

No. 640, A.]

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CHAPTER 550

AN ACT to amend 62.23 (7) (d), 66.199, 80.12 and 345.05 (4); and to create 62.19 of the statutes, relating to city and village government to eliminate inconsistencies, supply obvious omissions and clarify existing statutes.

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

SECTION 1. 62.19 of the statutes is created to read:

62.19 WATER AND HEAT PIPE EXTENSIONS. The expense of laying water and heat mains which are extensions to mains of a private utility under written contract with a city to lay or extend mains on order of the council, shall be defrayed by the city at large, or by the abutting property as the council determines.

SECTION 2. 62.23 (7) (d) of the statutes is amended to read:

62.23 (7) (d) The city plan commission, or board of public land commissioners, or if the city has neither, a city plan committee of the council, shall, upon request of the council, recommend the district plan and regulations for the city. Tentative recommendations shall first be formulated and a public hearing or hearings held thereon by the plan commission, or plan committee, functioning in lieu thereof. The council may change the districts and regulations after first submitting the proposed changes to the city plan commission or board of public land commissioners for recommendation and report and after giving at least 10 days' notice of the proposed changes and hearings thereon, by publication in the official paper at least 3 times during the preceding 30 days. The council or committee thereof shall give an opportunity to any person interested to be heard. In case of a protest against such change, duly signed and acknowledged by the owners of 20 per cent or more either of the areas of the land included in such proposed change, or by the owners of 20 per cent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 per cent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council. * * * *Notices of such tentative recommendations or proposed changes in the plan and regulations may contain the street names and house or lot numbers for purposes of identification if the commission, council or board so determines.*

SECTION 3. 66.199 of the statutes is amended to read:

66.199 Whenever the governing body of any city or village by ordinance adopts a salary schedule for some or all employes and officers of such city and village, other than those subject to ss. 40.809 and 41.15 *and members of the city council or village board*, such may include an automatic adjustment for some or all of such personnel in conformity with fluctuations upwards and downwards in the cost of living, notwithstanding * * * ss. 61.32, 62.09 (6) and 62.13 (7), except that s. 62.13 (7) shall be applicable if such automatic adjustment reduces basic salaries in effect January 1, 1940.

SECTION 4. 80.12 of the statutes is amended to read:

80.12 Whenever it is deemed necessary to lay out, alter, widen or discontinue a highway upon the line between a town and city or village or lay out, alter, widen or discontinue a highway or any part thereof extending from a town to a city or village proceedings therefor may be had under s. 80.11. The application therefor shall be in duplicate, addressed to the supervisors of the town and the common council of the city or the board of trustees of the village, and be signed by at least 6 freeholders of the town and 6 freeholders of the city or village. Thereupon such common council or board of trustees shall appoint 3 commissioners on the part of such city or village, who shall be duly sworn to faithfully discharge their duties as such commissioners before entering on the same. Such commissioners and town supervisors shall then give notice and proceed in all respects as provided in s. 80.11; and such city or village shall be in like manner as a town responsible for that part of such highway determined to be made and kept in repair by the same and for the share of damages assigned to the same. The cost of repairs, improvement and maintenance of any highway laid out on a line between a city and a town or village or located on one or the other side of the line may be at the expense of such adjoining municipalities and the apportionment may be made as provided in s. 80.11 (3) to (6). The town board, village board and city council may cause any such highway or any part of such highway not less than 16 rods in length to be graded, paved, macadamized or otherwise improved, including the establishment of the grade and the construction of the curbs and gutters, and installation of water and sewer mains and service pipes, or either, and may levy special assessments for the whole or any part of the cost thereof as a tax upon such property as they shall determine as especially benefited thereby, in the manner provided in s. * * * 66.60. All proceedings and orders required to be filed and recorded shall be filed and recorded in the office of the city or village clerk as well as in the office of the town clerk.

SECTION 5. 345.05 (4) of the statutes is amended to read:

345.05 (4) Failure of the governing body to pass upon the claim within * * * 90 days after presentation constitutes a disallowance. Disallowance by the governing body bars any action founded on the claim unless brought within 6 months after disallowance. Actions against the state and payment of the amount recovered shall be as provided in ss. 285.01 and 285.04. For the purposes of this section, judgments against municipalities shall be certified, filed and collected as provided in s. 66.09 whether named therein or not.

Approved October 2, 1961.