

State of Wisconsin



2007 Senate Bill 335

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2007 WISCONSIN ACT 72

AN ACT *to amend* 59.10 (1) (b), 59.14 (1), 60.77 (5) (c), 60.77 (5m), 60.80 (1) (intro.), 61.50 (1), 61.50 (1m), 62.11 (4) (a) and 62.23 (7a) (b); and *to create* 59.14 (1m), 60.77 (5s), 60.80 (5), 61.50 (3) and 62.11 (4) (c) of the statutes; **relating to:** changing the requirements for the publication of certain actions taken by certain local governments.

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

SECTION 1. 59.10 (1) (b) of the statutes is amended to read:

59.10 (1) (b) *Terms.* The term of office of supervisors is 2 years. A board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one-half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. 985, or as a notice, as described under s. 59.14 (1m) (b), before publication of the notice of the election at which supervisors are to be elected.

SECTION 2. 59.14 (1) of the statutes is amended to read:

59.14 (1) Whenever a board enacts an ordinance under this chapter the clerk shall immediately publish it the ordinance either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (1m)

(b); and the clerk shall procure and distribute copies of the ordinance to the several town clerks, who shall file it in their respective offices.

SECTION 3. 59.14 (1m) of the statutes is created to read:

59.14 (1m) (a) In this subsection, "summary" means a brief, precise, and plain-language description that can be easily understood.

(b) A notice of an ordinance that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

1. The number and title of the ordinance.
2. The date of enactment.
3. A summary of the subject matter and main points of the ordinance.
4. Information as to where the full text of the ordinance may be obtained, including the phone number of the county clerk, a street address where the full text of the ordinance may be viewed, and a Web site, if any, at which the ordinance may be accessed.

SECTION 4. 60.77 (5) (c) of the statutes is amended to read:

60.77 (5) (c) Issue rules or orders, which shall be published either in their entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s) (b).

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 60.77 (5m) of the statutes is amended to read:

60.77 (5m) **AUTHORITY TO ENACT ORDINANCES.** The commission may enact and enforce ordinances to implement the powers listed under sub. (5). The ordinances shall be published either in their entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s) (b).

SECTION 6. 60.77 (5s) of the statutes is created to read:

60.77 (5s) **REQUIREMENTS FOR NOTICE.** (a) In this subsection, “summary” has the meaning given in s. 59.14 (1m) (a).

(b) A notice of an ordinance, rule, or order that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

1. The number and title of the ordinance, rule, or order.
2. The date of enactment.
3. A summary of the subject matter and main points of the ordinance, rule, or order.
4. Information as to where the full text of the ordinance, rule, or order may be obtained, including the phone number of the commission’s secretary, a street address where the full text of the ordinance, rule, or order may be viewed, and a Web site, if any, at which the ordinance, rule, or order may be accessed.

SECTION 7. 60.80 (1) (intro.) of the statutes is amended to read:

60.80 (1) **GENERAL REQUIREMENT.** (intro.) The town clerk shall publish either in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5) (b), or post in at least 3 places in the town likely to give notice to the public, the following, within 30 days after passage or adoption:

SECTION 8. 60.80 (5) of the statutes is created to read:

60.80 (5) **REQUIREMENTS FOR NOTICE.** (a) In this subsection, “summary” has the meaning given in s. 59.14 (1m) (a).

(b) A notice of a resolution, motion, ordinance, or action that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

1. The number and title of the resolution, motion, ordinance, or action.
2. The date of enactment.
3. A summary of the subject matter and main points of the resolution, motion, ordinance, or action.
4. Information as to where the full text of the resolution, motion, ordinance, or action may be obtained, including the phone number of the town clerk, a street address where the full text of the resolution, motion, ordinance, or action may be viewed, and a Web site, if any, at which the resolution, motion, ordinance, or action may be accessed.

SECTION 9. 61.50 (1) of the statutes is amended to read:

61.50 (1) **PUBLICATION OF NOTICE OF ORDINANCES.** Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the president and clerk, sealed with corporate seal, and in pursuance only of authority therefor from the village board. All ordinances and bylaws shall be signed by the president and countersigned by the clerk; and, if any penalty or forfeiture is thereby imposed, the ordinance or bylaw shall be published either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (3) (b), and shall take effect on the day after ~~its~~ the publication or a later date if expressly prescribed. If there is no newspaper published in the village, the village board may in lieu of newspaper publication have copies of ~~said~~ the ordinances and bylaws posted in at least 3 public places in said village, and proof thereof filed and recorded by the village clerk, and the same shall take effect the day after the proof of posting has been filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

SECTION 10. 61.50 (1m) of the statutes is amended to read:

61.50 (1m) **INDETERMINATE PUBLICATION.** When any village ordinance is required by law to be published without express designation therein as to class of notice, ~~it~~ the ordinance shall be published either in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (3) (b).

SECTION 11. 61.50 (3) of the statutes is created to read:

61.50 (3) **REQUIREMENTS FOR NOTICE.** (a) In this subsection, “summary” has the meaning given in s. 59.14 (1m) (a).

(b) A notice of an ordinance or bylaw that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

1. The number and title of the ordinance or bylaw.
2. The date of enactment.
3. A summary of the subject matter and main points of the ordinance or bylaw.
4. Information as to where the full text of the ordinance or bylaw may be obtained, including the phone number of the village clerk, a street address where the full text of the ordinance or bylaw may be viewed, and a Web site, if any, at which the ordinance or bylaw may be accessed.

SECTION 12. 62.11 (4) (a) of the statutes is amended to read:

62.11 (4) (a) Proceedings of the council shall be published in the newspaper designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the purpose of publication shall include the substance of every official action taken by the governing body. Except

as provided in this subsection ~~all ordinances~~ every ordinance shall be published either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under par. (c) 2., within 15 days of passage, and shall take effect on the day after its the publication or at a later date if expressly prescribed.

SECTION 13. 62.11 (4) (c) of the statutes is created to read:

62.11 (4) (c) 1. In this paragraph, “summary” has the meaning given in s. 59.14 (1m) (a).

2. A notice of an ordinance that may be published under this paragraph shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

- a. The number and title of the ordinance.
- b. The date of enactment.
- c. A summary of the subject matter and main points of the ordinance.
- d. Information as to where the full text of the ordinance may be obtained, including the phone number of the city clerk, a street address where the full text of the ordinance may be viewed, and a Web site, if any, at which the ordinance may be accessed.

SECTION 14. 62.23 (7a) (b) of the statutes is amended to read:

62.23 (7a) (b) The governing body may enact, without referring the matter to the plan commission, an

interim zoning ordinance to preserve existing zoning or uses in all or part of the extraterritorial zoning jurisdiction while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment, unless extended as provided in this paragraph. Within 15 days of its passage, the governing body of the city shall publish the ordinance in a newspaper having general circulation in the area proposed to be zoned as a class 1 notice, under ch. 985, or as a notice, as described under s. 62.11 (4) (c) 2., and the city clerk shall mail a certified copy of the ordinance to the clerk of the county in which the extraterritorial jurisdiction is located and to the clerk of each town affected by the interim zoning ordinance and shall file a copy of the ordinance with the city plan commission. The governing body of the city may extend the interim zoning ordinance for no longer than one year, upon the recommendation of the joint extraterritorial zoning committee established under par. (c). No other interim zoning ordinance shall be enacted affecting the same area or part thereof until 2 years after the date of the expiration of the interim zoning ordinance or the one year extension thereof. While the interim zoning ordinance is in effect, the governing body of the city may amend the districts and regulations of the ordinance according to the procedure set forth in par. (f).