



## 2013 ASSEMBLY BILL 189

May 3, 2013 - Introduced by Representatives CRAIG, KRAMER, A. OTT, BROOKS, KLEEFISCH, SANFELIPPO and JACQUE. Referred to Committee on Urban and Local Affairs.

1     **AN ACT** *to renumber and amend* 66.0211 (3); *to amend* 66.0211 (1), 66.0211  
2           (4) and 66.0211 (5); and *to create* 66.0211 (3) (b) of the statutes; **relating to:**  
3           incorporations of villages and cities involving more than one town.

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### *Analysis by the Legislative Reference Bureau*

Under current law, all or part of a town or more than one town may incorporate as a city or village by a number of methods. Under the most generally applicable method, the procedures include the following:

1. The circulation of an incorporation petition in the territory to be incorporated, and the filing of the petition with the circuit court.
2. A circuit court hearing on the petition at which the court determines whether a number of statutory standards are met, including resident population and population density.
3. If the court finds that the standards are met, a review of the petition by the Incorporation Review Board (board) for a determination on whether a number of statutory standards are met, including the characteristics of the territory, the level of governmental services that are desired or needed by the residents compared to the level of services offered by the proposed city or village, the impact upon the remainder of the town from which the territory is to be incorporated, and the impact of the proposed incorporation on the metropolitan community. If the board dismisses the petition, the circuit court must issue an order dismissing the petition.
4. If the board grants the petition, the circuit court must order an incorporation referendum. If a majority of the votes on the referendum are cast in favor of a village or city, the secretary of state must issue and record a certificate of incorporation.

**ASSEMBLY BILL 189**

Under this bill, if the territory to be incorporated includes portions of more than one town, the electors of each town must approve the referendum for the incorporation to take effect. In addition, the majority that is required to approve the referendum in the territory with the smallest population, that is located solely in one of the towns, is 75 percent.

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

1           **SECTION 1.** 66.0211 (1) of the statutes is amended to read:

2           66.0211 (1) ORDER. The circuit court's order for an incorporation referendum  
3 shall specify the voting place and the date of the referendum, which shall be not less  
4 than 6 weeks from the date of the order, and name 3 inspectors of election. If the  
5 territory proposed to be incorporated includes portions of more than one town, the  
6 court shall, for each town, specify a voting place and name inspectors. If the order  
7 is for a city incorporation referendum the order shall further specify that 7  
8 alderpersons shall be elected at large from the proposed city. The city council at its  
9 first meeting shall determine the number and boundaries of wards in compliance  
10 with s. 5.15 (1) and (2), and the combination of wards into aldermanic districts. The  
11 number of alderpersons per aldermanic district shall be determined by charter  
12 ordinance.

13           **SECTION 2.** 66.0211 (3) of the statutes is renumbered 66.0211 (3) (a) and  
14 amended to read:

15           66.0211 (3) (a) RETURN. An Except as provided in par. (b), an incorporation  
16 referendum shall be conducted in the same manner as an annexation referendum  
17 under s. 66.0217 (7) to the extent applicable except that the ballot shall contain the  
18 words "For a city [village]" and "Against a city [village]". The inspectors shall make  
19 a return to the circuit court.

**ASSEMBLY BILL 189**

1           **SECTION 3.** 66.0211 (3) (b) of the statutes is created to read:

2           66.0211 (3) (b) If the total territory proposed to be incorporated includes  
3 portions of more than one town, the referendum to approve incorporation in the part  
4 of the territory with the smallest population that is located solely in one of the towns,  
5 requires a majority of at least 75 percent of the total number of votes cast at that  
6 election in that part of the territory proposed to be incorporated.

7           **SECTION 4.** 66.0211 (4) of the statutes is amended to read:

8           66.0211 (4) COSTS. If the referendum is against incorporation in any town  
9 included in the territory to be incorporated, the costs of the election shall be borne  
10 by the towns involved in the incorporation referendum in the proportion that the  
11 number of electors of each town within the territory proposed to be incorporated,  
12 voting in the referendum, bears to the total number of electors in the territory voting  
13 in the referendum. If the referendum is for a village or city, the costs shall be charged  
14 against the municipality in the apportionment of town assets.

15           **SECTION 5.** 66.0211 (5) of the statutes is amended to read:

16           66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority, or supermajority as  
17 provided in sub. (3) (b), of the votes in each town included in the territory to be  
18 incorporated in an incorporation referendum are cast in favor of a village or city, the  
19 clerk of the circuit court shall certify the fact to the secretary of state and supply the  
20 secretary of state with a copy of a description of the legal boundaries of the village  
21 or city and the associated population and a copy of a plat of the village or city. Within  
22 10 days of receipt of the description and plat, the secretary of state shall forward 2  
23 copies to the department of transportation and one copy each to the department of  
24 administration and the department of revenue. The secretary of state shall issue a  
25 certificate of incorporation and record the certificate.

