



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 93 [2003 Assembly Bill 130]	Consolidation of Towns, Villages, and Cities
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

CURRENT LAW

Current law authorizes a city, village, or town to consolidate with a contiguous city, village, or town. Section 66.0229, Stats. Consolidation requires adoption of an ordinance, by a 2/3 vote of all members of each governing body, establishing the terms of the consolidation and requires subsequent ratification of the consolidation by the electors in a referendum held in each municipality.

If a town is consolidating with a city or village, the consolidation must be submitted, prior to referendum, to circuit court and the Department of Administration (DOA) for a determination whether the consolidation ordinance meets statutory requirements and whether the proposed consolidation meets specified public interest criteria that otherwise apply to incorporations of towns. For the consolidation to proceed, the court must find the requirements are met and DOA must find the criteria are met.

ACT 93

Consolidation of a Town With Another Town. Act 93 clarifies that contiguous towns may consolidate under the current consolidation statute, s. 66.0229, Stats., without submitting the proposed consolidation to circuit court and DOA. Current law is ambiguous as to whether consolidation of contiguous towns is subject to these requirements.

Consolidation of a Town With City or Village. Act 93 provides a new procedure, alternative to the current consolidation procedure in s. 66.0229, for the consolidation of all or part of a town with a contiguous city or village. The new consolidation procedure requires passage of an ordinance by a 2/3 vote of all of the members of the governing body of each consolidating municipality and ratification by the electors at a referendum held in each municipality. There is no requirement that the consolidation be submitted to circuit court or DOA.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

As a condition of consolidating:

1. The town and the city or village must adopt identical resolutions describing the level of services residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public park services; public health services; animal control services; library services; fire and emergency rescue services; and law enforcement services. In addition, at least some part of the consolidated city or village must receive sewage disposal services as a condition of consolidation.

2. The town and the city or village must adopt identical resolutions that relate to the ownership or leasing of government buildings.

3. The city or village with which the town is consolidating must enter into a separate boundary agreement, subject to approval of the town board for the town to be consolidated, with every city, village, and town that borders the proposed consolidated city or village. The boundary agreement must determine the boundary between the parties to the agreement. The agreement must state its duration and include procedures under which the agreement may be amended.

4. The town and the city or village must agree to adopt a comprehensive plan (under s. 66.1001, Stats.) for the consolidated city or village, to take effect on the effective date of the consolidation.

If less than an entire town consolidates with a city or village, the consolidation may not take effect unless the town enters into an agreement with a city, village, or town that has a common boundary with the territory of the town not consolidated, under which the town remnant becomes part of the city, village, or town with a common boundary. If the town remnant becomes part of a city or village, the remnant agreement must be included in each boundary agreement required under the Act and entered into by a city, village, or town bordering the remnant.

Effective Date: Act 93 takes effect on December 18, 2003.

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