



2013 SENATE BILL 688

March 21, 2014 – Introduced by Senator VINEHOUT, cosponsored by Representative JACQUE. Referred to Committee on Economic Development and Local Government.

1 **AN ACT** *to amend* 66.0223 (1); and *to create* 66.0217 (14) (c), 66.0217 (14) (d),
2 66.0219 (10) (c), 66.0219 (10) (d) and 66.0223 (3) of the statutes; **relating to:**
3 limiting city and village authority to annex town territory.

Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods if, in general, some of the city's or village's territory is in the same county as the territory to be annexed and the city or village either agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory or the town and the city or village enter into a boundary agreement.

Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is

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filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to Department of Administration advisory review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum.

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory.

Under this bill, a city or village may not complete an annexation under which 50 percent or more of the territory to be annexed is located 0.25 miles or more from the city's or village's border (a noncontiguous annexation) unless the town board of the town in which the territory to be annexed is located adopts a resolution approving the annexation.

Also under the bill, if over a consecutive three year period a city or village completes a number of annexations under any of the allowable methods of annexation which, if the series of annexations were attempted as a single annexation, would have resulted in a noncontiguous annexation, the final annexation in the series may not occur unless the town board of the town in which the territory to be annexed is located adopts a resolution approving the annexation.

For further information see the *state and 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.** 66.0217 (14) (c) of the statutes is created to read:

2 66.0217 (14) (c) 1. Except as provided in subd. 2., no territory may be annexed
3 by a city or village under this section if 50 percent or more of the territory to be
4 annexed is located 0.25 miles or more from the city's or village's border.

5 2. An annexation described under subd. 1 may occur if the town board of the
6 town in which the territory to be annexed is located adopts a resolution approving
7 the proposed annexation.

8 **SECTION 2.** 66.0217 (14) (d) of the statutes is created to read:

9 66.0217 (14) (d) 1. If over a consecutive 3-year period a city or village completes
10 a number of annexations under this section, or under s. 66.0219 or s. 66.0223, such

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1 that an annexation described in par. (c) 1. would have occurred if those separate
2 annexations had been done as a single annexation, the city or village may not annex
3 territory under this section to complete the final annexation in the series, except as
4 provided in subd. 2.

5 2. The final annexation described under subd. 1 may occur if the town board
6 of the town in which the territory to be annexed is located adopts a resolution
7 approving the proposed annexation.

8 **SECTION 3.** 66.0219 (10) (c) of the statutes is created to read:

9 66.0219 (10) (c) 1. Except as provided in subd. 2., no territory may be annexed
10 by a city or village under this section if 50 percent or more of the territory to be
11 annexed is located 0.25 miles or more from the city's or village's border.

12 2. An annexation described under subd. 1 may occur if the town board of the
13 town in which the territory to be annexed is located adopts a resolution approving
14 the proposed annexation.

15 **SECTION 4.** 66.0219 (10) (d) of the statutes is created to read:

16 66.0219 (10) (d) 1. If over a consecutive 3-year period a city or village completes
17 a number of annexations under this section, or under s. 66.0217 or s. 66.0223, such
18 that an annexation described in par. (c) 1. would have occurred if those separate
19 annexations had been done as a single annexation, the city or village may not annex
20 territory under this section to complete the final annexation in the series, except as
21 provided in subd. 2.

22 2. The final annexation described under subd. 1 may occur if the town board
23 of the town in which the territory to be annexed is located adopts a resolution
24 approving the proposed annexation.

25 **SECTION 5.** 66.0223 (1) of the statutes is amended to read:

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1 66.0223 (1) In addition to other methods provided by law and subject to sub-
2 subs. (2) and (3), and ss. 59.692 (7), 66.0301 (6) (d), and 66.0307 (7), territory owned
3 by and lying near but not necessarily contiguous to a village or city may be annexed
4 to a village or city by ordinance enacted by the board of trustees of the village or the
5 common council of the city, provided that in the case of noncontiguous territory the
6 use of the territory by the city or village is not contrary to any town or county zoning
7 regulation. The ordinance shall contain the exact description of the territory
8 annexed and the names of the towns from which detached, and attaches the territory
9 to the village or city upon the filing of 7 certified copies of the ordinance in the office
10 of the secretary of state, together with 7 copies of a plat showing the boundaries of
11 the territory attached. Two copies of the ordinance and plat shall be forwarded by
12 the secretary of state to the department of transportation, one copy to the
13 department of administration, one copy to the department of natural resources, one
14 copy to the department of revenue and one copy to the department of public
15 instruction. Within 10 days of filing the certified copies, a copy of the ordinance and
16 plat shall be mailed or delivered to the clerk of the county in which the annexed
17 territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations
18 under this section.

19 **SECTION 6.** 66.0223 (3) of the statutes is created to read:

20 66.0223 (3) (a) Except as provided in par. (b), no territory may be annexed by
21 a city or village under this section if 50 percent or more of the territory to be annexed
22 is located 0.25 miles or more from the city's or village's border.

23 (b) An annexation described under par. (a) may occur if the town board of the
24 town in which the territory to be annexed is located adopts a resolution approving
25 the proposed annexation.

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1 (c) If over a consecutive 3-year period a city or village completes a number of
2 annexations under this section, or under s. 66.0217 or s. 66.0219, such that an
3 annexation described in par. (a) would have occurred if those separate annexations
4 had been done as a single annexation, the city or village may not annex territory
5 under this section to complete the final annexation in the series, except as provided
6 in par. (d).

7 (d) The final annexation described under par. (c) may occur if the town board
8 of the town in which the territory to be annexed is located adopts a resolution
9 approving the proposed annexation.

10 **SECTION 7. Initial applicability.**

11 (1) This act first applies to any annexation that commences on the effective date
12 of this subsection.

13

(END)