

No. 195, S.]

[Published July 8, 1955.

**CHAPTER 343**

**AN ACT** to create 60.065 of the statutes, relating to the division of towns containing areas entitled to incorporation as a village.

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

60.065 of the statutes is created to read:

**60.065 DIVISION WHERE TOWN HAS UNINCORPORATED VILLAGE.** (1) **REQUISITE CONDITIONS.** Where any town contains any area with the population specified in s. 61.01 which would be entitled to incorporate as a village, the rural portion of the town outside of such urban area may be organized into a new town.

(2) **PETITION; PUBLICATION.** A petition signed by a majority of the electors and a majority of the resident freeholders and homesteaders of

such rural portion containing an accurate description of such urban area and showing the existence of facts that such urban area would be entitled to become a village upon procedure under ch. 61 and entitling such rural area to be organized as a new town and containing an accurate description of such rural area, the name of the town of which it forms a part, the names of the electors, and the proposed name of the new town verified by at least 3 signers, shall be presented to the circuit court, or the presiding judge thereof, of the county in which such territory is located, who shall thereupon by order fix the time and place for the hearing of the petition by said court, and direct that a copy of the petition and order be served upon the clerk of the town or towns of which such territory forms a part, at least 20 days before the hearing, and that notice of such hearing be published once a week for 3 successive weeks in a newspaper designated as most likely to give notice to the people of such territory. A formal answer to the petition need not be filed. Section 60.05 (3) shall not apply to this section.

(3) EXPENSE; HEARING. The court shall hear any elector or taxpayer of either area who may appear at the hearing and may adjourn the hearing from time to time and refer any issue of fact. The fees and expenses of the referee shall be fixed and apportioned by the court after the trial of any such issue and paid by the town or by either or both such areas as apportioned thereto by the court.

(4) ORDER CREATING. If the court after such hearing shall find the facts necessary for the organization of such rural area into a town, it shall enter an order creating such rural area into a new town under the name proposed in the petition and provide for the place of holding the first annual meeting. The clerk of court shall immediately file certified copies of such order with the secretary of state and the county clerk. The officers of the old town shall continue to function as such in both areas until new officers are elected and qualified in the respective areas.

(5) INDEBTEDNESS; APPORTIONMENT OF. The credits and indebtedness as between the town so created and the town of which it was formerly a part shall be apportioned according to s. 66.03.

(6) PARTIES IN INTEREST. Any taxpayer residing in any portion of the town outside the area proposed to be incorporated under this section shall be entitled to intervene as a party in interest in said corporation proceeding.

(8) COUNTIES APPLICABLE. This section shall apply only in counties having a population of less than 500,000 and containing a city of the second class.

Approved June 29, 1955.

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