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CHAPTER 500

AN ACT to create 60.81 of the statutes, relating to incorporation of certain towns as fourth class cities.

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

60.81 of the statutes is created to read:

60.81 TOWNS MAY BECOME CITIES. (1) **PETITION.** Whenever the resident population of any town exceeds 5,000 as shown by the last federal census or by a census herein provided for and is adjacent to a city of the first class and contains an equalized valuation in excess of \$20,000,000 and a petition has been presented and signed by 100 or more persons, each an elector and taxpayer of said town, and, in addition thereto, said petition contains the signatures of at least one-half of the owners of real estate in said town which petition requests submission of the question to the electors of the town and is filed with the clerk of the town, the procedure for becoming a fourth class city is initiated.

(2) **REFERENDUM.** At the next regular meeting of the town board, said town board by resolution shall provide for a referendum by the electors of said town. The resolution shall determine the numbers and boundaries of each ward of the proposed city, the time of voting, which shall not be earlier than 6 weeks after the adoption of said resolution and said resolution may direct that a census be taken in the manner provided in s. 61.02.

(3) **NOTICE OF REFERENDUM.** Notice of the referendum shall be given by publication of the resolution in a newspaper published in such town, if there be one, otherwise in a newspaper designated in the resolution, once a week for 4 successive weeks, the first publication to be not more than 4 weeks before the referendum.

(4) **RETURN.** The referendum shall be conducted in the same manner as elections for supervisors of the town board, and the form of the bal-

lot shall be "for a city" or "against a city." The inspectors shall make a return to the clerk of such town.

(5) **CERTIFICATE OF INCORPORATION.** If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census if any, and 2 copies of a description of the legal boundaries of the town and 2 copies of a plat thereof, whereupon the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose. One copy of the description and plat shall be forwarded by the secretary of state to the highway commission.

(6) **CITY POWERS.** Every city thus incorporated shall thenceforth be a body corporate and politic, with the powers and privileges of a municipal corporation at common law and conferred by ch. 62.

(7) **EXISTING ORDINANCES.** Ordinances in force in the territory or any part thereof, so far as not inconsistent with ch. 62, shall continue in force until altered or repealed.

(8) **INTERIM OFFICERS.** All officers of the town embracing the territory thus incorporated as a city shall continue in their powers and duties as theretofore until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been chosen and qualified all oaths of office and other papers shall be filed with the clerk, with whom the petition was filed, who shall deliver them with the petition to the city clerk when he shall have qualified.

(9) **FIRST CITY ELECTION.** Within 10 days after incorporation of the city, the board with the clerk of which the petition was filed shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in such city; but failure to give such notice shall not invalidate the election. The election shall be conducted as is prescribed by ch. 5, except that no registration of voters shall be required. The inspectors shall make returns to such board which shall within one week after such election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election shall be on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within 10 days and hold until the regular city election and the qualification of their successors, and the term of their appointees shall expire as soon as successors qualify.

Approved July 25, 1955.
