed under sub. (6) ~~or (7) (b) or (c)~~, or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

<sup>x</sup>  
**SECTION 2.** 59.692 (7) of the statutes is repealed.

**SECTION 3.** 59.692 (7m) of the statutes is created to read:

~~59.692 **(7m)** (a) A shoreland area that, as a result of annexation, was subject to a county shoreland zoning ordinance under s. 59.692 (7) (a), <sup>2011</sup> 2009 stats., is not subject to that county shoreland zoning ordinance beginning on the effective date of this paragraph .... [LRB inserts date].~~

~~(b) A shoreland area that, as a result of incorporation, was subject to a county shoreland zoning ordinance under s. 59.692 (7) (ad), <sup>2011</sup> 2009 stats., is not subject to that county shoreland zoning ordinance beginning on the effective date of this paragraph .... [LRB inserts date].~~

<sup>x</sup>  
**SECTION 4.** 66.0203 (10) of the statutes is repealed.

<sup>x</sup>  
**SECTION 5.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

<sup>x</sup>  
**SECTION 6.** 66.0213 (2) (b) of the statutes is repealed.

<sup>x</sup>  
**SECTION 7.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

<sup>x</sup>  
**SECTION 8.** 66.0215 (7) (b) of the statutes is repealed.

BILL

~~1~~ ~~2~~ SECTION 9. 66.0216 (8) (a) of the statutes is renumbered 66.0216 (8). *stet*

2 SECTION 10. 66.0216 (8) (b) of the statutes is repealed.

*fix component*

~~3~~ SECTION 11. 66.0217 (8) (a) of the statutes is *renumbered 66.0216 (8) and* amended to read: *stet?*

*ignore every red line*

~~4~~ *stet* 66.0217 (8) (a) An ordinance for the annexation of the territory described in the  
5 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected  
6 members of the governing body not less than 20 days after the publication of the  
7 notice of intention to circulate the petition and not later than 120 days after the date  
8 of filing with the city or village clerk of the petition for annexation or of the  
9 referendum election if favorable to the annexation. If the annexation is subject to  
10 sub. (6) the governing body shall first review the reasons given by the department  
11 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~  
12 ~~an~~ An ordinance under this subsection may temporarily designate the classification  
13 of the annexed area for zoning purposes until the zoning ordinance is amended as  
14 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a  
15 temporary classification, the proposed classification shall be referred to and  
16 recommended by the plan commission. The authority to make a temporary  
17 classification is not effective when the county ordinance prevails during litigation as  
18 provided in s. 59.69 (7).

19 SECTION 12. 66.0219 (6) of the statutes is amended to read:

20 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim  
21 zoning ordinance to become effective only upon approval of the annexation at the  
22 referendum election may be enacted by the governing body of the city or village.  
23 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the  
24 classification of the annexed area for zoning purposes until the zoning ordinance is  
25 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance

**BILL****SECTION 12**

1 shall be referred to and recommended by the plan commission prior to introduction.  
2 Authority to make a temporary classification is not effective when the county zoning  
3 ordinance prevails during litigation as provided in s. 59.69 (7).

4 **SECTION 13.** 66.0<sup>x</sup>223 (1) of the statutes is amended to read:

5 66.0223 (1) In addition to other methods provided by law and subject to sub.  
6 (2) and ss. ~~59.692 (7)~~, 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying  
7 near but not necessarily contiguous to a village or city may be annexed to a village  
8 or city by ordinance enacted by the board of trustees of the village or the common  
9 council of the city, provided that in the case of noncontiguous territory the use of the  
10 territory by the city or village is not contrary to any town or county zoning regulation.  
11 The ordinance shall contain the exact description of the territory annexed and the  
12 names of the towns from which detached, and attaches the territory to the village or  
13 city upon the filing of 7 certified copies of the ordinance in the office of the secretary  
14 of state, together with 7 copies of a plat showing the boundaries of the territory  
15 attached. Two copies of the ordinance and plat shall be forwarded by the secretary  
16 of state to the department of transportation, one copy to the department of  
17 administration, one copy to the department of natural resources, one copy to the  
18 department of revenue and one copy to the department of public instruction. Within  
19 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed  
20 or delivered to the clerk of the county in which the annexed territory is located.  
21 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

22

(END)

INS.  
4-21

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0040/lins.  
RNK:eev:...

INSERT 4-21

1           **SECTION 1. Nonstatutory provisions.**

2           (1) Shoreland territory in a city or village that was made subject to a county  
3 shoreland zoning ordinance under section 59.692 (7) (a), 2011 stats., section 59.692  
4 (7) (ad), 2011 stats., section 66.0203 (10), 2011 stats., section 66.0213 (2) (b), 2011  
5 stats., section 66.0215 (7) (b), 2011 stats., or section 66.0216 (8) (b), 2011 stats., is not  
6 subject to that county shoreland zoning ordinance on or after the effective date of this  
7 subsection.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0040/1dn

RNK:...

Lev

This is a redraft of enrolled 2005 Assembly Bill ~~2005~~<sup>299</sup> concerning county shoreland zoning ordinances. That bill, as enrolled, contained an initial applicability provision that gave retroactive effect to the provisions of the bill. This draft, instead, contains a nonstatutory provision that, I believe, more clearly sets forth the retroactive effect of the bill.

Please feel free to contact me if you have any questions.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0040/1dn  
RNK:eev:jm

October 23, 2012

This is a redraft of enrolled 2005 Assembly Bill 299 concerning county shoreland zoning ordinances. That bill, as enrolled, contained an initial applicability provision that gave retroactive effect to the provisions of the bill. This draft, instead, contains a nonstatutory provision that, I believe, more clearly sets forth the retroactive effect of the bill.

Please feel free to contact me if you have any questions.

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Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.wisconsin.gov](mailto:robin.kite@legis.wisconsin.gov)

**Basford, Sarah**

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**From:** Gary, Tim  
**Sent:** Thursday, February 28, 2013 9:59 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0040/1 Topic: Shoreland zoning ordinances in annexed areas

Please Jacket LRB -0040/1 for the ASSEMBLY.