



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1890/1  
MES:cjs

## 2015 ASSEMBLY BILL 457

October 27, 2015 - Introduced by Representatives KRUG, KITCHENS, KAHL, R. BROOKS, MURSAU, T. LARSON, SANFELIPPO, PETERSEN, KNODL, MEYERS, JARCHOW, ALLEN and QUINN, cosponsored by Senators OLSEN, LASSA and ERPENBACH. Referred to Committee on Urban and Local Affairs.

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.

**ASSEMBLY BILL 457**

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.

**ASSEMBLY BILL 457**

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

**ASSEMBLY BILL 457****SECTION 3**

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)