



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3371/1
MES:cjs

2015 SENATE BILL 313

October 14, 2015 – Introduced by Senators OLSEN, LASSA and ERPENBACH, cosponsored by Representatives KRUG, KITCHENS, KAHL, R. BROOKS, MURSAU, T. LARSON, SANFELIPPO, PETERSEN, KNODL, MEYERS, JARCHOW, ALLEN and QUINN. Referred to Committee on Elections and Local Government.

1 **AN ACT to amend** 59.69 (5) (b), 59.69 (5) (e) 2. and 59.69 (5) (e) 6.; and **to create**
2 59.69 (5) (g) of the statutes; **relating to:** the method used by a county clerk to
3 notify town clerks of certain county zoning actions.

Analysis by the Legislative Reference Bureau

Under current law, when a county enacts or amends certain zoning ordinances a county clerk is required to send to town clerks, by registered mail, copies of the enacted ordinances or amendments.

Also under current law, if a petition to amend a zoning ordinance is made to a county board and the county is required to notice a public hearing on the proposed amendment, the county clerk is required to send to affected town clerks, by registered mail, a copy of the notice.

Under this bill, in general, a county clerk is required to send copies of ordinances or amendments, or notices (collectively, materials), to town clerks by certified mail. Also under the bill, a county clerk may send such materials to a town clerk by electronic mail (e-mail), if the county clerk includes with the e-mail a request that the town clerk promptly confirm receipt of the e-mail by return e-mail. If the town clerk does not send the requested e-mail confirmation within five business days, the county clerk must submit the materials to the town clerk by certified mail.

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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:

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

2 59.69 (5) (b) When the draft of the ordinance, recommended for enactment by
3 the zoning agency, is received by the board, it may enact the ordinance as submitted,
4 or reject it, or return it to the agency with such recommendations as the board may
5 see fit to make. In the event of such return subsequent procedure by the agency shall
6 be as if the agency were acting under the original directions. When enacted,
7 ~~duplicate copies~~ a copy of the ordinance shall be submitted by the clerk ~~by registered~~
8 ~~mail~~ to each town clerk, under par. (g), for consideration by the town board.

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

10 59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public
11 hearing on the petition. Notice of the time and place of the hearing shall be given
12 by publication in the county of a class 2 notice, under ch. 985. If an amendment to
13 an ordinance, as described in the petition, has the effect of changing the allowable
14 use of any property, the notice shall include either a map showing the property
15 affected by the amendment or a description of the property affected by the
16 amendment and a statement that a map may be obtained from the zoning agency.
17 A copy of the notice shall be ~~mailed by registered mail~~ submitted by the clerk under
18 par. (g) to the town clerk of each town affected by the proposed amendment at least
19 10 days prior to the date of such hearing. If the petition is for any change in an airport
20 affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the
21 notice to the owner or operator of the airport bordered by the airport affected area.

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1 **SECTION 3.** 59.69 (5) (e) 6. of the statutes is amended to read:

2 59.69 (5) (e) 6. If an amendatory ordinance makes only the change sought in
3 the petition and if the petition was not disapproved prior to, at or within 10 days
4 under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public
5 hearing by the town board of the town affected in the case of an ordinance relating
6 to the location of district boundaries or by the town boards of a majority of the towns
7 affected in the case of all other amendatory ordinances, it shall become effective on
8 passage. The county clerk shall record in the clerk's office the date on which the
9 ordinance becomes effective and notify the town clerk of all towns affected by the
10 ordinance of the effective date and also insert the effective date in the proceedings
11 of the county board. ~~Any~~ The county clerk shall submit a copy of any other
12 amendatory ordinance when enacted shall within 7 days thereafter be submitted in
13 duplicate by the county clerk by registered mail, under par. (g), within 7 days of its
14 enactment, to the town clerk of each town in which lands affected by the ordinance
15 are located. If after 40 days from the date of the enactment a majority of the towns
16 have not filed certified copies of resolutions disapproving the amendment with the
17 county clerk, or if, within a shorter time a majority of the towns in which the
18 ordinance is in effect have filed certified copies of resolutions approving the
19 amendment with the county clerk, the amendment shall be in effect in all of the
20 towns affected by the ordinance. ~~Any~~ The county clerk shall submit under par. (g),
21 within 7 days of its enactment, any ordinance relating to the location of boundaries
22 of districts ~~shall within 7 days after enactment by the county board be transmitted~~
23 ~~by the county clerk by registered mail only to the town clerk of the town in which the~~
24 lands affected by the change are located ~~and.~~ Such an ordinance shall become
25 effective 40 days after enactment of the ordinance by the county board unless such

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1 town board prior to such date files a certified copy of a resolution disapproving of the
2 ordinance with the county clerk. If such town board approves the ordinance, the
3 ordinance shall become effective upon the filing of the resolution of the town board
4 approving the ordinance with the county clerk. The clerk shall record in the clerk's
5 office the date on which the ordinance becomes effective and notify the town clerk of
6 all towns affected by such ordinance of such effective date and also make such report
7 to the county board, which report shall be printed in the proceedings of the county
8 board.

9 **SECTION 4.** 59.69 (5) (g) of the statutes is created to read:

10 59.69 (5) (g) 1. Except as provided in subd. 2., when a county clerk is required
11 to submit materials to a town clerk as described in pars. (b) and (e) 2. and 6., the
12 county clerk shall submit the materials by certified mail.

13 2. A county clerk may submit to a town clerk by electronic mail the materials
14 described in subd. 1. if the county clerk includes with the electronic mail a request
15 that the town clerk promptly confirm receipt of the materials by return electronic
16 mail. If the county clerk does not receive such confirmation within 5 business days,
17 the county clerk shall submit the materials to the town clerk by certified mail.

18 **SECTION 5. Initial applicability.**

19 (1) This act first applies to materials submitted by a county clerk to a town clerk
20 on the effective date of this subsection.

21 (END)