

1993 Assembly Bill 1076

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1993 WISCONSIN ACT 246

AN ACT *to repeal* 59.07 (22), 59.974 (5), 66.05 (7), 66.325 (4), 66.395 (3) (c), (d) and (g) and 196.67 (1) (a) to (c); *to renumber and amend* 59.97 (15) (b), 66.051 (4) and 196.67 (1) (intro.); *to amend* 12.04 (4) (b), 15.105 (16) (b) 2, 16.99 (2) (intro.), 17.035 (1), 19.07 (1) (a) and (3) (a) and (b), 20.916 (9) (a) 2, 20.916 (9) (e), 20.917 (3) (a) (intro.) and (5) (a) 3, 21.11 (1), 21.61 (1) and (3), 27.05 (6), 27.065 (1) (a), 28.20, 29.24, 30.16 (1), 30.30 (3) (c), 31.05 (6), 31.07 (5), 32.02 (8), 32.03 (1), 32.05 (1) (a), 32.22 (1) (b), 33.25 (1), 38.20 (2) (a), 45.50 (3), 46.95 (2) (b) 5, 48.09 (3), 48.981 (3) (a), 49.45 (6m) (br) 2, 49.45 (6u) (intro.), 49.45 (6u) (a) and (b) 2, 59.07 (107), 59.07 (18) (a) and (d), 59.07 (49), 59.07 (50), 59.07 (69), 59.075 (3), 59.635 (2), 59.66, 59.967 (10), 59.97 (5) (c), 59.974 (2), 59.974 (10), 60.23 (3) (f), 60.23 (10), 60.30 (5) (a), 60.307 (3) (a), 60.31 (2), 60.32 (1) (a), 60.50 (2), 66.035, 66.045 (8), 66.046 (1), 66.048 (title), (1), (2), (3) (title), (a), (c) and (d) and (4) (a), 66.0485, 66.049, 66.05 (1) (a), 66.05 (8) (am), 66.06 (1), 66.061 (1) (a), 66.061 (2) (a), 66.061 (2) (b) to (d), 66.064, 66.065 (5), 66.065 (7), 66.067, 66.068 (3), 66.068 (4) and (7), 66.069 (2) (c), (d) and (dm), 66.074, 66.075 (1), 66.075 (5), 66.078, 66.079 (1), 66.08, 66.11 (1) and (2), 66.114 (1) and (3), 66.12 (3) (b), 66.125, 66.13, 66.184, 66.19 (1), 66.19 (2) (a), (3) and (4), 66.199, 66.22 (5), 66.23 (8), 66.25 (1) (c), 66.295, 66.296 (1) to (4), 66.298, 66.30 (3p), 66.325 (1) to (3), 66.395 (3) (h), 66.47 (title), 66.48, 66.49 (1) to (3), 66.50 (1) (intro.) and (b) to (g) and (2), 66.501 (1) (intro.), (a) to (c), (e), (f) and (j), 66.501 (2) and (3), 66.501 (4) (intro.) and (a) and (6), 66.53, 66.645 (1), 66.694, 66.695, 66.696, 66.697, 66.698, 66.699, 66.925 (1) (intro.) and (b) and (4), 66.943 (title), (1), (2), (3) (a) and (b) and (4), 66.943 (5) (c), (6) to (8), (10) and (11), 66.945 (3) (b) 2, 66.95, 66.98 (1), 70.86, 71.26 (1) (b), 71.38, 71.60 (1) (c) 6, 76.23, 78.77 (3), 83.013 (1) (a), 83.025 (1) (a), 83.027 (1), 83.05 (title), 83.05 (3), 84.01 (1), 84.013 (6m), 84.02 (6), 84.07 (4), 84.09 (3m), 84.10, 85.022 (3), 85.063 (1) (b), 86.19 (6), 86.195 (2) (a), 86.25 (3), 86.32 (2) (a), 88.32 (3), 92.11 (1), 92.16, 114.136 (4) (a), 125.05 (2) (a), 125.05 (2) (f) 1 and 2, 134.71 (1) (d), (2) and (5) (intro.), 144.02 (1) (b), 144.05 (1) (a) and (2), 144.25 (4) (g) 5 and (8m), 144.26 (2m) (intro.), 144.266 (3) (a) 3 and (4), 144.44 (7) (f) 3, 144.85 (3) (a), 171.07 (2) (a), 175.20 (1), 175.25 (1), 177.22 (1), 182.004 (5), (8) and (9), 182.017 (1), 182.017 (6), 190.16 (2), 194.08, 194.33, 195.19 (4), 196.12 (2), 198.06, 218.02 (5) (b), 219.06 (1), 236.43 (1) (intro.) and (b), 236.43 (4) (intro.), 303.18 (2), 340.01 (2), 346.52 (2), 346.57 (4) (i), 346.70 (4) (h), 349.02 (2) (b) 4, 349.10 (1) (f), 349.13 (1) (c), 349.14, 349.17 (title) and (1), 349.18 (1) (intro.) and (b), 349.24 (1) (intro.) and (c) and (2), 425.205 (2), 444.02, 444.03, 753.24 (2) and (3), 755.14 (2), 799.16 (4) (a) and (b), 814.24, 814.705 (4), 823.065 (title), 847.03 (1), 893.72, 893.75, 902.03 (title) and 941.235 (2); and *to create* 59.97 (15) (b) 2, 60.065, 60.23 (3) (g), 60.23 (25), 60.23 (27), 60.23 (28), 60.23 (29), 60.23 (30), 60.23 (31), 60.563, 60.61 (1m), 60.627, 66.437, 66.47 (15) and 340.01 (36m) of the statutes, **relating to:** town parity, lift bridges in 4th class cities, citizenship requirements for village police officers, national guard armories erected by a village or town, village authority to operate a comprehensive unified local transportation system, city authority to provide certain utility service to towns, powers of county park commissioners over certain park lands, the law enforcement agency to which certain suspected child abuse or neglect reports are to be made, the location of department of transportation district officers, village and town representatives on certain regional planning commissions, additions to county trunk highways, railroad spur tracks and temporary extensions and granting rule-making authority.

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

SECTION 1. 12.04 (4) (b) of the statutes is amended to read:

12.04 (4) (b) In addition to regulation under par. (a), a 1st, 2nd or 3rd class city, or a town, may regulate the size, shape or placement of a sign exceeding 11 square feet in area. This paragraph does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

SECTION 2. 15.105 (16) (b) 2. of the statutes is amended to read:

15.105 (16) (b) 2. Four representatives from county and municipal government selected from various geographical regions of the state, including at least one member of a county board of supervisors, at least one member of a city council ~~or~~ village board or town board and at least one person who is a county officer active in land information management, to serve 6-year terms.

SECTION 3. 16.99 (2) (intro.) of the statutes is amended to read:

16.99 (2) POWERS AND DUTIES. (intro.) The department shall ensure maximum utility, cost-benefit and operational efficiency of all telecommunications systems and activities of this state, and those which interface with cities, counties, villages, towns, other states and the federal government. The department, with the assistance and cooperation of all other departments, shall:

SECTION 4. 17.035 (1) of the statutes is amended to read:

17.035 (1) If an elected or appointed official or employe of any city ~~or~~ village, town or school district however organized shall enter the armed forces of the United States and shall remove himself or herself temporarily from the municipality or district for which that person is an officer or employe such temporary removal shall constitute a temporary vacancy in such office or position.

SECTION 5. 19.07 (1) (a) and (3) (a) and (b) of the statutes are amended to read:

19.07 (1) (a) The surety bond of any civil service employe of a ~~county~~, city ~~or~~ village, town or county may be canceled in the manner provided by sub. (3).

(3) (a) Any ~~county or~~ city, village, town or county by their respective governing body may cancel such bond or bonds of any one employe or any number of employes by giving written notice to the surety by registered mail, such cancellation to be effective 15 days after receipt of such notice.

(b) When a surety, either personal or corporate, on such bond, shall desire to be released from such bond, the surety may give notice in writing that the surety desires

to be released by giving written notice by registered mail, to the clerk of the respective ~~county or~~ city, village, town or county, and such cancellation shall be permitted if approved by the governing body thereof, such cancellation to be effective 15 days after receipt of such notice. This section shall not be so construed as to operate as a release of the sureties for liabilities incurred previous to the expiration of said the 15 days' notice.

SECTION 6. 20.916 (9) (a) 2. of the statutes is amended to read:

20.916 (9) (a) 2. "Headquarters city" ~~includes~~, "headquarters village" and "headquarters town" include the area within the city ~~or~~ village or town limits, if any, where an employe's permanent work site is located and the area within a radius of 15 miles from the employe's permanent work site.

SECTION 7. 20.916 (9) (e) of the statutes is amended to read:

20.916 (9) (e) (title) *Expenses in an employe's headquarters city, village or town.* Employes who are headquartered in a city, village or town in which the expense occurs shall be reimbursed for their actual, reasonable and necessary expenses incurred in the discharge of official duties only on the approval of the head of the employe's agency. This does not apply to travel between an employe's residence and the city, village or town in which the employe is headquartered, which shall not be reimbursable.

SECTION 8. 20.917 (3) (a) (intro.) and (5) (a) 3. of the statutes are amended to read:

20.917 (3) (a) (intro.) An appointing authority may recommend payment of a temporary lodging allowance for not to exceed 45 days to an employe or person reporting to employment in the civil service, other than on a limited term basis, if the employe or person is eligible for moving expense reimbursement under sub. (1), whether or not that reimbursement is granted, and must establish a temporary residence at his or her headquarters city, village or town, subject to the following:

(5) (a) 3. The cost of transportation between the employe's home and headquarters city, village or town, not to exceed the cost of 4 round trips.

SECTION 9. 21.11 (1) of the statutes is amended to read:

21.11 (1) In case of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or in the event of public disaster resulting from flood, conflagration or tornado, or upon application of any marshal of the United States, the president of any village, the mayor of any city, the chairperson of any town board, or any sheriff in this state, the governor may order into active service all or any portion of the national guard. If the governor is absent, or cannot be immediately communicated with, any such civil officer may, if the officer deems the occasion so urgent, make such application, which shall be in writing, to the com-

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manding officers of any company, battalion or regiment, who may upon approval of the adjutant general, if the danger is great and imminent, order out that officer's command to the aid of such civil officer. Such order shall be delivered to the commanding officer, who shall immediately communicate the order to each, and every subordinate officer, and every company commander receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing containing the substance of such order shall be left at the last and usual place of residence of such member with some person of suitable age and discretion, to whom its contents shall be explained.

SECTION 10. 21.61 (1) and (3) of the statutes are amended to read:

21.61 (1) ~~The board of supervisors of any county or the common council governing body of any city, village, town or county in which one or more companies of the national guard may be located, may erect or purchase a suitable armory for the purpose of drill and for the safe-keeping of the arms, equipment, uniforms and other military property furnished by the state, and for public meetings and conventions, when such use will not interfere with the use of such building by the national guard. Plans and specifications for such armories shall be inspected and approved by the governor and the adjutant general who shall file with the board of supervisors of such county, or the common council of such governing body of the city, village, town or county a certificate of such inspection and approval prior to the erection thereof.~~

(3) ~~The board of supervisors of any county or the common council governing body of any city, village, town or county in which any such company of the national guard may be located, may purchase land and build armories in the same manner as they are the governing body is now authorized by law to build other county or city, village, town or county buildings, and when unable to agree upon the price of land with its owner may, if in their its opinion necessary, appropriate land for the purpose of building armories in the same manner as they are the governing body is now authorized by law to appropriate real estate for other county or city, village, town or county buildings. In case however a city, village, town or county shall have aided in the erection of said an armory and the company or companies of the national guard for which said the armory was erected shall at any time be disbanded, then such the armory shall become the property of said the city, village, town or county in which said the armory is erected.~~

SECTION 11. 27.05 (6) of the statutes is amended to read:

27.05 (6) Let, lease or grant the use of such part or portion of the park lands now owned or hereafter acquired ~~and located within 5 miles of the corporate limits of any city~~ as to it shall seem reasonably necessary,

convenient or proper to agricultural and other societies of similar nature for agricultural and industrial fairs and exhibitions and such other purposes as tend to promote the public welfare. All fences and buildings constructed and other improvements made on such lands by societies using the same shall be constructed and made according to plans submitted to, and approved by the county park commission or county park manager, and shall be the property of the county. The county board may appropriate money for and construct buildings and make improvements on any such lands so used in the same manner and to the same extent as provided by s. 59.69 (1).

SECTION 12. 27.065 (1) (a) of the statutes is amended to read:

27.065 (1) (a) The county board of any county which shall have adopted a county system of parks or a county system of streets and parkways, pursuant to s. 27.04, may acquire the lands necessary for carrying out all or part of such plan by gift, purchase, condemnation or otherwise; provided, however, that no lands ~~situated within the limits of a city or village~~ shall be acquired by condemnation unless and until the common council of the city or the board of trustees of the village ~~or the board of supervisors of the town~~ wherein such land is situate shall consent thereto. The cost of acquiring such lands by purchase or condemnation may be paid in whole or in part by the county or by the property to be benefited thereby, as the county board shall direct but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto; provided, that no assessment for paying the cost of acquiring lands may be levied or collected against the property to be benefited, ~~excepting where the lands to be so acquired and the lands against which benefits are to be assessed, are included within the corporate limits of a city or village or within one and one-half miles thereof, and until the governing body of the city, village or town where such lands are located has by resolution determined that the public welfare will be promoted thereby.~~ Title to all lands acquired hereunder shall be an estate in fee simple.

SECTION 13. 28.20 of the statutes is amended to read:

28.20 Community forests. Any city, village, town or school district may acquire land, engage in forestry and appropriate funds for such purpose. ~~In the case of a city, village or school district, the~~ The forest property may be located outside the city, village, town or school district limits.

SECTION 14. 29.24 of the statutes is amended to read:

29.24 (title) Hunting and trapping by landowners and occupants. The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, foxes, raccoons, woodchucks, rabbits and squirrels on the land without a license at any time, except that such persons may not hunt during the period of 24 hours prior to the opening date for deer hunting in those counties or parts of counties where an open season for hunting deer

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with firearms is established. The owner or occupant of any land and any member of his or her family may take beaver, rabbits, raccoons and squirrels on the land at any time by means of live trapping with box traps in ~~cities or villages or other~~ areas where the discharge of a firearm is unlawful.

SECTION 16. 30.16 (1) of the statutes is amended to read:

30.16 (1) WATERCRAFT AND FLOATS. (a) *Removal.* The governing body of any ~~city, village or county~~ municipality in this state may cause to be removed to a convenient and safe place any watercraft or float obstructing or interfering with the free navigation of any river, canal, water channel or slip within its harbor after having given reasonable notice to the master or owner or the agent of the master or owner, if known and a resident of this state, or to the person in charge thereof, to so remove such watercraft or float. The governing body of ~~such city, village or county~~ the municipality by ordinance or resolution may authorize any harbor master or other public officer over whom it has jurisdiction to remove such obstruction, and may prescribe the officer's duties with respect thereto and the mode of carrying them into effect and may prescribe penalties for violation of such ordinance or resolution.

(b) *Costs of removal.* All costs, charges and expenses of such removal are a first lien on such watercraft or float, which lien may be enforced in the manner provided by law. The owner of any such watercraft or float is also personally liable for such costs, charges and expenses, to be recovered by ~~such city, village or county~~ the municipality by a personal action.

SECTION 17. 30.30 (3) (c) of the statutes is amended to read:

30.30 (3) (c) If the owners of the property on which the dock wall or shore protection wall is located fail to notify the board of harbor commissioners or the local legislative body within the 90-day period that the work will be commenced as specified in the resolution, the board of harbor commissioners or the local legislative body shall request the city attorney, village attorney, town attorney or corporation counsel for the commencement of an action in the circuit court in the county in which the property is located for determination of whether or not the improvement, alteration, repair or extension of the dock wall or shore protection wall is required and for the fixing of the time by the court within which time the work must be commenced and completed. The action shall be entitled in the name of the state and the municipality, and the attorney general shall participate on behalf of the state. The complaint shall recite the type of improvement, alteration, repair or extension which is required, the approximate cost thereof, the need for such work as related to the reasons stated in par. (b), and such other allegations as may be pertinent. The owners of the property within which the dock wall or shore protection wall

is located shall be named defendants. They shall be permitted to plead as provided for in civil actions. The action shall be brought to trial in the circuit court as promptly as possible. If the circuit court determines that the work shall be performed, it shall make a finding to that effect and enter an order directing the owners of the property to commence the work and to complete it within a period of time fixed by the court in the order, or in the alternative provide that the municipality may complete the work and charge the cost thereof to the owners of the property. If the work is performed by the municipality, the cost shall be recovered from the owners of the property as special assessments for benefits to lands provided for in s. 66.60. Either party to the action may appeal from the determination of the circuit court and the appeal shall be given preference. Only that portion of the cost of the work shall be assessed against the owners which is of benefit to their lands.

SECTION 18. 31.05 (6) of the statutes is amended to read:

31.05 (6) The ~~location~~ name of the nearest city ~~or~~ village or town in which the site of the proposed dam will be located and the name of the nearest existing dam above and below the site of the proposed dam.

SECTION 19. 31.07 (5) of the statutes is amended to read:

31.07 (5) The ~~location~~ name of the nearest city ~~or~~ village or town in which the dam site is located and the name of the nearest existing dam above and below the dam site.

SECTION 20. 32.02 (8) of the statutes is amended to read:

32.02 (8) Any Wisconsin corporation organized to furnish water or light to any city ~~or~~ village or town or the inhabitants thereof, for the construction and maintenance of its plant.

SECTION 21. 32.03 (1) of the statutes is amended to read:

32.03 (1) The general power of condemnation conferred in this subchapter does not extend to property owned by the state, a municipality, public board or commission, nor to the condemnation by a railroad, public utility or electric cooperative of the property of either a railroad, public utility or electric cooperative unless such power is specifically conferred by law, provided that property not to exceed 100 feet in width owned by or otherwise under the control or jurisdiction of a public board or commission of any city, village or town may be condemned by a railroad corporation for right of way or other purposes, whenever ~~such a~~ a city, village or town by ordinance consents thereto. This subchapter does not apply to the acquisition by municipalities of the property of public utilities used and useful in their business, nor to any city of the 1st class, except that every such city may conduct any condemnation proceedings either under this subchapter or, at its option, under other laws applicable to such city.

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SECTION 22. 32.05 (1) (a) of the statutes is amended to read:

32.05 (1) (a) Except as provided under par. (b), the county board of supervisors (or the county highway committee when so authorized by the board), city council, village board, town board, sewerage commission governing metropolitan sewerage district created by ss. 66.22 or 66.88 to 66.918, secretary of transportation, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404, redevelopment authority under s. 66.431 or community development authority under s. 66.4325 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, mass transit facilities, airport, or other transportation facilities, housing project or redevelopment project which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located.

SECTION 23. 32.22 (1) (b) of the statutes is amended to read:

32.22 (1) (b) "Municipality" means a city, a village, a town, a housing authority created under ss. 66.40 to 66.404, a redevelopment authority created under s. 66.431 or a community development authority created under s. 66.4325.

SECTION 25. 33.25 (1) of the statutes is amended to read:

33.25 (1) WHO TO MAKE. Before a county board may establish a district under s. 33.24, a petition requesting establishment shall be filed with the county clerk, addressed to the board and signed by persons constituting 51% of the landowners or the owners of 51% of the lands within the proposed district. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign such petition. A city council or village or town board may by resolution represent persons owning lands within the proposed district who are within its jurisdiction, and sign for all such landowners.

SECTION 26. 38.20 (2) (a) of the statutes is amended to read:

38.20 (2) (a) Upon the creation of a district the property, assets, claims, contracts, obligations, rights, duties and liabilities relating and pertaining to the existing vocational and adult education school operated in a city ~~or~~ village or town located in the territory included in the district shall remain the property, assets, claims, contracts, obligations, rights, duties and liabilities of such city ~~or~~ village or town, unless the governing body of such city ~~or~~ village or town transfers the whole or any portion thereof to the district under an agreement between such city ~~or~~ village or town and the district as to the use, obligation and ownership thereof.

SECTION 27. 45.50 (3) of the statutes is amended to read:

45.50 (3) ~~In case any~~ If an employer fails or refuses to comply with the provisions of subs. (1) and (2), any court of record whether created by general or special act in the proper county having jurisdiction of an action on contract for an amount exceeding \$500 may, upon a person entitled to the benefits under subs. (1) and (2) may petition a court to require the employer to comply with those subsections. ~~Upon the filing of a motion, the petition or other appropriate pleading and on reasonable notice, which shall not be less than 10 days, to such~~ to the employer by the person entitled to the benefits of such provisions, ~~specifically, the court may require such~~ the employer to comply with such provisions, and, as an incident thereto, ~~those subsections and to compensate such~~ the person for any loss of wages or benefits suffered by reason of such the employer's unlawful action. The court shall order a speedy hearing ~~in any such case and shall advance it~~ the case on the calendar. No fees or court costs shall be taxed against ~~the a~~ person so applying for such these benefits. The place of the commencement of the action or proceeding ~~hereunder~~ commenced under this subsection against a private employer, and the trial or hearing thereof, shall be in any county in which the employment took place or in which ~~such~~ the private employer maintains a place of business, and in all other cases shall be as provided in s. 801.50. No person who is appointed in the service of the state or of any county, city ~~or~~ village or town to fill the place of a person so entering the federal armed forces shall acquire permanent tenure during ~~such~~ the period of replacement service.

SECTION 28. 46.95 (2) (b) 5. of the statutes is amended to read:

46.95 (2) (b) 5. Maintenance of effort, by a city, village, town or county.

SECTION 29. 48.09 (3) of the statutes is amended to read:

48.09 (3) By the city, village or town attorney, in any matter concerning a city, village or town ordinance violation, respectively, arising under s. 48.125.

SECTION 30. 48.981 (3) (a) of the statutes is amended to read:

48.981 (3) (a) *Referral of report.* A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or the sheriff or city, village or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county department all cases reported to it. The county department may require that a subsequent report be made in writing. Each county department shall adopt

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a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 31. 49.45 (6m) (br) 2 of the statutes is amended to read:

49.45 (6m) (br) 2. If a city ~~or~~ village or town owns and operates a facility that has received funds to reduce an operating deficit, the city ~~or~~ village or town shall reimburse the county in which the city ~~or~~ village or town is located in the amount of funds so received.

SECTION 32. 49.45 (6u) (intro.) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.45 (6u) FACILITY OPERATING DEFICIT REDUCTION. Except as provided in par. (g), from the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 2., that is established under s. 49.14 (1) or that is owned and operated by a city ~~or~~ village or town, the department shall distribute to these facilities not more than \$18,600,000 in each fiscal year, as determined by the department, and shall perform all of the following:

SECTION 33. 49.45 (6u) (a) and (b) 2. of the statutes are amended to read:

49.45 (6u) (a) Estimate the availability of federal medical assistance funds that may be matched to county funds or funds of a city ~~or~~ village or town for the reduction of operating deficits incurred by the facility.

(b) 2. Agreement by the county in which is located the facility established under s. 49.14 (1) and agreement by the city ~~or~~ village or town that owns and operates the facility that the applicable county, city ~~or~~ village or town shall provide funds to match federal medical assistance matching funds under this subsection.

SECTION 34. 59.07 (18) (a) and (d) of the statutes are amended to read:

59.07 (18) (a) Exercise outside of cities ~~and~~ villages, and towns that have not adopted a regulation under s. 60.23 (10), all the powers conferred on cities to regulate dance halls, roadhouses and other places of amusement.

(d) Ordinances enacted by a board under par. (b), (br) or (c) shall not apply to any city or village, or to any town that has adopted a similar regulation under s. 60.23 (10).

SECTION 35. 59.07 (22) of the statutes is repealed.

SECTION 36. 59.07 (49) of the statutes is amended to read:

59.07 (49) BILLBOARD REGULATION. Regulate, by ordinance, the maintenance and construction of billboards and other similar structures on premises abutting on highways maintained by the county so as to promote the safety of public travel thereon. Such ordinances shall not apply within cities ~~and~~ villages and towns which have ~~adopted~~ enacted ordinances regulating the same subject matter.

SECTION 37. 59.07 (50) of the statutes is amended to read:

59.07 (50) RIDING HORSES, REGULATION. Provide by ordinance for the regulation, control, prohibition and licensing of horses kept for the purpose of riding, whether by private owners for their own use or by commercial stables, riding academies or clubs for hire; for the licensing and regulation of owners of riding horses and the regulation, control, prohibition and licensing of commercial stables keeping horses for riding purposes for hire. The board may revoke the license of any owner of a horse kept for the purpose of riding for violation of such ordinance after the filing of charges and notice and hearing thereon. Such ordinance may provide that the chairperson of the board, when the board is not in session, shall be authorized to issue such license or to suspend such license of any person violating such ordinance; such issuance of license or the suspension of such license to be acted on by the board at its next meeting. Such ordinance may impose a penalty of not to exceed \$100 for each violation or in default of payment thereof, imprisonment for not exceeding 30 days. Such ordinances ~~shall~~ may not apply within cities ~~and~~ villages which and towns that have ~~adopted~~ enacted ordinances regulating the same subject matter.

SECTION 38. 59.07 (69) of the statutes is amended to read:

59.07 (69) DOGS RUNNING AT LARGE. Enact ordinances regulating the keeping, apprehension, impounding and destruction of dogs outside the corporate limits of any city or village, but such ordinances shall not conflict with ss. 174.01 and 174.042, and such ordinances may not apply in any town that has enacted an ordinance under s. 60.23 (30).

SECTION 39. 59.07 (107) of the statutes is amended to read:

59.07 (107) POSSESSION OF MARIJUANA. Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 161.01 (14), subject to the exceptions in s. 161.41 (3r), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this subsection. Any ordinance enacted under this subsection does not apply in any city ~~or~~ village or town that has ~~adopted~~ enacted an ordinance prohibiting the possession of marijuana.

SECTION 40. 59.075 (3) of the statutes is amended to read:

59.075 (3) The area of operation of a housing authority created in and for a county is all of the county for which it is created, but a county housing authority may not undertake any housing project within the boundaries of any city ~~or~~ village or town unless a resolution has been adopted by the governing body of the city ~~or~~ village or

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town, and by any housing authority which has been created therein, declaring that there is need for the county housing authority to exercise its powers within that city ~~or~~ village or town.

SECTION 42. 59.635 (2) of the statutes is amended to read:

59.635 (2) (a) Whenever it becomes necessary to destroy, remove or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this section, the person including employes of governmental agencies who intend to commit such act shall serve written notice at least 30 days prior to the act upon the county surveyor of the county within which the landmark is located. Notice shall also be served upon the city ~~or~~ village or town engineer if the landmark is located within the corporate limits of a municipality. The notice shall include a description of the landmark, monument of survey or corner post and the reason for removing or covering it. In this subsection, removal of a landmark includes the removal of railroad track by the owner of the track. In a county having a population of less than 500,000 where there is no county surveyor, notice shall be served upon the county clerk. In a county having a population of 500,000 or more where there is no county surveyor, notice shall be served upon the executive director of the regional planning commission which acts in the capacity of county surveyor for the county. Notwithstanding sub. (3), upon receipt of the notice the county clerk shall appoint a registered land surveyor to perform the duties of a county surveyor under par. (b).

(b) The county surveyor or executive director of the regional planning commission, upon receipt of notice under par. (a), shall within a period of not to exceed 30 working days, either personally or by a deputy, or by the city ~~or~~ village or town engineer make an inspection of the landmark, and, if he or she deems it necessary because of the public interests to erect witness monuments to the landmark, he or she shall erect 4 or more witness monuments or, if within a municipality, may make 2 or more offset marks at places near the landmark and where they will not be disturbed. The county surveyor shall make a survey and field notes giving a description of the landmark and the witness monuments or offset marks, stating the material and size of the witness monuments and locating the offset marks, the horizontal distance and courses in terms of the references set forth in s. 59.60 (1) (b) that the witness monuments bear from the landmark and, also, of each witness monument to all of the other witness monuments. The county surveyor may also make notes as to such other objects, natural or artificial, that will enable anyone to locate the position of the landmark. The county surveyor upon completing the survey shall make a certified copy of the field notes of the survey and record it as provided under s. 59.60. The city ~~or~~ village or town engineer upon completing the survey shall record the

notes in his or her office, open to the inspection of the public, and shall file a true and correct copy with the county surveyor. In a county having a population of 500,000 or more, the certified copy of the field notes of the survey shall be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 43. 59.66 of the statutes is amended to read:

59.66 Penalty for nonfeasance. Any county surveyor, any city ~~or~~ village or town engineer, or any land surveyor who fails or refuses to perform any duty required of that person by law shall be fined not less than \$25 nor more than \$50 for each such failure or refusal.

SECTION 44. 59.967 (10) of the statutes is amended to read:

59.967 (10) Any county may by contract under s. 66.30 establish a joint municipal transit commission, in cooperation with any county, city, village, town or federally recognized Indian tribe or band.

SECTION 47. 59.97 (5) (c) of the statutes is amended to read:

59.97 (5) (c) A county ordinance ~~adopted~~ enacted as provided by this section shall not be effective in any town until it has been approved by the town board. If the town board approves an ordinance ~~adopted~~ enacted by the county board, as provided by this section, a certified copy of the approving resolution attached to one of the copies of such ordinance submitted to the town board shall promptly be filed with the county clerk by the town clerk. Such ordinance shall become effective in such town as of the date of such filing, which filing shall be recorded by the county clerk in the clerk's office, reported to the town board and the county board, and printed in the proceedings of the county board. Such ordinance shall supersede any prior town ordinance in conflict therewith or which is concerned with zoning, except as provided by s. 60.62.

SECTION 48. 59.97 (15) (b) of the statutes is renumbered 59.97 (15) (b) 1. and amended to read:

59.97 (15) (b) 1. Community living arrangements shall be permitted in each city, village or town without restriction as to the number of facilities, so long as the total capacity of the community living arrangements does not exceed 25 or one percent of the municipality's population, whichever is greater. When the capacity of the community living arrangements in the municipality reaches that total, the municipality may prohibit additional community living arrangements from locating in the municipality. In any city ~~of the 1st, 2nd, 3rd or 4th class,~~ village or town, when the capacity of community living arrangements in an aldermanic district in a city or a ward in a village or town reaches 25 or one percent of the population, whichever is greater, of the district or ward, the municipality may prohibit additional community living arrangements from being located within the district or ward. Agents of a facility may apply for an exception to the requirements of this ~~paragraph~~ subdivi-

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sion, and such exceptions may be granted at the discretion of the municipality.

SECTION 49. 59.97 (15) (b) 2. of the statutes is created to read:

59.97 (15) (b) 2. No community living arrangement may be established after the effective date of this subdivision [revisor inserts date], within 2,500 feet, or any lesser distance established by an ordinance of the city, village or town, of any other such facility. Agents of a facility may apply for an exception to this requirement, and exceptions may be granted at the discretion of the city, village or town. Two community living arrangements may be adjacent if the city, village or town authorizes that arrangement and if both facilities comprise essential components of a single program.

SECTION 54. 59.974 (2) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

59.974 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a county may enact a zoning ordinance, that is applicable to all of its unincorporated area, except as provided in s. 60.627 (2) (b), for construction site erosion control at sites where the construction activities do not include the construction of a building and for storm water management. This ordinance may be enacted separately from ordinances enacted under s. 59.97.

SECTION 55. 59.974 (5) of the statutes, as affected by 1993 Wisconsin Act 16, is repealed.

SECTION 56. 59.974 (10) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

59.974 (10) VALIDITY UPON ANNEXATION. An ordinance enacted under this section by a county ~~continues that is in effect in any an area immediately before the area is annexed by a city or village after the effective date of that ordinance~~ continues in effect in the area after annexation unless the city or village ~~adopts~~ enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the department and which is at least as restrictive as the county ordinance enacted under this section. If, after providing notice and conducting a hearing on the matter, the department determines that an ordinance ~~adopted~~ enacted by a city or village which is applicable to ~~an area the~~ area annexed ~~after the effective date of the county ordinance~~ area does not meet these standards or is not as restrictive as the county ordinance, the department shall issue an order declaring the city or village ordinance void and reinstating the applicability of the county ordinance to the annexed area.

SECTION 57. 60.065 of the statutes is created to read:

60.065 Change of town name. The name of a town shall be changed if a petition designating the new name is signed and filed with the town clerk under the procedures in s. 9.20 (1), certified by the town clerk under the procedure in s. 9.20 (3), approved by the electors in an election held under the procedures in s. 9.20 (4) and the

result of the election is published in the town's official paper, or posted in the town, and the new name is filed in the office of the secretary of state.

SECTION 58. 60.23 (3) (f) of the statutes is amended to read:

60.23 (3) (f) Provide for the organization, equipment and maintenance of a town museum or a municipal band, or for the employment of other bands to give concerts and municipal entertainment in the town.

SECTION 59. 60.23 (3) (g) of the statutes is created to read:

60.23 (3) (g) Construct or otherwise acquire, equip, furnish, operate and maintain, with the county in which the town is located, a county–town auditorium. The provisions of s. 66.508, as they apply to cities, shall apply to towns, and the powers and duties conferred and imposed by s. 66.505 upon mayors, councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.

SECTION 60. 60.23 (10) of the statutes is amended to read:

60.23 (10) (title) BOWLING CENTERS, DANCE HALLS, ROADHOUSES, PLACES OF AMUSEMENT, POOL TABLES AND AMUSEMENT DEVICES. Regulate, including the licensing of, bowling centers, dance halls, roadhouses, other places of amusement, billiard and pool tables and amusement devices maintained in commercial facilities. If a license is required, the board shall establish the term of the license, not to exceed one year, and the license fee. The board may suspend or revoke, for cause, a license issued under this subsection. Any person violating a regulation adopted under this subsection shall forfeit to the town an amount established by the town board.

SECTION 61. 60.23 (25) of the statutes is created to read:

60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its officers and employes on a self-insured basis if the self-insured plan complies with ss. 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and 632.896.

SECTION 63. 60.23 (27) of the statutes is created to read:

60.23 (27) TOWN HOUSING AUTHORITIES, BLIGHTED AREAS. Engage in certain housing and redevelopment activities. The provisions of ss. 66.40 to 66.425, 66.43, 66.431 and 66.4325, except the provisions of 66.40 (10) and any other provisions that conflict with statutes relating to towns and town boards, shall apply to towns, and the powers and duties conferred and imposed by ss. 66.40 to 66.425, 66.43, 66.431 and 66.4325, except the powers and duties conferred and imposed by s. 66.40 (10) and any other powers that conflict with statutes relating to towns and town boards, upon mayors, common councils

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and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials and common councils respectively. Any town housing authorities created under this subsection shall be entitled to participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ss. 66.40 to 66.404.

SECTION 64. 60.23 (28) of the statutes is created to read:

60.23 (28) SAFETY BUILDINGS. Construct, acquire, equip, furnish, operate and maintain a safety building. The provisions of s. 66.508, as they apply to cities, shall apply to towns, and the powers and duties conferred and imposed by s. 66.508 upon mayors, common councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials and common councils respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.

SECTION 65. 60.23 (29) of the statutes is created to read:

60.23 (29) BILLBOARD REGULATION. Enact and enforce an ordinance, and provide a forfeiture for a violation of the ordinance, that regulates the maintenance and construction of billboards and other similar structures on premises abutting on highways in the town that are maintained by the town or by the county in which the town is located so as to promote the safety of public travel on the highways.

SECTION 66. 60.23 (30) of the statutes is created to read:

60.23 (30) RIDING HORSES, DOGS RUNNING AT LARGE. Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that are the same as or similar to ordinances that may be enacted by a county to regulate riding horses and commercial stables under s. 59.07 (50) or to regulate dogs running at large under s. 59.07 (69).

SECTION 67. 60.23 (31) of the statutes is created to read:

60.23 (31) UNIFIED LOCAL TRANSPORTATION SYSTEM. Cooperate with a county under s. 59.967 (10) in the establishment of a comprehensive unified local transportation system, as defined in s. 59.967 (3) (a).

SECTION 68. 60.30 (5) (a) of the statutes is amended to read:

60.30 (5) (a) If any elected town officer, other than a town board supervisor, is absent or temporarily incapacitated from any cause, the town board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed, except that the appointment procedures of this paragraph apply to a town board supervisor if he or she is absent because of entry

into the U.S. armed forces. Appointees shall file the official oath and bond required under s. 60.31.

SECTION 69. 60.307 (3) (a) of the statutes is amended to read:

60.307 (3) (a) If the town has a civil service system, under that system. If the town has no civil service system, the town board may adopt a civil service system under s. 66.19 (2) (b) for the selection of assessors.

SECTION 70. 60.31 (2) of the statutes is amended to read:

60.31 (2) OFFICIAL BOND. Every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable shall execute and file an official bond provided by the town or by sufficient sureties, or the town may provide a schedule or blanket bond that includes any or all of these officials. ~~No natural person may be a surety on a bond under this subsection.~~ The bond official bond or schedule or blanket bond provided by the town may be furnished by a surety company under s. 632.17 (2). The amount of the bond shall be fixed by the town board. If the amount of the bond is not fixed by the board, the amount shall be the same as that required of the last incumbent of the office. If the town board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the board.

SECTION 71. 60.32 (1) (a) of the statutes is amended to read:

60.32 (1) (a) Except as provided under par. (b) and s. 66.199, the town meeting shall establish the compensation of elective town offices.

SECTION 72. 60.50 (2) of the statutes is amended to read:

60.50 (2) (title) STREETS, SEWERS AND SERVICE MAINS. Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer ~~or~~ water main or any other service pipes, under s. 62.16 (2) (d), in the town.

SECTION 73. 60.563 of the statutes is created to read:

60.563 Rewards for crime information. When any heinous offense or crime has been committed against life or property within a town, the town board chairperson, with the consent of a majority of the members of the town board, may offer a reward for the apprehension of the criminal or perpetrator of such offense.

SECTION 74. 60.61 (1m) of the statutes is created to read:

60.61 (1m) BUILDING CODE ENFORCEMENT. A town board may enact and enforce building code ordinances under ss. 62.17, 101.65, 101.76 and 101.86.

SECTION 76. 60.627 of the statutes is created to read:

60.627 Town construction site erosion control and storm water management zoning. (1) DEFINITION. In this section, "department" means the department of natural resources.

(2) AUTHORITY TO ENACT ORDINANCE. (a) To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, if a town board may enact zoning ordinances under s. 60.62, the town board may enact a zoning ordinance, that is applicable to all of its area, for construction site erosion control at sites where the construction activities do not include the construction of a building and for storm water management. This ordinance may be enacted separately from ordinances enacted under s. 60.62.

(b) A county ordinance enacted under s. 59.974 does not apply and has no effect in a town in which an ordinance enacted under this section is in effect.

(4) APPLICABILITY OF VILLAGE ZONING PROVISIONS.

(a) Except as otherwise specified in this section, the provisions of s. 61.35, as they apply to villages, apply to any ordinance or amendment to an ordinance enacted under this section.

(b) Variances and appeals regarding a construction site erosion control and storm water management ordinance under this section are to be determined by the board of appeals or similar agency for the town. To the extent specified under s. 61.35, procedures under s. 62.23 (7) (e) apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 60.62 that relate to construction site erosion control at sites where the construction activities do not include the construction of a building or to storm water management regulation.

(5) APPLICABILITY OF COMPREHENSIVE ZONING PLAN OR GENERAL ZONING ORDINANCE. An ordinance enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting town, so far as practicable.

(6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a town under s. 236.45 may be exercised by it with respect to construction site erosion control at sites where the construction activities do not include the construction of a building or with respect to storm water management regulation, if the town has or provides a planning commission or agency.

(7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

(8) INTERGOVERNMENTAL COOPERATION. (a) Except as provided in par. (c), s. 66.30 applies to this section, but for the purposes of this section any agreement under s. 66.30 shall be effected by ordinance.

(b) If a town is served by a regional planning commission under s. 66.945 and if the commission consents, the town may empower the commission by ordinance to administer the ordinance enacted under this section throughout the town, whether or not the area otherwise served by the commission includes all of that town.

(c) If a town is served by the Dane county lakes and watershed commission, and if the commission consents, the town may empower the commission by ordinance to administer the ordinance enacted under this section throughout the town, whether or not the area otherwise served by the commission includes all of that town. Section 66.30 does not apply to this paragraph.

(9) VALIDITY UPON ANNEXATION. An ordinance enacted under this section by a town continues in effect in any area annexed by a city or village after the effective date of that ordinance unless the city or village enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the department and which is at least as restrictive as the town ordinance enacted under this section. If, after providing notice and conducting a hearing on the matter, the department determines that an ordinance enacted by a city or village which is applicable to an area annexed after the effective date of the town ordinance does not meet these standards or is not as restrictive as the town ordinance, the department shall issue an order declaring the city or village ordinance void and reinstating the applicability of the town ordinance to the annexed area.

SECTION 77. 66.035 of the statutes is amended to read:

66.035 Code of ordinances. The governing body of any city, ~~town, county or village,~~ town or county may authorize the preparation of a code, or part thereof, of general ordinances of such municipality. Such code, or part thereof, may be adopted by an ordinance referring thereto and may be published in book or pamphlet form and such publication shall be sufficient even though the ordinances contained therein were not published in accordance with ss. 59.09, ~~60.80,~~ 61.50 (1) and 62.11 (4) (a). A copy of such code, or part thereof, shall be permanently on file and open to public inspection in the office of the clerk after its adoption and for a period of not less than 2 weeks before its adoption. A code adopted by a county in accordance with the procedure provided in this section prior to April 30, 1965 shall be valid notwithstanding failure to comply with s. 59.09.

SECTION 78. 66.045 (8) of the statutes is amended to read:

66.045 (8) Obstruction or excavation by a city ~~or~~ village or town in any street, alley, or public place belonging to any other municipality is included in this section.

SECTION 79. 66.046 (1) of the statutes, as affected by 1993 Wisconsin Act 113, is amended to read:

66.046 (1) The governing body of a city ~~or~~ village or town may set aside streets or roads that are not a part

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of any federal, state or county trunk highway system for the safety of children in coasting or other play activities, and may obstruct or barricade such streets or roads to safeguard the children from accidents. The governing body of the city ~~or~~ village or town shall erect and maintain thereon barriers or barricades, lights, or warning signs therefor and shall not be liable for any damage caused thereby.

SECTION 80. 66.048 (title), (1), (2), (3) (title), (a), (c) and (d) and (4) (a) of the statutes are amended to read:

66.048 (title) Viaducts in cities, villages and towns.

(1) (title) VIADUCTS, PRIVATE IN CITIES, VILLAGES AND TOWNS. The privilege of erecting a viaduct above a public street, road or alley, for the purpose of connecting buildings on each side thereof, may be granted by the city council ~~or~~ village board or town board upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be connected, and the owners of more than one-half of the frontage of the lots and lands abutting upon that portion of the remainder thereof which lies within 2,650 feet from the ends of the portion proposed to be so connected.

Whenever any of the lots or lands aforesaid is owned by the state, or by a county, city ~~or~~ village or town, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, said petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and describing the location of the proposed viaduct, shall be given by the city council ~~or~~ village board or town board by publication of a class 3 notice, under ch. 985.

(2) VIADUCTS, REMOVAL OF PRIVATE. A viaduct in any city ~~or~~ village or town may be discontinued by the city council ~~or~~ village board or town board, upon written petition of the owners of more than one-half of the frontage of the lots and lands abutting on the street or road approaching on each end of such viaduct, which lies within 2,650 feet from the ends of such viaduct. Whenever any of the lots or lands aforesaid is owned by the state, or by a county ~~or~~ city, village or town, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, said petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stat-

ing when and where the petition will be acted upon, and stating what viaduct is proposed to be discontinued, shall be given by the city council ~~or~~ village board or town board by publication of a class 1 notice, under ch. 985, not less than one year before the day fixed for the hearing and a class 3 notice, under ch. 985, within the 30 days before the date of the hearing.

(3) (title) LEASE OF SPACE BY CITIES, VILLAGES AND TOWNS. (a) Any city ~~or~~ village or town may lease space over any street, road, alley or other public place in the city ~~or~~ village or town which is more than 12 feet above the level of the street, road, alley or other public place for any term not exceeding 99 years to the person who owns the fee in the property on both sides of the portion of the street, road, alley or other public place to be so leased, whenever the governing body of the city ~~or~~ village or town is of the opinion that such place is not needed for street, road, alley or other public purpose, and that the public interest will be served by such leasing.

(c) The lease shall be signed on behalf of the city ~~or~~ village or town by the mayor ~~or~~ village president or town board chairperson and shall be attested by the city ~~or~~ village or town clerk under the corporate seal. The lease shall also be executed by the lessee in such manner as necessary to bind the lessee. After being duly executed and acknowledged the lease shall be recorded in the office of the register of deeds of the county in which is located the leased premises.

(d) If, in the judgment of such governing body, the public interest requires that any building erected in the leased space be removed so that a street, road, alley or public place may be restored to its original condition, the lessor city ~~or~~ village or town may condemn the lessee's interest in the leased space by proceeding under ch. 32.

After payment of such damages as may be fixed in the condemnation proceedings, the city ~~or~~ village or town may remove all buildings or other structures from the leased space and restore the buildings adjoining the leased space to their original condition.

(4) (a) Any city ~~or~~ village or town may sell or lease the space over any street, road, alley or public place or municipally owned real estate or below ground level thereof to any person, if the governing body determines by resolution that such action is in the best public interest and states the reasons therefor and the prospective purchaser or lessee has provided for the removal and relocation expense for any facilities devoted to a public use where such relocation is necessary for the purposes of the purchaser or lessee. Leases shall be granted by ordinance and shall not exceed 99 years in length. No lease shall be granted nor use authorized hereunder which substantially interferes with the public purpose for which the surface of the land is used.

SECTION 81. 66.0485 of the statutes is amended to read:

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66.0485 Accident record systems. Every city ~~and~~, village and town having a population of 5,000 or more shall maintain a traffic accident record system whereby traffic accidents occurring within the city ~~or~~, village or town may be located within 100 feet of the occurrence and shall provide a copy of the record quarterly to the county traffic safety commission under s. 83.013 (1) (a).

SECTION 82. 66.049 of the statutes is amended to read:

66.049 Removal of rubbish. Cities ~~and~~, villages and towns may cause the removal of ashes, garbage, and rubbish from such classes of places therein as the board or council shall direct. The removal may be from all such places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain of them only, and different regulations may be applied to each removal district. The cost of removal may be provided for by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city ~~or~~, village or town.

SECTION 83. 66.05 (1) (a) of the statutes is amended to read:

66.05 (1) (a) The governing body or the inspector of buildings or other designated officer in every municipality, ~~except in towns situated in a county of less than 15,000 population upon complaint of a majority of the members of the town board the circuit court,~~ may order the owner of premises upon which is located any building or part thereof within such municipality, which in its judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof and restore the site to a dust-free and erosion-free condition, or if it can be made safe by repairs to repair and make safe and sanitary or to raze, remove and restore the site to a dust-free and erosion-free condition at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than 2 years, to raze and remove such building or part thereof and restore the site to a dust-free and erosion-free condition. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or the owner's agent where an agent is in charge of the building in the manner provided for service of a summons in the circuit court. If the owner and the owner's agent cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice, under ch. 985, before the time limited in the order commences to run. The time limited in the order commences to run from the date of service upon the owner or the agent in the manner of a summons or, if the owner and agent cannot be

found, from the date that the order was posted on the building. The order shall also be served on the holder of any encumbrance of record by 1st class mail at the last-known address and by publication as a class 1 notice under ch. 985.

SECTION 84. 66.05 (7) of the statutes is repealed.

SECTION 85. 66.05 (8) (am) of the statutes is amended to read:

66.05 (8) (am) Whenever an owner of any building in any city ~~or~~, village or town permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building are either deteriorated, damaged, destroyed or removed so that such building offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition, the building inspector or other designated officer of such city ~~or~~, village or town shall issue a written notice respecting the existence of such defect; such written notice shall be served on the owner of such building as set forth in sub. (1) (a) and shall direct the owner of such building to promptly remedy the defect within 30 days following the service of such notice.

SECTION 86. 66.051 (4) of the statutes is renumbered 66.051 (1) (bm) and amended to read:

66.051 (1) (bm) ~~The board or council of any village or city may enact~~ Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 161.01 (14), subject to the exceptions in s. 161.41 (3r), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this ~~subsection~~ paragraph; ~~and~~

SECTION 87. 66.06 (1) of the statutes is amended to read:

66.06 (1) DEFINITIONS. The definition of "public utility" in s. 196.01 is applicable to ss. 66.06 to 66.078. Whenever the phrase "resolution or ordinance" is used in ss. 66.06 to 66.065 and 66.068 to 66.078, it means, as to towns, villages and cities, ordinance only.

SECTION 88. 66.061 (1) (a) of the statutes is amended to read:

66.061 (1) (a) Any city ~~or~~, village or town may grant to any person or corporation the right to construct and operate therein a system of waterworks or to furnish light, heat or power subject to such reasonable rules and regulations as the proper municipal authorities by ordinance may from time to time prescribe.

SECTION 89. 66.061 (2) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

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66.061 (2) (a) Cities ~~and~~ villages and towns may contract for furnishing light, heat, water, motor bus or other systems of public transportation to the municipality or to the inhabitants thereof for a period of not more than 30 years or for an indeterminate period if the prices are subject to adjustment at intervals of not greater than 5 years. The public service commission shall have jurisdiction relative to the rates and service to any city ~~or~~ village or town where light, heat or water is furnished to such city ~~or~~ village or town under any contract or arrangement, to the same extent that the public service commission has jurisdiction where that service is furnished directly to the public.

SECTION 90. 66.061 (2) (b) to (d) of the statutes are amended to read:

66.061 (2) (b) When a ~~village or city~~ village or town has contracted for water, lighting service, motor bus or other systems of public transportation to the municipality the cost may be raised by tax levy. In making payment to the owner of the utility a sum equal to the amount due the city, village or town from such owner for taxes or special assessments may be deducted.

(c) This subsection shall apply to every city ~~and~~ village and town regardless of any charter limitations on the tax levy for water or light.

(d) When any ~~privately owned~~ privately owned motor bus or public transportation system in a city ~~or~~ village or town fails to provide service for a period in excess of 30 days, and the owner or stockholders of the ~~said privately owned~~ privately owned motor bus or public transportation system have announced an intention to abandon service, the governing body of the affected municipality may without referendum furnish or contract for the furnishing of other motor bus or public transportation service to the municipality and its inhabitants and to the users of the defaulting prior service for a period of not more than one year. This section shall not authorize a municipality to hire, directly or indirectly, any strike-breaker or other person for the purpose of replacing employes of said motor bus or public transportation system engaged in a strike.

SECTION 91. 66.064 of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

66.064 Joint operation. Any city ~~or~~ village or town served by any privately owned public utility, motor bus or other systems of public transportation rendering local service may contract with the owner thereof for the leasing, public operation, joint operation, extension and improvement by the municipality or with funds loaned by the municipality, for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said public utility which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, man-

agement, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of s. 66.07 relating to preliminary agreement, approval by the department of transportation or public service commission, and ratification by the electors, shall be applicable to the contracts authorized by this section. The department of transportation or public service commission shall, when any such contract is approved by it and consummated, cooperate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such contract to be made by it.

SECTION 92. 66.065 (5) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

66.065 (5) Any city ~~or~~ village or town may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail or other local transportation system exists in such city ~~or~~ village municipality. Any city ~~or~~ village or town in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners thereof, or pursuant to law, or upon securing a certificate from the department of transportation under s. 194.23.

SECTION 93. 66.065 (7) of the statutes is amended to read:

66.065 (7) Any city ~~or~~ village or town providing or acquiring a motor bus transportation system under the provisions of this section may finance such construction or purchase in any manner now authorized in respect of the construction or purchase of a public utility.

SECTION 94. 66.067 of the statutes is amended to read:

66.067 Public works projects. For financing purposes, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls, town halls, courthouses, jails, schools, cooperative educational service agencies (CESAS), hospitals, homes for the aged or indigent, regional projects, waste collection and disposal operations, systems of sewerage and any and all other necessary public works projects undertaken by any municipality are public utilities within the meaning of s. 66.066.

SECTION 95. 66.068 (3) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

66.068 (3) The commissioners shall choose from among their number a president and a secretary. They may command the services of the city, village or town engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books of account,

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in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.

SECTION 96. 66.068 (4) and (7) of the statutes are amended to read:

66.068 (4) It may be provided that departmental expenditures be audited by such commission, and if approved by the president and secretary of the commission, be paid by the city ~~or~~ village or town clerk and treasurer as provided by s. 66.042; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city, village or town treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement and operation of the utility as shall be designated. Where in any municipality water mains have been installed or extended and the cost thereof has been in some instances assessed against the abutting owners and in other instances paid by the municipality or any utility therein, it may be provided by the governing body of such municipality that all persons who paid any such assessment against any lot or parcel of land may be reimbursed the amount of such assessment regardless of when such assessment was made or paid. Such reimbursement may be made from such funds or earnings of said municipal utility or from such funds of the municipality as the governing body determines.

(7) ~~In cities of the second, third or fourth a 2nd, 3rd or 4th class city, a village or a town,~~ the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission above provided for.

SECTION 97. 66.069 (2) (c), (d) and (dm) of the statutes are amended to read:

66.069 (2) (c) Notwithstanding s. 196.58 (5), each ~~village or city,~~ village or town may by ordinance fix the limits of such service in unincorporated areas. Such ordinance shall delineate the area within which service will be provided and the municipal utility shall have no obligation to serve beyond the area so delineated. Such area may be enlarged by a subsequent ordinance. No such ordinance shall be effective to limit any obligation to serve which may have existed at the time the ordinance was adopted.

(d) An agreement by a city ~~or~~ village or town to furnish utility service outside its corporate limits to unincorporated property used for public, educational, industrial or eleemosynary purposes fixes the nature and geographical limits of that utility service unless altered by a change in the agreement, notwithstanding s. 196.58 (5). A change in use or ownership of property included under that agreement does not alter terms and limitations of that agreement.

(dm) An agreement under par. (d) under which a city or village agrees to furnish sewerage service to a prison, which is located in an area which has been incorporated

since that agreement was made, may be amended to provide that the city or village also furnish water service to the prison. An agreement amended under this paragraph fixes the nature and geographical limits of the water and sewer service unless altered by a change in the agreement, notwithstanding s. 196.58 (5). A change in use or ownership of property included under an agreement amended under this paragraph does not alter the terms and limitations of that agreement.

SECTION 98. 66.074 of the statutes is amended to read:

66.074 Ice plants, fuel depots and landing fields.

(1) Any city, village or town may enter into any contract which will enable it to purchase, construct, lease or acquire any equipment necessary to secure, manufacture, or sell ice, and to supply ice to itself, its inhabitants and persons doing business therein, or the county in which it is located, and may operate the same.

(2) Any city, village or town may by a vote of three-fourths of all the members of the council or board establish and operate equipment for the purchase, sale and supply of fuel to its citizens, under regulation of the council or board.

(3) Any city, village or town may purchase or lease lands for the use of the public as an aerial landing field, and may construct thereon hangars, shops, and other equipment and maintain such landing field; and may establish and collect uniform fees for use of such field. ~~Neither the city~~ No city, village or town, nor any board, commission or officer thereof, maintaining and operating any aerial landing field, as provided in this subsection, and collecting fees for the use of the same, shall be held liable in damages for injuries done to any person, not an employe of such city, village or town, by reason of the maintenance or operation of such landing field.

SECTION 99. 66.075 (1) of the statutes is amended to read:

66.075 (1) Authority is hereby given to every county and to every city, village and town of more than 5,000 inhabitants to construct and maintain public slaughterhouses upon such conditions and under such regulations as may be imposed by the department of agriculture, trade and consumer protection.

SECTION 100. 66.075 (5) of the statutes is amended to read:

66.075 (5) The provisions of this section shall apply only to such counties ~~and to such~~ cities, villages and towns as shall have adopted the same at any general or municipal election at which the question of the establishment of such county or municipal slaughterhouse shall have been submitted to the voters of such county ~~or such~~ city, village or town. Such question shall, upon the filing of a petition conforming to the requirements of s. 8.40 by electors of such county ~~or such~~ city, village or town equal in number to at least 10% of all the votes cast in such county ~~or such~~ city, village or town for governor at the

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last preceding general election, be submitted to the electors of such county ~~or such~~ city, village or town at the next ensuing election, and if a majority of votes cast shall be in favor of the establishment of such slaughterhouse, the provisions of this section shall apply to such county ~~or to such~~ city, village or town.

SECTION 101. 66.078 of the statutes is amended to read:

66.078 (title) Refunding village, town, sanitary and inland lake district bonds. Any village, town, town sanitary district established under s. 60.71 (1) or public inland lake protection and rehabilitation district established under ch. 33 which has undertaken to construct a combined sewer and water system and issued revenue bonds payable from the combined revenues of ~~said~~ the system and which is unable to provide sufficient funds to complete the construction of ~~said~~ the system and to meet maturing principal of ~~said~~ the revenue bonds, may, with the consent of all of the holders of noncallable bonds, refund all or any part of its outstanding indebtedness, including revenue bonds, by issuing term bonds maturing in not more than 20 years, payable solely from the revenues of ~~said~~ the combined sewer and water system and redeemable at par on any interest payment date. Such bonds may be issued as provided in s. 66.066 (2) and shall pledge income from hydrant rentals and all sewer and water charges and may contain any covenants authorized by law, except if bonds are issued ~~hereunder~~ under this section to refund floating indebtedness, ~~such~~ the bonds shall be subject to the prior lien and claim of all bonds issued to refund revenue bonds ~~theretofore~~ issued prior to the refunding.

SECTION 102. 66.079 (1) of the statutes is amended to read:

66.079 (1) Any city ~~or~~ village or town without necessity of a referendum may purchase, acquire, rent from a lessor, construct, extend, add to, improve, conduct, operate or rent to a lessee a municipal parking system for the parking of vehicles, including parking lots and other parking facilities, upon its public streets or roads or public grounds and issue revenue bonds to acquire funds for any one or more of these purposes. The parking lots and other parking facilities may include space designed for leasing to private persons for purposes other than parking. If, in 1st class cities, a charge is made for parking privileges in a parking system or parking lot and attendants are employed there, the parking system or parking lot shall be operated under contract with private persons. No such contract is required if the 1st class city cannot obtain reasonable terms and conditions. The provisions of s. 66.066 governing the issuance of revenue bonds apply, so far as applicable, to revenue bonds issued under this subsection. The municipal parking systems are public utilities under article XI, section 3, of the constitution. Revenue bonds issued under this subsection are payable solely, both principal and interest, from the revenues to

be derived from the parking system, including without limitation revenues from parking meters or other parking facilities. Any revenue derived from any facility financed by a revenue bond issued under this subsection shall be used only to pay the principal and interest of that revenue bond, except that after the principal and interest of that revenue bond have been paid in full the revenue derived from the facility may be used for any purpose.

SECTION 103. 66.08 of the statutes is amended to read:

66.08 Utilities, special assessments. (1) Whenever any ~~village or~~ city, village or town shall construct or acquire by gift, purchase or otherwise a distribution system or a production or generating plant for the furnishing of light, heat or power to any municipality or its inhabitants or shall make any extensions thereto, such city ~~or~~ village or town may assess the whole or any part of the cost thereof to the property benefited thereby, whether abutting or not, in the same manner as is provided for the assessment of benefits under s. 66.60.

(2) Such special assessments may be made payable and certificates or bonds issued under s. 66.54. In ~~villages or cities~~ a city, village or town where no official paper is published, notice may be given by posting ~~said~~ the notice in 3 public places in ~~said village or~~ the city, village or town.

SECTION 104. 66.11 (1) and (2) of the statutes are amended to read:

66.11 (1) (title) DEPUTY SHERIFFS AND MUNICIPAL POLICE. No person shall be appointed deputy sheriff of any county or police officer for any city, village or town unless that person is a citizen of the United States. This section shall not affect common carriers, nor apply to a deputy sheriff not required to take an oath of office.

(2) ELIGIBILITY OF OTHER OFFICERS. Except as expressly authorized by statute, no member of a town, village or county board, or city council, shall, during the term for which the member is elected, be eligible for any office or position which during such term has been created by, or the selection to which is vested in, such board or council, but such member shall be eligible for any elective office. The governing body may be represented on city ~~or~~ village or town boards and commissions where no additional remuneration is paid such representatives and may fix the tenure of such representatives notwithstanding any other statutory provision. This subsection shall not apply to a member of any such board or council who resigns from said board or council before being appointed to an office or position which was not created during the member's term in office.

SECTION 105. 66.114 (1) and (3) of the statutes are amended to read:

66.114 (1) When any person is arrested for the violation of a city ~~or~~ village or town ordinance and the action is to be in circuit court, the chief of police or police officer designated by the chief, marshal or clerk of court may

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accept from the person a bond, in an amount not to exceed the maximum penalty for the violation, with sufficient sureties, or the person's personal bond upon depositing the amount thereof in money, for appearance in the court having jurisdiction of the offense. A receipt shall be issued therefor.

(3) This section shall not be construed as a limitation upon the general power of cities ~~and~~, villages ~~and~~ towns in all cases of alleged violations of city ~~or~~, village ~~or~~ town ordinances to authorize the acceptance of bonds or cash deposits or upon the general power to accept stipulations for forfeiture of bonds or deposits or pleas where arrest was had without warrant or where action has not been started in court.

SECTION 106. 66.12 (3) (b) of the statutes is amended to read:

66.12 (3) (b) All forfeitures and penalties recovered for the violation of any ordinance, resolution or bylaw of any city ~~or~~, village ~~or~~ town shall be paid into the city ~~or~~, village ~~or~~ town treasury for the use of the city ~~or~~, village ~~or~~ town, except as otherwise provided in par. (c), sub. (1) (b) and s. 165.87. The judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to the city ~~or~~, village ~~or~~ town, which report shall be certified and filed in the office of the treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one of which he or she shall file with the city ~~or~~, village ~~or~~ town clerk.

SECTION 108. 66.125 of the statutes is amended to read:

66.125 Orders; action; proof of demand. No action shall be brought upon any city, village, ~~town~~ or school district order until the expiration of 30 days after a demand for the payment of the same shall have been made. If such action is brought and the defendant fails to appear and defend the same judgment shall not be entered without affirmative proof of such demand, and if entered without such proof shall be absolutely void.

SECTION 109. 66.13 of the statutes is amended to read:

66.13 Limitation of action attacking contracts. Whenever the proper officers of any city ~~or~~, village, ~~however incorporated,~~ ~~or~~ town enter into any contract in manner and form as prescribed by statute, and either party to the contract has procured or furnished materials or expended money under the terms of the contract, no action or proceedings may be maintained to test the validity of the contract unless the action or proceeding is commenced within the time limited by s. 893.75.

SECTION 110. 66.184 of the statutes is amended to read:

66.184 Self-insured health plans. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, ~~or if a town provides health care benefits,~~ to its officers and employes on a

self-insured basis, the self-insured plan shall comply with ss. 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and 632.896.

SECTION 111. 66.19 (1) of the statutes is amended to read:

66.19 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or 66.01 to establish a civil service system of selection, tenure and status, and the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employes subject to s. 62.13, members of the judiciary and supervisors. Any town may establish a civil service system under this subsection. For veterans there shall be no restrictions as to age, and veterans and their spouses shall be given preference points in accordance with s. 230.16 (7). The system may also include uniform provisions in respect to attendance, leave regulations, compensation and payrolls for all personnel included thereunder. The governing body of any city ~~or~~, village ~~adopting~~ ~~or~~ town ~~establishing~~ a civil service system under this section may exempt ~~therefrom~~ ~~from~~ the system the librarians and assistants subject to s. 43.09 (1).

SECTION 112. 66.19 (2) (a), (3) and (4) of the statutes are amended to read:

66.19 (2) (a) Any town ~~with a population of more than 5,000~~ may establish a civil service system under sub. (1) and in such departments as the town board may determine. Any person who has been employed in any such department for more than 5 years prior to the establishment of such civil service is eligible to appointment without examination.

(3) When any town has established a system of civil service, the ordinance establishing the ~~same~~ shall system may not be repealed for a period of 6 years after its enactment, and thereafter it may be repealed only by proceedings under s. 9.20 by referendum vote. This subsection shall not apply where a town comes, before the expiration of the 6 years, within the jurisdiction of a county assessor under s. 70.99.

(4) Any civil service system ~~which shall be~~ established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of such board or commission for cause by the mayor with approval of the council, and in cities organized under the provisions of ss. 64.01 to 64.15 by the city manager and the council, and by the board in villages and towns.

SECTION 113. 66.199 of the statutes is amended to read:

66.199 Automatic salary schedules. Whenever the governing body of any city ~~or~~, village ~~or~~ town by ordinance adopts a salary schedule for some or all employes and officers of the city ~~or~~, village ~~or~~ town, other than members of the city council or village ~~or~~ town board, the salary schedule may include an automatic adjustment for

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some or all of the personnel in conformity with fluctuations upwards and downwards in the cost of living, notwithstanding ss. 60.32, 61.32, 62.09 (6) and 62.13 (7).

SECTION 114. 66.22 (5) of the statutes is amended to read:

66.22 (5) An order creating the district shall state the name and boundaries of the district, which may be different than those originally proposed if each municipality affected by the district received written notice of the hearing under sub. (3) (a) and if each municipality which jointly or separately owns or operates a sewerage collection and disposal system which has territory included in the revised district boundaries has filed with the department a certified copy of a resolution of its governing body consenting to the inclusion of that territory within the revised district. No territory of a city ~~or~~ village or town jointly or separately owning or operating a sewerage collection and disposal system may be included in the district unless it has filed with the department a certified copy of a resolution of its governing body consenting to inclusion of such territory within the proposed district. The order shall be effective on the date issued and the existence of the district shall commence on such date.

SECTION 115. 66.23 (8) of the statutes is amended to read:

66.23 (8) The treasurer of the city ~~or~~ village or town having the largest equalized valuation within the district shall act as treasurer of the district, shall receive such additional compensation therefor as the commission may determine, and shall at the expense of the district furnish such additional bond as the commission may require. Such treasurer shall keep all moneys of the district in a separate fund to be disposed of only upon order of the commission signed by the president and secretary.

SECTION 116. 66.25 (1) (c) of the statutes is amended to read:

66.25 (1) (c) ~~Notice shall be given by the commission~~ The commission shall give notice that the report and schedule are on file in ~~their~~ its office and in the office of the clerk of the town, village or city ~~wherein in which~~ the land is situated, and ~~that the notice will so continue remain in those offices~~ for a period of 10 days after the date ~~of such notice on which the notice is issued;~~ that on the date named ~~therein in the notice~~, which shall not be more than 3 days after the expiration of ~~said~~ the 10 days, the commission will be in session at ~~their~~ its office, the location of which shall be specified in the notice, to hear all objections ~~that may be made to the report.~~

SECTION 117. 66.295 of the statutes is amended to read:

66.295 Authority to pay for public work done in good faith. (1) ~~Whenever~~ If any city, village, town or county has received and enjoyed or is enjoying any benefits or improvements furnished prior to March 1, 1973, under any contract which was no legal obligation on such city, village, town or county and which contract was

entered into in good faith and has been fully performed and the work has been accepted by the proper officials, so as to impose a moral obligation upon such city, village, town or county to pay therefor, such city, village, town or county, by resolution of its governing body and in consideration of such moral obligation, may pay to the person furnishing such benefits or improvements the fair and reasonable value of such benefits and improvements.

(2) The fair and reasonable value of such benefits and improvements and the funds out of which payment therefor shall be made shall be determined by the governing body of ~~such~~ the city, village, town or county. Such payments may be made out of any available funds, and ~~said~~ the governing body has authority, if necessary, to levy and collect taxes in sufficient amount to meet such payments.

(3) Where payment for any benefits or improvements ~~mentioned in under~~ subs. (1) and (2) ~~shall be is~~ authorized by the ~~common council of any city governing body of the~~ city, village or town and where special assessments shall have been levied for any portion of ~~such~~ the benefits or improvements prior to the authorization of such payment, the city local authorities shall proceed to make a new assessment of benefits and damages in the manner provided for the original assessment, except that steps required in the laws relating to the original assessment to be taken prior to the ordering or doing of such benefits or improvements may be taken after the authorization of such payment with the same effect as if taken prior to the ordering or doing of such benefits or improvements. The owner of any property affected by ~~such a~~ reassessment may appeal ~~therefrom~~ in the same manner as from an original assessment. On ~~such a~~ reassessment, full credit shall be given for all ~~moneys~~ money collected under an original assessment for ~~such~~ the benefits and improvements.

SECTION 118. 66.296 (1) to (4) of the statutes are amended to read:

66.296 (1) The whole or any part of any road, street, slip, pier, lane or alley, in any 2nd, 3rd or 4th class city ~~of the second, third or fourth class~~ or in any incorporated village or town, may be discontinued by the common council or village or town board upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder thereof which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as shall be within the corporate limits of the city ~~or~~ village or town. The beginning and ending of an alley shall be ~~deemed~~ considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.

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(2) (a) As an alternative, proceedings covered by this section may be initiated by the common council or village or town board by the introduction of a resolution declaring that since the public interest requires it, the whole or any part of any road, street, slip, pier, lane or alley in the city ~~or~~ village or town is thereby vacated and discontinued.

(b) A hearing on the passage of such resolution shall be set by the common council or village or town board on a date which shall not be less than 40 days thereafter. Notice of the hearing shall be given as provided in sub. (5), except that in addition notice of such hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the portion thereof sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before such hearing. When such service cannot be made within the city ~~or~~ village or town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing.

(c) No discontinuance shall be ordered if a written objection to the proposed discontinuance is filed with the city ~~or~~ village or town clerk by any of the owners abutting on the portion sought to be discontinued or by the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder thereof which lies within 2,650 feet from the ends of the portion proposed to be discontinued; or which lies within so much of said 2,650 feet as shall be within the corporate limits of the city ~~or~~ village or town. The beginning and ending of an alley shall be ~~deemed~~ considered to be within the block in which it is located.

(2m) For the purpose of this section, the narrowing, widening, extending or other alteration of any road, street, lane or alley does not constitute a discontinuance of any part of the former road, street, lane or alley, including the any right-of-way ~~therefor~~, which is included within the right-of-way for the new road, street, lane or alley.

(3) Whenever any of the lots or lands ~~aforsaid~~ subject to this section is owned by the state, county, city ~~or~~ village or town, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, petitions for discontinuance or objections to discontinuance may be signed by the governor, chairman of the board of supervisors of the county, mayor of the city, president of the village, chairperson of the town board, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.

(4) The city council or village or town board may by resolution discontinue any alley or any portion thereof which has been abandoned, at any time after the expiration of 5 years from the date of the recording of the plat by which it was dedicated. Failure or neglect to work or

use any alley or any portion thereof for a period of 5 years next preceding the date of notice provided for in sub. (5) shall be ~~deemed~~ considered an abandonment for the purpose of this section.

SECTION 119. 66.298 of the statutes is amended to read:

66.298 Pedestrian malls. After referring the matter to the plan commission for report under s. 62.23 (5), or the town zoning committee under s. 60.61 (4), and after holding a public hearing on the matter with publication of a Class 1 notice of the hearing, the governing body of any city or village, or any town board acting under s. 60.61 or 60.62, may by ordinance designate any street, road or public way or any part thereof wholly within its jurisdiction as a pedestrian mall and prohibit or limit the use thereof by vehicular traffic. Creation of such pedestrian malls shall not constitute a discontinuance or vacation of such street, road or public way under s. 66.296 or 236.43.

SECTION 120. 66.30 (3p) of the statutes is amended to read:

66.30 (3p) The authority now or hereafter conferred by law on commissions created by contract under this section shall not include the right, power or authority to establish, lay out, construct, improve, discontinue, relocate, widen or maintain any road or highway outside the corporate limits of a village or city or to acquire lands for such purposes except upon approval of the department of transportation and the county board of the county ~~wherein such~~ and the town board of the town in which the road is to be located.

SECTION 121. 66.325 (1) to (3) of the statutes are amended to read:

66.325 (1) Notwithstanding any other provision of law to the contrary, the governing body of any city ~~or~~ village or town is empowered to declare, by ordinance or resolution, an emergency existing within ~~such~~ the city ~~or~~ village or town whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of ~~such~~ the city ~~or~~ village or town. The period of ~~such~~ the emergency shall be limited by ~~such~~ the ordinance or resolution to the time during which ~~such~~ the emergency conditions exist or are likely to exist.

(2) The emergency power of the governing body ~~herewith~~ conferred under sub. (1) includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of ~~such municipality in such~~ the city, village or town in the emergency and ~~shall include~~ includes without limitation because of enumeration the power to bar, restrict or remove all unnecessary traffic, both vehic-

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ular and pedestrian, from the local highways, notwithstanding any provision of chs. 341 to 349 or any other provisions of law. The governing body of the city, village or town may provide penalties for violation of any emergency ordinance or resolution not to exceed a \$100 forfeiture or, in default of payment thereof of the forfeiture, 6 months' imprisonment for each separate offense.

(3) If, because of ~~such the~~ emergency conditions, the governing body of the city, village or town is unable to meet with promptness, the chief executive officer or acting chief executive officer, ~~including the village president or acting village president~~, of any city ~~or~~ village or town shall exercise by proclamation all of the powers ~~herewith~~ conferred upon the governing body under sub. (1) or (2) which within the discretion of ~~said the~~ officer appear necessary and expedient for the purposes herein set forth. ~~Such The~~ proclamation shall be subject to ratification, alteration, modification or repeal by the governing body as soon as that body can meet, but ~~such the~~ subsequent action taken by the governing body shall not affect the prior validity of ~~said the~~ proclamation.

SECTION 122. 66.325 (4) of the statutes is repealed.

SECTION 123. 66.395 (3) (c), (d) and (g) of the statutes are repealed.

SECTION 124. 66.395 (3) (h) of the statutes is amended to read:

66.395 (3) (h) "Council" means the common council ~~or other body charged with governing of~~ the city.

SECTION 125. 66.437 of the statutes is created to read:

66.437 Towns to have certain city powers. Towns shall have all of the powers of cities under ss. 66.40 to 66.425, 66.43, 66.431, 66.4325, 66.505 and 66.508, except the powers under s. 66.40 (10) and any other powers that conflict with statutes relating to towns and town boards.

SECTION 126. 66.47 (title) of the statutes is amended to read:

66.47 (title) County-city hospitals; village and town powers.

SECTION 127. 66.47 (15) of the statutes is created to read:

66.47 (15) POWERS OF TOWNS. Towns shall have all of the powers granted to cities under subs. (1) to (12) and whenever any town shall exercise such powers the word "city" wherever it appears in subs. (1) to (12) means "town" unless the context otherwise requires. Any town participating in the construction or other acquisition of a general county-town hospital or in the operation thereof, pursuant to this section, shall have the power to enter into lease agreements leasing such hospital and the equipment and furnishings therein to a nonprofit corporation.

SECTION 128. 66.48 of the statutes is amended to read:

66.48 Art museums. Any city, village or town may establish, purchase land and erect buildings for, and equip, manage and control an art museum or museums;

or enter into a contract with any art museum or art institute located in ~~said the~~ city, village or town for the education of the people thereof in art, for such compensation as shall be determined by the ~~common council of such governing body of the city, village or town~~. Any ~~such~~ city, village or town may levy taxes, issue bonds, or appropriate money for ~~said the~~ purposes in this section.

SECTION 129. 66.49 (1) to (3) of the statutes are amended to read:

66.49 (1) RECREATION AND AMUSEMENT. Any ~~village or city, village or town~~ may by ordinance, ~~adopted enacted~~ by a majority of all the ~~members~~ members-elect, ~~as defined in s. 59.001 (2m)~~, of the board or council, provide for the erection, maintenance and operation of a public auditorium, opera house, or other recreation and amusement building. The erection and contracts therefor shall be governed by the provisions of law applicable to other public buildings therein. The board or council shall adopt regulations for maintenance and operation.

(2) REST ROOMS. Any city, village or town may erect, purchase, lease, or take by gift or devise, land and buildings for public rest rooms, and may equip, maintain and operate the same.

(3) COMFORT STATIONS. Every city, village and city town may provide and maintain a sufficient number of ~~suitable and adequate~~ public comfort stations for both sexes. The department of health and social services shall establish regulations governing their location, construction, equipment and maintenance and may prescribe minimum standards that shall be uniform throughout the state. The board or council may establish further regulations.

SECTION 130. 66.50 (1) (intro.) and (b) to (g) and (2) of the statutes are amended to read:

66.50 (1) (intro.) In any city ~~or~~ village or town, however organized, ~~having in which~~ a municipal hospital ~~therein is located~~, the board of trustees or other governing board of ~~such the~~ municipal hospital shall have power and authority, except as otherwise provided by ordinance:

(b) To ~~enact promulgate~~, amend and repeal rules ~~and regulations~~ relating to the government, operation and maintenance of ~~such the~~ hospital and relating to the employes ~~thereof of the hospital~~;

(c) To contract for and purchase all fuel, food and other supplies reasonably necessary for the ~~proper~~ operation and maintenance of ~~such the~~ hospital;

(d) To ~~enact promulgate~~, amend and repeal rules ~~and regulations~~ for the admission to and government of patients at ~~such the~~ hospital;

(e) To ~~enter into~~ contract for the construction, installation or making of additions or improvements to or alterations of such hospital whenever such additions, improvements or alterations have been ordered and funds provided therefor by the city council or village or town board;

(f) To engage all necessary employees at ~~such the~~ hospital for a period not to exceed one year under any one contract and at a salary not to exceed the sum of twenty-five dollars per week, excluding board and laundry, unless a larger salary ~~be is~~ expressly authorized by the city council or village or town board;

(g) To audit all accounts and claims against ~~said the~~ hospital or against ~~said the~~ board of trustees and, if approved, ~~such shall be paid by the city of,~~ village or town clerk and treasurer shall pay the accounts and claims in the manner provided by s. 66.042.

(2) All expenditures made ~~pursuant to~~ under this section shall be within the limits authorized by the governing body of the municipality.

SECTION 131. 66.501 (1) (intro.), (a) to (c), (e), (f) and (j) of the statutes are amended to read:

66.501 (1) POWERS AND DUTIES OF GOVERNING BODY. (intro.) For the purpose of providing adequate hospital facilities in the state of Wisconsin to serve cities ~~and~~ villages and ~~inhabitants thereof~~ towns and the hospital service area, and all lands, buildings, improvements, facilities or equipment or other capital items necessary or desirable in connection ~~therewith~~ with the hospital and the ultimate acquisition ~~thereof of the hospital~~ by the city ~~of,~~ village or town, for the acquisition of lands for future hospital development, and to refinance indebtedness ~~previously or hereafter~~ created by a nonprofit corporation for the purpose of acquiring lands or providing hospital buildings or additions or improvements ~~thereto to the~~ hospital buildings, or for any one or more of ~~said these~~ purposes, the governing body of any city ~~of,~~ village or town shall have the following powers:

(a) Without limitation by any other statute, to sell and convey title to a nonprofit corporation any land and any existing buildings ~~thereon~~ on the land owned by the city ~~of,~~ village or town for such consideration and upon such terms and conditions as in the judgment of the governing body of the city ~~of,~~ village or town are in the public interest.

(b) To lease to a nonprofit corporation for terms not exceeding 40 years each any land and existing buildings ~~thereon~~ on the land that are owned by the city ~~of,~~ village or town upon such terms, conditions and rentals as in the judgment of the governing body of the city ~~of,~~ village or town are in the public interest.

(c) To lease or sublease from ~~such the~~ nonprofit corporation, for terms not exceeding 40 years, and to make available for public use, any lands or any such land and existing buildings conveyed or leased to ~~such the~~ corporation under pars. (a) and (b), and any new buildings erected upon ~~such the~~ land or upon any other land owned by ~~such the~~ corporation, upon ~~such the~~ terms, conditions and rentals, subject to available appropriations, and ultimate acquisition, as ~~that~~ in the judgment of the governing body of the city ~~of,~~ village or town are in the public interest. With respect to any property conveyed to ~~such the~~

nonprofit corporation under par. (a), the lease from ~~such the~~ nonprofit corporation may be subject or subordinated to one or more mortgages of such property granted by ~~such the~~ corporation.

(e) To pledge and assign all or any part of the revenues derived from the operation of any lands or ~~such~~ new buildings as security for the payment of rentals due and to become due under any lease or sublease of ~~such the~~ new buildings made under par. (c).

(f) To covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of ~~such the~~ new buildings in an amount which together with other moneys of the city ~~of,~~ village or town available for such purpose will produce net revenue sufficient to pay the rentals due and to become due under ~~such the~~ lease or sublease.

(j) To operate the hospital, until it is ultimately acquired in such a manner as to provide revenues ~~therefrom~~ sufficient to pay the costs of operation and maintenance of the hospital and to provide for the payments due the nonprofit corporation.

SECTION 132. 66.501 (2) and (3) of the statutes are amended to read:

66.501 (2) MUNICIPAL LIABILITY. The city ~~of,~~ village or town shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) and may be sued therefor on contract.

(3) NO DEBT INCLUSION. Nothing under this section shall be ~~deemed considered~~ to incur any municipal debt. No obligation under this section shall be included in arriving at constitutional debt limitations.

SECTION 133. 66.501 (4) (intro.) and (a) and (6) of the statutes are amended to read:

66.501 (4) POWERS AND DUTIES OF NONPROFIT CORPORATION. (intro.) In addition to all other powers granted to nonprofit corporations, the nonprofit corporation shall have the following additional powers and duties when leasing hospital facilities to a city ~~of,~~ village or town:

(a) To acquire by purchase, gift or lease real property and buildings ~~thereon~~ on the property from a city ~~of,~~ village or town or other person, to construct hospital facilities ~~thereon~~ on the property and to lease the ~~same~~ real property and buildings to a city ~~of,~~ village or town for terms not exceeding 40 years, and to transfer ~~such the~~ land and buildings to the city ~~of,~~ village or town upon termination of ~~such the~~ lease.

(6) DEFINITIONS. Unless context otherwise requires, the terms “buildings”, “new buildings” and “existing buildings” as used in this section include all buildings, structures, improvements, facilities, equipment or other capital items which the governing body of the city ~~of,~~ village or town determines to be necessary or desirable for the purpose of providing hospital facilities. The term “nonprofit corporation” means a nonstock, nonprofit corporation organized under ch. 181.

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SECTION 134. 66.53 of the statutes is amended to read:

66.53 Repayment of assessments in certain cases. Whenever If in any city or town any contract for improvements ~~has been or may be hereafter~~ is declared void by any court of last resort on the following grounds: want of power to make such contract; made contrary to a prohibition against contracting in any other than a specified way; or forbidden by statute, and if the governing body of ~~such the city shall not have~~ or town has not adopted the resolution referred to in s. 66.295 (1) relating to payment of any person who has furnished any benefits ~~pursuant to said~~ under the void contract, the governing body of ~~such the city or town~~ may provide that all persons who have paid all or any part of any assessment levied against the abutting property owners by reason of ~~such the~~ improvement may be reimbursed the amount of ~~such the~~ assessment ~~so~~, paid from ~~such the~~ fund, as the governing body may determine.

SECTION 135. 66.645 (1) of the statutes is amended to read:

66.645 (1) The officers now authorized by law to collect and receive the same from individuals shall have full power to receive and collect all such special assessments in the same manner as the same are now collected from individuals, and in addition thereto such officers shall have power at the direction of the proper authorities of the city ~~or~~ village or town making such special assessments, upon the nonpayment of any such special assessments by any corporation, company, or individual mentioned in s. 66.64 within the time now limited by law for the payment of such special assessments by individuals, or in the case of a county, city, village, town, and school district, after the time now prescribed by law in the case of other claims, to institute and prosecute an action to collect the same in the name and at the cost of such city ~~or~~ village or town. A like action may be maintained by the owner or holder of any special assessment certificate or improvement bond issued as aforesaid in the name and at the cost of that owner or holder. In such action, when brought in the name of such city ~~or~~ village or town, it shall be sufficient to allege that the defendant is indebted upon a special assessment, specifying the amount due, and when brought by such owner or holder, to set up a copy of such certificate or bond, specify the amount due and when payable, and allege that the defendant is liable therefor. On the trial of such action, when brought in the name of the city ~~or~~ village or town, the production of the tax roll or list showing the amount thereof; and when brought by such owner or holder, the production of such certificate or improvement bond, tax roll, or list showing the amount thereof shall be prima facie evidence of the correctness and validity of such assessment, certificate, or improvement bond and of the liability of the defendant for the amount thereof and interest thereon from the time the same became payable. Any judgment recovered in

such action shall be collected in the manner now prescribed for the collection of judgments against such defendant.

SECTION 136. 66.694 of the statutes is amended to read:

66.694 Special assessments against railroad for street improvement. (1) If any city ~~or~~ village ~~in this state~~ or town causes any street, alley or public highway within its corporate limits to be improved by grading, curbing, paving or otherwise improving the ~~same street, alley or public highway~~, where the entire or partial cost of ~~such the~~ improvement, ~~or a part thereof~~, is assessed against abutting property, and ~~such the~~ street, alley or public highway is crossed by the track ~~or tracks~~ of any railroad and engaged as a common carrier, the common council or board of public works of ~~such the~~ city, or the ~~trustees of such village or town board~~, shall at any time after the completion and acceptance of ~~such the~~ improvement by the municipality, ~~cause to be filed~~ file with the local agent of the railroad corporation operating ~~such the~~ railroad, a statement showing the amount chargeable to ~~such the~~ railroad corporation for ~~such the~~ improvement, which shall be an amount equal to the cost of constructing the improvement along the street, alley or public highway immediately in front of and abutting its right-of-way on each side of the street, alley or public highway at the point where the track crosses the street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of the improvement.

(2) The amount ~~so~~ charged against any railroad corporation for improving the street, alley or public highway, fronting or abutting its right of way, shall not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on ~~said the~~ street, alley or public highway so improved. The amount ~~arrived at as above set forth and contained in said statement, calculated under sub. (1) and contained in the statement~~ shall be due and payable by ~~said the~~ railroad corporation to the ~~said~~ municipality, causing the ~~same statement~~ to be filed within 30 days of the date when the ~~same statement~~ shall be presented to the local representative of ~~said the~~ railroad corporation.

SECTION 137. 66.695 of the statutes is amended to read:

66.695 Action to recover assessment. ~~In case~~ If any railroad corporation ~~shall fail or refuse~~ fails or refuses to pay to any city ~~or~~ village or town the amount set forth in any ~~such~~ statement or claim for the making of street improvements, as provided in s. 66.694, within the time ~~therein~~ specified, ~~said in the statement, the~~ city ~~or~~ village or town shall have a valid claim for such amount against ~~said the~~ railroad corporation, and may maintain an action ~~therefor~~ in any circuit court within this state to recover the ~~same amount in the statement~~.

SECTION 138. 66.696 of the statutes is amended to read:

66.696 Improvement of streets by abutting railroad company. If the track ~~or tracks~~ of any railroad are is laid upon or along any street, alley or public highway within any city ~~or~~ village or town, the corporation operating the railroad ~~or railroads~~ shall maintain and improve such the portion of the length of the street ~~as, alley or public highway that~~ is occupied by its tracks. The railroad corporation shall grade, pave or otherwise improve such the street, alley or public highway or portion thereof in such manner and with such materials as the common council of the city, or the village or town board ~~may by resolution or ordinance determine~~ determines. The railroad corporation is not required to pave or improve that portion of the street, alley or public highway occupied by it with different material or in a different manner from that in which the remainder of the street is paved or improved. The railroad corporation shall be liable to pay for paving, grading or otherwise improving a street, alley or public highway only to the extent that the actual cost of the improvement exceeds the estimated cost of the improvement were the street, alley or public highway not occupied by the tracks of the railroad.

SECTION 139. 66.697 of the statutes is amended to read:

66.697 Notice to railroad company; time for construction. (1) ~~When~~ If any city ~~or~~ village ~~shall have ordered~~ or town orders any street, alley or public highway to be paved, graded, curbed or improved, as provided in s. 66.696, the clerk of such the city ~~or~~ village or town shall cause to be served upon the local agent of such the railroad corporation, a notice setting forth the action taken by such the city ~~or~~ village or town relative to the improvement of such the street, alley or public highway.

(2) If the railroad corporation ~~shall elect~~ elects to construct said the street, alley or public highway improvement, it shall within 10 days of the receipt of said the notice from the clerk of such the city ~~or~~ village or town, file with said the clerk a notice of its intention to construct said the street, alley or public highway improvement, and it shall be allowed until the ~~thirtieth day of June 30~~ thereafter to complete said the work, unless said the work is ordered after May ~~twentieth~~ 20 of any year, and in that case said the railroad corporation shall be allowed 40 days from the time the clerk of the municipality presents the notice to the railroad agent, in which to complete said the work.

SECTION 140. 66.698 of the statutes is amended to read:

66.698 Construction by municipality; assessment of cost. (1) ~~Whenever~~ If any city ~~or~~ village ~~shall order~~ or town orders any street, alley or public highway improved, as provided in s. 66.696, and ~~notice shall be served~~ serves notice on the railroad corporation, as provided in s. 66.697, and the railroad corporation ~~shall not~~

~~elect~~ elects not to construct the improvement as ~~therein provided, or having elected~~ elects to construct the improvement, ~~shall fail~~ but fails to construct the same improvement within the time provided in s. 66.697, the city ~~or~~ village or town shall ~~at once~~ proceed to let a contract for the construction of the improvement, and cause the street, alley or public highway to be improved as ~~theretofore determined~~ under s. 66.696, and when the improvement ~~shall be~~ is completed and accepted by the city ~~or~~ village or town, the clerk of the city ~~or~~ village or town shall present to the local agent of the railroad corporation a statement of the actual cost of the improvement, and the railroad corporation shall within 20 days of such its receipt ~~thereof of the statement~~ pay to the treasurer of such the city ~~or~~ village or town the amount as shown by such the statement ~~of cost presented as aforesaid~~.

(2) ~~In case~~ If any railroad corporation ~~shall fail~~ fails to pay the cost of constructing any pavement or other street improvement as ~~herein provided~~ under sub. (1), the city ~~or~~ village or town causing the same improvement to be constructed shall have the right to enforce collection of such the amount by an action at law against said the railroad corporation as provided in s. 66.695.

SECTION 141. 66.699 of the statutes is amended to read:

66.699 Effect of sections 66.694 to 66.698. Sections 66.694 to 66.698 shall not operate to repeal any existing law, but shall provide a method of compelling a railroad corporation to pay its proportionate share of street, alley or public highway improvements in case any city ~~or~~ village ~~shall elect~~ or town elects to follow ~~the~~ those provisions thereof.

SECTION 142. 66.925 (1) (intro.) and (b) and (4) of the statutes are amended to read:

66.925 (1) PROGRAM ESTABLISHED. (intro.) In this section "governing body" means a county board, city council ~~or~~ village board ~~which~~ or town board that establishes a program under this section and "property" means any property used principally for dwelling purposes ~~which that~~ contains no more than 2 dwelling units and ~~which that~~ is owned by a governing body. Any county board, city council ~~or~~ village board or town board may establish an urban homestead program. A program established by a county board under this section ~~shall apply~~ applies only to the those unincorporated ~~area~~ areas of the county in which no program exists. The program shall consist of the conveyance of property at cost under conditions set by the governing body and under the requirements of this section, to any individual or household satisfying eligibility requirements established by the governing body. The governing body may appropriate money for the administration of the program and may take any other action ~~deemed~~ considered advisable or necessary to promote the program, including, but not limited to, the following:

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(b) Acquisition of any other property which would be eligible for conveyance under this program and ~~which~~ that is declared unfit for human habitation by any housing code enforcement agency with jurisdiction over the property or ~~which~~ that is found to be in substantial noncompliance with local housing codes.

(4) MORTGAGES. If an individual or household obtains a mortgage from a lending institution and uses the proceeds ~~thereof of the mortgage~~ solely for the purposes of rehabilitating or constructing the premises or property under this section, the governing body shall agree to subordinate its rights to the premises or property in case of default, and shall agree that in such case it will execute and deliver a deed conveying title in fee simple to the institution, provided that the institution shall dispose of the property in like manner as foreclosed real estate and shall pay over any part of the proceeds of the disposition as shall exceed the amount remaining to be paid on account of the mortgage together with the actual cost of the sale, to the governing body. In return for relinquishing such rights, the governing body shall be given by the lending institution the opportunity to find, within 90 days of the default, another individual or household to assume the mortgage obligation.

SECTION 143. 66.943 (title), (1), (2), (3) (a) and (b) and (4) of the statutes are amended to read:

66.943 (title) **City, village and town transit commissions.** (1) Any city ~~in this state, village or town~~ may enact an ordinance for the establishment, maintenance and operation of a comprehensive unified local transportation system, the major portion of which is or is to be located within or the major portion of the service of which is or is to be supplied to the inhabitants of such city, village or town, and which system is used or to be used for the transportation of persons or freight.

(2) The transit commission shall be designated "Transit Commission" preceded by the name of the enacting city, village or town.

(3) (a) "Comprehensive unified local transportation system" means a transportation system comprised of motor bus lines and any other local public transportation facilities or freight transportation facilities, the major portions of which are within the city, village or town.

(b) "Transit commission" or "commission" means the local transit commission created ~~hereunder~~ under this section.

(4) The transit commission shall consist of not less than 3 members to be appointed by the mayor or village board or town board chairperson and approved by the common council or village or town board, one of whom shall be designated ~~chairman~~ chairperson.

SECTION 144. 66.943 (5) (c), (6) to (8), (10) and (11) of the statutes are amended to read:

66.943 (5) (c) No person holding stocks or bonds in any corporation subject to the jurisdiction of the transit commission, or who is in any other manner ~~directly or~~

~~indirectly~~ pecuniarily interested in any such corporation, shall may be a member of ~~the~~ nor be employed by the transit commission.

(6) The transit commission may appoint a secretary and employ ~~such~~ accountants, engineers, experts, inspectors, clerks and other employes and fix their compensation, and purchase ~~such~~ furniture, stationery and other supplies and materials, as that are reasonably necessary to enable it ~~properly~~ to perform its duties and exercise its powers.

(7) (a) The transit commission may conduct hearings and may adopt rules relative to the calling, holding and conduct of its meetings, the transaction of its business, the regulation and control of its agents and employes, the filing of complaints and petitions and the service of notices ~~thereof and conduct hearings~~.

(b) For the purpose of receiving, considering and acting upon any complaints or applications ~~which~~ that may be presented to it or for the purpose of conducting investigations or hearings on its own motion the transit commission shall hold regular meetings at least once a week except in the months of July and August ~~in each year~~ and special meetings on the call of the ~~chairman~~ chairperson or at the request of the city council or town board.

(c) The transit commission may adopt a seal, of which judicial notice shall be taken in all courts ~~of this state~~. Any process, writ, notice or other instrument ~~which~~ that the commission may be authorized by law to issue shall be ~~deemed~~ considered sufficient if signed by the secretary of the commission and authenticated by ~~such~~ the commission's seal. All acts, orders, decisions, rules and records of the commission, and all reports, schedules and documents filed with the commission may be proved in any court ~~in this state~~ by a copy ~~thereof of the documents~~ that is certified by the secretary under the seal of the commission.

(8) Except as ~~further~~ otherwise provided in this subsection, the jurisdiction, powers and duties of the transit commission shall extend to the comprehensive unified local transportation system for which the commission is established including any portion of ~~such~~ the system extending into adjacent or suburban territory ~~within this state lying~~ that is outside of the city, village or town not more than 30 miles from the nearest point marking the corporate limits of the city, village or town. The jurisdiction, powers and duties of a transit commission providing rail service shall extend to the comprehensive unified local rail transportation system for which the commission is established including any portion of ~~such system~~ the system that extends into adjacent or suburban territory ~~lying~~ that is outside of the city, village or town and in an adjoining state whose laws permit, subject to the laws of that state but subject to the laws of this state in all matters relating to rail service.

(10) Any city, village, town or federally recognized Indian tribe or band may by contract under s. 66.30 estab-

lish a joint municipal transit commission with the powers and duties of city, village or town transit commissions under this section. Membership on such a joint transit commission shall be as provided in the contract established ~~thereunder~~ under s. 66.30.

(11) In lieu of providing transportation services, a ~~municipality~~ city, village or town may contract with a private organization for such services.

SECTION 145. 66.945 (3) (b) 2. of the statutes is amended to read:

66.945 (3) (b) 2. For regions ~~which that~~ include land in only one county the commission shall consist of 3 members appointed by the county board; and 3 members appointed by the governing body of each city, village and town in the region having a population of 20,000 or more (if there is no city, village or town having a population of 20,000 or more the governor shall appoint one member from each city, village or town with a population of 5,000 or more within the region); and in addition 3 members shall be appointed at large by the governor. All governor appointees shall be persons who have experience in local government in elective or appointive offices or who are professionally engaged in advising local governmental units in the fields of land-use planning, transportation, law, finance or engineering.

SECTION 146. 66.95 of the statutes is amended to read:

66.95 Prohibiting operators from leaving keys in parked motor vehicles. The governing body of any city, village or town may by ordinance require every passenger motor vehicle to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system; prohibit any person from permitting a motor vehicle in the person's custody from standing or remaining unattended on any street, road, alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of said ~~the~~ vehicle is locked and the key for ~~such that~~ lock is removed from the vehicle; and provide forfeitures for such violations. The foregoing provisions shall not apply to motor vehicles operated by common carriers of passengers under ch. 194.

SECTION 147. 66.98 (1) of the statutes is amended to read:

66.98 (1) Every weed commissioner shall carefully investigate concerning the existence of noxious weeds in the district; and if any person ~~therein in the district~~ neglects to destroy any weeds as required by s. 66.96, the weed commissioner shall, ~~after first giving 5 days' written notice by mail to the owner or occupant and in cities and villages without giving such written notice~~, destroy or cause all such weeds to be destroyed, in the manner ~~deemed~~ considered to be the most economical method, and for each day devoted to doing so the weed commissioner shall receive such compensation as is determined

by the town board, village board or city council upon presenting to the proper treasurer the account therefor, verified by oath and approved by the appointing officer. Such account shall specify by separate items the amount chargeable to each piece of land, describing the same, and shall, after being paid by the treasurer, be filed with town, city or village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which such weeds were destroyed, which tax shall be collected under ch. 74, except in case of lands which are exempt from taxation in the usual way. A delinquent tax may be collected as is a delinquent real property tax under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the town, city or village clerk to the state treasurer who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the lands specified, and the treasurer shall collect the same therefrom as prescribed in subch. I of ch. 76, and return the amount collected to the town, city or village from which such certificate was received. Any such commissioner may ~~after written notice given as herein provided and in cities and villages without giving such written notice~~, enter upon any lands that are not exempt under s. 66.96 (5) and upon which any of the weeds mentioned in s. 66.96 are growing, and cut or otherwise destroy them, without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed.

SECTION 149. 70.86 of the statutes is amended to read:

70.86 Descriptions, simplified system. ~~The common council or other~~ governing body of any city ~~in this state~~, village or town may at its option adopt a simplified system of describing real property in either the assessment roll or the tax roll or in both the assessment roll and tax roll of such city, village or town, and may from time to time amend or change such simplified system. Descriptions in property tax bills shall be as provided under s. 74.09 (3) (a).

SECTION 150. 71.26 (1) (b) of the statutes is amended to read:

71.26 (1) (b) *Political units.* Income received by the United States, the state and all counties, cities, villages, towns, school districts, vocational, technical and adult education districts or other political units of this state.

SECTION 151. 71.38 of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

71.38 Definition. In this subchapter, "urban mass transportation of passengers" means the transportation of passengers by means of vehicles having a passenger-carrying capacity of 10 or more persons including the opera-

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tor, such capacity to be determined by dividing by 20 the total seating space measured in inches, when such transportation takes place entirely within contiguous ~~incorporated cities or~~ villages or towns and in ~~municipalities~~ cities, villages or towns contiguous to that in which the carrier has its principal place of business, or within or between ~~municipalities~~ cities, villages or towns located within a radius of 10 miles of the ~~municipality~~ city, village or town in which the carrier has its principal place of business, or entirely within one ~~municipality or municipalities~~ city, village or town contiguous thereto, or within a county having a population of 500,000 or more or within such county and the counties contiguous thereto, or suburban operations classified as such by the department of transportation.

SECTION 152. 71.60 (1) (c) 6. of the statutes is amended to read:

71.60 (1) (c) 6. If the farmland is located in an agricultural district under a certified county agricultural preservation plan under subch. IV of ch. 91 at the close of the year for which credit is claimed, and is located in an area zoned for exclusive agricultural use under a certified town ordinance under subch. V of ch. 91 at the close of such year, the amount of the claim shall be ~~limited to 95% of that~~ the amount specified in par. (b).

SECTION 153. 76.23 of the statutes is amended to read:

76.23 Exemption from other taxation. The taxes imposed by this chapter upon the property of the companies defined in s. 76.02 shall be in lieu of all other taxes on such property necessarily used in the operation of the business of such companies in this state, except that the ~~same~~ companies shall be subject to special assessment for local improvements in ~~cities and~~ villages and towns. If a general structure is used in part for operating the business of any company defined in s. 76.02 and in part for nonoperating purposes, that general structure shall be assessed for taxation under this chapter at the percentage of its full market value that fairly measures and represents the extent of its use for operating purposes and the balance shall be subject to local assessment and taxation, except that the entire general structure is subject to special assessments for local improvements. All property not necessarily used in operating the business of any company defined in s. 76.02 is exempted from taxation under this chapter and is subject to local assessment and taxation. The taxes so imposed and paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation.

SECTION 154. 78.77 (3) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

78.77 (3) Any person who transports motor vehicle fuel, general aviation fuel or an alternate fuel upon the highways of this state by truck, tractor, trailer, semitrailer

or any vehicle which is not required to be registered under sub. (1) shall have his or her name and address painted on each side of the vehicle not less than 5 inches in height; if the vehicle is operated by a licensee duly licensed in this state, the trade insignia or trade name regularly used by such licensee for tank vehicle identification together with the name of the city, village or town from which the vehicle is customarily operated may be substituted for the name and address of the licensee. Each such person shall keep complete and accurate records of all motor vehicle fuel, general aviation fuel or alternate fuel purchased, consumed, sold or otherwise distributed.

SECTION 155. 83.013 (1) (a) of the statutes is amended to read:

83.013 (1) (a) For each county, the county highway commissioner or a designated representative, the chief county traffic law enforcement officer or a designated representative, the county highway safety coordinator, and a representative designated by the county board from each of the disciplines of education, medicine and law and 3 representatives involved in law enforcement, highways and highway safety designated by the secretary of transportation shall comprise a traffic safety commission that shall meet at least quarterly to review traffic accident data from the county and other traffic safety related matters. The county board chairperson, or the county executive or county administrator in a county having such offices, may appoint additional persons to serve as a member of the county traffic safety commission. The commissions shall designate a person to prepare and maintain a spot map showing the locations of traffic accidents on county and town roads and on city and village streets if the population of the city or village is less than 5,000 and to maintain traffic accident data received from ~~cities and~~ villages and towns with a population of 5,000 or more under s. 66.0485. Upon each review, the commission shall make written recommendations for any corrective actions it deems appropriate to the department, the county board, the county highway committee or ~~to~~ any other appropriate branch of local government.

SECTION 156. 83.025 (1) (a) of the statutes is amended to read:

83.025 (1) (a) The systems of county trunk highways heretofore selected by county boards and approved by the department are hereby validated. Changes may be made in the county trunk system by the county board as provided in this section. The county board in making the changes may order the county highway committee to lay out new highways and acquire the interests necessary by the procedures under s. 83.08. A county board may not make additions to a county trunk system from a city or village street or town road without the consent of the department and of the governing body of the city, village or town in which the proposed addition is located. A county board may not make deletions from a county trunk system without the approval of the department,

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and, except as provided in this paragraph and par. (d), without the approval of the governing body of the city, village or town in which the proposed deletion is located or, in the case of a proposed deletion affecting more than one city, village or town, without the approval of a majority of the governing bodies of such cities, villages or towns.

SECTION 157. 83.027 (1) of the statutes is amended to read:

83.027 (1) AUTHORITY OF COUNTY BOARD; PROCEDURE. The legislature declares that the effective control of traffic entering upon or leaving intensively traveled highways is necessary in the interest of public safety, convenience and the general welfare. The county board may designate as controlled-access highways the portions of the county trunk system on which, after traffic engineering surveys, investigations and studies, it finds, determines and declares that the average traffic potential is in excess of 1,000 vehicles per 24-hour day, except such controlled-access designation shall not be effective in ~~incorporated villages and cities,~~ villages and towns until the decision of the county board has been referred to and approved by the governing body of such ~~village or city,~~ village or town. Such designation of a portion of any county trunk highway in any county as a controlled-access highway shall not be effected until after a public hearing in the matter has been held in the county courthouse or other convenient public place within the county following notice by publication of a class 3 notice, under ch. 985. If the county board then finds that the average traffic potential is as provided by this subsection, and that the designation of the highway as a controlled-access highway is necessary in the interest of public safety, convenience and the general welfare, it shall make its finding, determination and declaration to that effect, specifying the character of the controls to be exercised. Copies of the finding, determination and declaration shall be recorded with the register of deeds, filed with the county clerk, and published in the newspaper in which the notice of hearing was published, and the order shall be effective on such publication. At the time of designating such controlled-access mileage, the total of such mileage in any county shall not exceed 35% of the county trunk mileage in such county on the preceding January 1 as published by the department.

SECTION 158. 83.05 (title) of the statutes is amended to read:

83.05 (title) Improving streets over 18 feet wide.

SECTION 159. 83.05 (3) of the statutes is amended to read:

83.05 (3) The provisions of subs. (1) and (2) shall apply to villages and towns subject to the approval of the county board.

SECTION 160. 84.01 (1) of the statutes is amended to read:

84.01 (1) OFFICES. The department shall maintain its principal office at Madison and district officers at such other cities, villages and towns as the necessities of the work demand.

SECTION 161. 84.013 (6m) of the statutes is amended to read:

84.013 (6m) Notwithstanding sub. (1) (a), if a highway improvement project within the corporate limits of a city ~~or~~ village or town has a cost of more than \$2,000,000, the city ~~or~~ village or town may, by resolution, petition the transportation projects commission to designate the project as a major highway project. This subsection does not apply to a highway improvement project on a freeway within the corporate limits of a city ~~or~~ village or town. The department may not construct a highway improvement project designated as a major highway project by the transportation projects commission under this subsection without specific authorization under sub. (3).

SECTION 162. 84.02 (6) of the statutes is amended to read:

84.02 (6) (title) ALTERNATE ROUTES THROUGH CITIES, VILLAGES AND TOWNS. In cases where any state trunk highway passes near but not through the central or business portion of any city ~~or~~ village or town, the department may upon petition of any city ~~or~~ village or town designate an alternate route through such central or business portion, and shall install suitable marking to guide travelers over such alternate route. No such designation shall be made unless the department finds that public travel will be benefited. Any such designation may be revoked on 30 days' notice to the city ~~or~~ village or town if the department finds that public travel is not benefited. Such designation shall impose no responsibility on the state, except the cost of marking in the first instance. Such alternate routes shall be constructed and maintained and kept clear of snow, in a condition satisfactory to the department without expense to the state, and the department may require assurances to that effect before making such designation.

SECTION 163. 84.07 (4) of the statutes is amended to read:

84.07 (4) (title) EMERGENCY REPAIRS; BLOCKING STREETS OR ROADS; DETOURS. Except in case of emergency, no city ~~or~~ village or town shall obstruct any street or road over which any state trunk highway is marked unless it first makes arrangements with the department for marking a detour.

SECTION 164. 84.09 (3m) of the statutes is amended to read:

84.09 (3m) The department may order that all or certain parts of the required land or interest therein be acquired for the department by a board, commission or department of the city, village or town within whose limits the land is located. The city board, or city, village or

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town commission or department shall be created or selected by the common council, village board or town board subject to the approval of the department. When so ordered, the board, commission or department created or selected and the department shall appraise and agree on the maximum price, including damages, considered reasonable for the lands or interests to be so acquired. The city, village or town board, commission or department shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, as directed in the department's order. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. If the needed lands or interests therein cannot be purchased expeditiously within the appraised price, the city, village or town board, commission or department may, subject to approval by the department, acquire them by condemnation in the name of the state under ch. 32. The city, village or town attorney may act as counsel in any proceedings brought under authority of this subsection. Special counsel may be employed with the consent of the governor and the secretary. The city, village or town, upon agreement with the department, may pay for the land or interests acquired from city, village or town funds made available for such purpose or not otherwise appropriated, as an advance subject to reimbursement by the department or as part of the city's, village's or town's contribution toward the cost of the improvement.

SECTION 165. 84.10 of the statutes is amended to read:

84.10 Maintenance and operation of bridges not on state trunks. The amounts allocated ~~therefor from~~ under s. 20.395 (3) (cq) and (eq) for the purposes described in this section shall be expended by the department for the maintenance and operation of bridges not on the state trunk highway system which were constructed, reconstructed, or purchased under s. 84.11 before August 9, 1989, and under s. 84.12 and free bridges located in connecting highways in ~~cities of the 4th class~~ cities, and towns, which have a length, not including approaches, of 300 feet or more, or a swing or lift span. Except as provided in a jurisdictional transfer agreement under s. 84.16, all matters relating to the maintenance and operation of such bridges shall be under the control of the department. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting highways. The department may arrange with any county highway committee or with any ~~village or~~ city, village or town for the operation or maintenance or both of any such bridge; and any county highway committee, ~~village or~~ city, village or town may enter into such arrangement.

SECTION 168. 85.022 (3) of the statutes is amended to read:

85.022 (3) A recipient of funding under this section shall make the results of its study available to any interested ~~county or~~ city, village, town or county.

SECTION 169. 85.063 (1) (b) of the statutes is amended to read:

85.063 (1) (b) "Urban area" means any area that includes a city ~~or~~ village or town having a population of 50,000 or more that is appropriate, in the judgment of the department, for an urban rail transit system.

SECTION 170. 86.19 (6) of the statutes is amended to read:

86.19 (6) At the request of ~~an incorporated~~ any city ~~or~~ village or town, the department shall erect directional signs on state trunk highways at the intersection of those highways with streets or other highways where the streets or other highways lead to the ~~incorporated~~ city ~~or~~ village or town, provided the city ~~or~~ village or town is located within 5 miles of the intersection and provided the city ~~or~~ village or town agrees to pay for the installation and maintenance of the sign. The directional sign shall show the name of the ~~incorporated~~ city ~~or~~ village or town. For the purpose of this subsection, the term "intersection" includes exit ramps from any expressway or freeway or interstate highway.

SECTION 171. 86.195 (2) (a) of the statutes is amended to read:

86.195 (2) (a) Except as provided in par. (ag), the department may authorize the erection and maintenance of a specific information sign upon the request of any person within the right-of-way of a federal-aid primary highway or within the right-of-way of a federal-aid secondary highway under the jurisdiction of the department, except that no specific information sign may be erected within any city ~~or~~ village or town unless the specific information sign is erected in compliance with rules promulgated by the department for such signs in a city ~~or~~ village or town.

SECTION 172. 86.25 (3) of the statutes is amended to read:

86.25 (3) Any city ~~or~~ village or town may levy special assessments ~~pursuant under~~ to s. 66.60 not exceeding the cost to ~~such~~ the city ~~or~~ village or town against the property benefited thereby to provide funds to match or supplement state or federal aid or both for the construction, reconstruction or improvement under ch. 84, or under any other statute of any highway or street which it is authorized to construct, reconstruct or improve, and any city ~~or~~ village or town is authorized to pay the proceeds of such assessments, certificates or special assessment bonds issued to finance ~~said~~ the improvement to the department or state treasury as provided in s. 84.03 (1) (b).

SECTION 173. 86.32 (2) (a) of the statutes is amended to read:

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86.32 (2) (a) ~~Cities of the 1st, 2nd and 3rd class, vil-~~
~~lages and towns~~ shall be reimbursed for actual costs, as
approved by the department, incurred in maintaining and
operating lift bridges. Documentation of costs shall be
submitted by each ~~municipality~~ city, village and town by
January 31 and reimbursement shall be made, starting in
1982–83, on the first Monday in July for costs incurred
during the prior calendar year. If the amount appro-
priated under s. 20.395 (1) (ft) is insufficient to pay the
actual costs approved by the department for the mainte-
nance and operation of lift bridges, the department shall
prorate the amount appropriated in the manner it deems
desirable.

SECTION 175. 88.32 (3) of the statutes is amended to
read:

88.32 (3) In determining whether public health and
welfare will be promoted, the board shall include in its
consideration whether the cumulative effect of such
drainage over a period of time will affect the temperature
of the water of lakes or streams, or will lower the water
levels of lakes or streams or of the subterranean sources
that supply ~~farm~~ private and ~~city~~ public water systems,
and whether the general need for the type of land that will
be made available for cultivation or other purposes by
such drainage is sufficiently great to warrant the possible
harmful effects described above.

SECTION 176. 92.11 (1) of the statutes is amended to
read:

92.11 (1) PROPOSED ORDINANCES. To promote soil
and water conservation or nonpoint source water pollu-
tion abatement, a county, city ~~or~~ village or town may
develop enact ordinances for the regulation of land use,
land management and pollutant management practices.

SECTION 177. 92.16 of the statutes is amended to
read:

92.16 Manure storage facilities. A county, city ~~or~~
village or town may ~~adopt~~ enact an ordinance requiring
manure storage facilities constructed after July 2, 1983,
to meet the technical standards of the county, city ~~or~~
village or town and rules of the department. The department
shall adopt rules for ordinances setting standards and cri-
teria for construction of manure storage facilities.

SECTION 178. 114.136 (4) (a) of the statutes is
amended to read:

114.136 (4) (a) Any ordinance ~~adopted~~ enacted under
~~the authority of this section shall provide for a board of~~
~~appeals. If the county, city or village or town which is~~
~~the owner of the airport has enacted a zoning ordinance~~
~~adopted under provision of law other than this section,~~
~~the board of adjustment or board of appeals set up by such~~
~~that ordinance shall be also function as the board of~~
~~appeals under the ordinance adopted enacted under this~~
~~section, and shall have duties, powers and functions as~~
~~provided by the zoning ordinance adopted under provi-~~
~~sions of law other than this section.~~

SECTION 179. 125.05 (2) (a) of the statutes is
amended to read:

125.05 (2) (a) *Residence district.* In this subsection,
“residence district” means any clearly described com-
pact, contiguous territory in any municipality bounded
by corporation or ward lines, public streets, public roads,
public alleys or water courses, in which not less than 100
and not more than 750 qualified electors reside.

SECTION 180. 125.05 (2) (f) 1. and 2. of the statutes
are amended to read:

125.05 (2) (f) 1. The frontage of that side of any street
or road between intersecting streets or roads in any city
~~or incorporated,~~ village or town upon which one-third of
the lineal feet of the property abutting thereon is devoted
to or used for a commercial, mercantile, manufacturing
or other business purpose.

2. The street or road frontage on either side of such
street or road if one-third of the lineal feet of property
abutting on both sides thereof between intersecting
streets or roads is so used.

SECTION 181. 134.71 (1) (d), (2) and (5) (intro.) of the
statutes are amended to read:

134.71 (1) (d) “Municipality” means a city ~~or~~ village
or town.

(2) LICENSE FOR PAWNBROKER. No person may oper-
ate as a pawnbroker unless the person first obtains a
pawnbroker’s license under this section. A license issued
to a pawnbroker by the governing body of a municipality
authorizes the licensee to operate as a pawnbroker in that
municipality. ~~A license issued to a pawnbroker by the~~
~~governing body of a county authorizes the licensee to~~
~~operate as a pawnbroker in the town for which the~~
~~county’s governing body issued the license.~~

(5) LICENSE APPLICATION. (intro.) A person wishing
to operate as a secondhand article dealer or a secondhand
jewelry dealer and have a principal place of business in
a municipality shall apply for a license to the clerk of that
municipality. ~~A person wishing to operate as a second-~~
~~hand article dealer or a secondhand jewelry dealer and~~
~~have a principal place of business in a town shall apply~~
~~for a license to the clerk of the county in which that town~~
~~is located. A person wishing to operate as a pawnbroker~~
~~in a municipality shall apply for a license to the clerk of~~
~~the municipality. A person wishing to operate as a pawn-~~
~~broker in a town shall apply for a license to the clerk of~~
~~the county in which the town is located. The clerk shall~~
~~furnish application forms under sub. (12) that shall~~
~~require all of the following:~~

SECTION 182. 144.02 (1) (b) of the statutes is
amended to read:

144.02 (1) (b) To determine to what extent the natural
waters are being contaminated by sewage from cities, vil-
lages and towns.

SECTION 183. 144.05 (1) (a) and (2) of the statutes are
amended to read:

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144.05 (1) (a) When any city ~~or~~, village, town or owner has constructed or constructs a sewage system complying with s. 144.04, the outflow or effluent from such system may be discharged into any stream or drain constructed pursuant to law, but no such outflow of untreated sewage or effluent from a primary or secondary treatment plant from a city, village, town, town sanitary district or metropolitan sewage district in a county having a population of 240,000 or more, according to the latest U.S. bureau of census figures available including any special census of municipalities within the county, any part of which is located within a drainage basin which drains into a lake of more than 2 square miles and less than 16 square miles in area, shall be discharged directly into, or through any stream, or through any drain, into such a lake located within 18 miles of the system or plant of such city, village, town, town sanitary district or metropolitan sewage district. All necessary construction of plant, system or drains for full compliance with this subsection in the discharge of untreated sewage or sewage effluent from all existing primary or secondary plants shall be completed by September 1, 1970, and the plans for any new system or plant shall include provisions for compliance with this subsection. The department may at any time order and require any owner of an existing plant to prepare and file with it, within a prescribed time, preliminary or final plans or both, for proposed construction to comply with this subsection.

(2) The city ~~or~~, village or town or the owner of land through which the drain is constructed may apply to the circuit court of the county in which the land is located to determine the damages, if any. No injunction against the use shall be granted until the damages are finally determined and payment refused. Unless within six months after the system is completed the owner of the land institutes such proceedings the owner is barred. The proceedings shall be according to ch. 32, so far as applicable.

SECTION 184. 144.25 (4) (g) 5. and (8m) of the statutes are amended to read:

144.25 (4) (g) 5. Determine whether any county, city, village or town within the area which is the subject of the plan, as a condition of a grant under this section, should be required to develop a construction site erosion control ordinance under s. 59.974, 60.627, 61.354 or 62.234 or a manure storage ordinance under s. 92.16 in order to meet the water quality goals established in the plan.

(8m) If the department determines under sub. (4) (g) 5. that a county, city, village or town should be required to develop a construction site erosion control ordinance under s. 59.974, 60.627, 61.354 or 62.234 or a manure storage ordinance under s. 92.16, that county, city, village or town shall make a commitment to develop and adopt the ordinance as a condition of receiving a grant under this section.

SECTION 185. 144.26 (2m) (intro.) of the statutes is amended to read:

144.26 (2m) (intro.) Notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. 59.971, a construction site erosion control and storm water management zoning ordinance authorized under s. 59.974, 60.627, 61.354 or 62.234 or a wetland zoning ordinance required under s. 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if:

SECTION 187. 144.266 (3) (a) 3. and (4) of the statutes, as affected by 1993 Wisconsin Act 16, are amended to read:

144.266 (3) (a) 3. Minimum standards for storm water management established under this paragraph are applicable to the state plan under sub. (2). The department shall encourage a ~~county, city or city,~~ village, town or county to comply with minimum standards established under this paragraph for any construction site erosion control and storm water management zoning ordinance enacted under s. 59.974, 60.627, 61.354 or 62.234.

(4) MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The department shall prepare a model zoning ordinance for construction site erosion control at sites where the construction activities do not include the construction of a building and for storm water management in the form of an administrative rule. The model ordinance is subject to s. 227.19 and other provisions of ch. 227 in the same manner as other administrative rules. Following the promulgation of the model ordinance as a rule, the department shall distribute a copy of the model ordinance to any ~~county, city or~~ village which, town or county that submits a request. The department shall distribute a copy of the state plan to any agency which submits a request.

SECTION 188. 144.44 (7) (f) 3. of the statutes is amended to read:

144.44 (7) (f) 3. The department shall approve the requester's exemption proposal if the department finds that the proposal, as approved, will comply with this chapter and chs. 30, 31, 147, 160 and 162 and ss. 1.11, 23.40, 59.971, 59.974, 60.627, 61.351, 61.354, 62.231, 62.234 and 87.30. If the proposal does not comply with one or more of the requirements specified in this subdivision, the department shall provide a written statement describing how the proposal fails to comply with those requirements. The department shall respond to an application for an exemption under this paragraph within 90 days.

SECTION 190. 144.85 (3) (a) of the statutes is amended to read:

144.85 (3) (a) A mining plan, including a description and a detailed map of the proposed mining site drawn to a scale approved by the department. Aerial photographs may be accepted if the photographs show the details to the satisfaction of the department. The map, plan or photograph shall be prepared and certified by a competent engineer, surveyor or other person approved by the department, and shall show the boundaries of the area of

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land which will be affected, the drainage area above and below the area, the location and names of all streams, roads, railroads, pipelines and utility lines on or within 1,000 feet of the site, the name of the owner or owners of the site ~~and the nearest, the name of the city or, village or town in which the site is located and the name of any other city, village or town~~ if within 3 miles of the site. The map or photograph shall be accompanied by descriptive data as required by the department, including but not limited to the soil conservation service soil capabilities classifications of the affected area, the anticipated geometry of the excavation, the estimated total production of tailings produced, the nature and depth of the overburden, the elevation of the water table and such other information about the geology of the deposit as the department, after consultation with the geological and natural history survey, finds is necessary to evaluate the applicant's mining plan and reclamation plan.

SECTION 191. 171.07 (2) (a) of the statutes is amended to read:

171.07 (2) (a) If any property not perishable in its nature shall be permitted to remain in the possession of common carrier, unclaimed or refused, for a period of 60 days, with the lawful charges thereon due and unpaid, such common carrier may proceed to sell the same at public auction at its station at the destination of the shipment, or point of storage or checking of said property, after mailing at least 10 days' notice by United States mail of the amount of the charges to the consignor and consignee, if it be property transported by it, and to the owner if it be property stored or checked by it, if their whereabouts are known, or if their whereabouts be unknown, then as to property transported, to the consignor at the originating point of the shipment and to the consignee at the destination of the shipment, and in addition thereto posting, at its station, in a conspicuous place accessible to the public, for a period of not less than 10 days, a notice of the time and place of the proposed sale. Said notice shall contain a description of the property to be sold, if known, and if not, a description of the package in which it is contained, the amount of charges thereon and the name of the consignee and consignor thereof, or the owner thereof, if known; provided, if there is no satisfactory bid at such auction sale, the common carrier may remove the property to some other city, village or town of not less than 5,000 inhabitants within the state and there proceed to sell the same at public auction after giving additional notice by mailing and posting as ~~hereinbefore~~ provided in this paragraph.

SECTION 192. 175.20 (1) of the statutes is amended to read:

175.20 (1) No person shall may conduct any dance to which the public is admitted, or conduct, establish or manage any public dance hall or pavilion, amusement park, carnival, concert, street fair, bathing beach or other like place of amusement in any county in which the board

of supervisors has ~~adopted~~ enacted an ordinance ~~or, adopted~~ a resolution or enacted bylaws in accordance with the provisions of s. 59.07 (18) (b) or (br), subject to s. 59.07 (18) (d), without first securing a license as provided ~~therein in s. 59.07 (18) (b) or (br) or 60.23 (10)~~. No person required to have such a license shall may conduct a dance to which the public is admitted except in the presence and under the supervision of a county dance supervisor.

SECTION 193. 175.25 (1) of the statutes is amended to read:

175.25 (1) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the corporate limits of any city ~~or, village or town~~ except upon a permit issued by the common council or village or town board.

SECTION 194. 177.22 (1) of the statutes is amended to read:

177.22 (1) Except as provided in subs. (2) and (3), the administrator, within 3 years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in the city, village or town in this state which, in the judgment of the administrator, affords the most favorable market for the property. The administrator may decline the highest bid and reoffer the property for sale if, in his or her judgment, the bid is insufficient. If the administrator determines that the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section shall be preceded by the publication of one notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

SECTION 195. 182.004 (5), (8) and (9) of the statutes are amended to read:

182.004 (5) No lease of any land or buildings shall be made except to a stockholder for his or her use, and no tenant shall hold stock beyond the value of the premises occupied by him or her, except that single buildings designed, built and fit for more than one family may be leased in their entirety to a stockholder, who may sublease the portion not occupied by himself or herself or his or her family to any person; but leases for an indefinite period may be made to American soldiers, sailors or marines of World War I and World War II, who are not stockholders. The corporation may also lease land to the city, town or county for any use consistent with the residential district, or to a private individual or association of the corporation, for a use beneficial to the tenants of said land. No lease shall be terminated by the corporation without the consent of the lessee, except for violation of the terms of the lease, and then only in the manner provided by law. A lease may be terminated at any time by a tenant, except that the corporation may require not to exceed 90 days' notice thereof. At the termination of a lease of a stockholder, the corporation shall cancel his or

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her stock, and shall be liable to him or her for the amount paid thereon, less any lawful claims of the corporation against him or her. If the corporation is unable to sell said stock at the termination of the lease, it shall give him or her, in lieu of said stock, its promissory note for the net amount due him or her, payable on or before one year from the date thereof, with interest at the rate of 5 per cent% per year. Such stock shall be resold for not less than par before any unissued stock is sold, and as soon as sold, there shall be paid to the former owner thereof the amount due him or her from the corporation; provided, the corporation may pay the amount due either at the time of the termination of the lease or at any other time before the expiration of said year, whether said stock has been sold or not.

(8) The common council of any city, the board of any town and the board of supervisors of any county may subscribe for preferred stock of any such corporation whose land, owned or to be acquired, shall be within the limits of such city, town or county, and in case of a 1st class city ~~of the first class~~, within a distance of 6 miles beyond the boundaries of such city.

(9) The stockholders shall be entitled to one vote for each share of stock, common or preferred, held by them, as shown by the books of the company. The common council of the city, the board of the town and the board of supervisors of the county shall designate some person to vote their shares; and the person so designated shall be eligible as a director.

SECTION 196. 182.017 (1) of the statutes is amended to read:

182.017 (1) **RIGHT-OF-WAY FOR.** Any domestic corporation organized to furnish telegraph or telecommunications service or transmit heat, power or electric current to the public or for public purposes, and any cooperative association organized under ch. 185 to furnish telegraph or telecommunications service or transmit heat, power or electric current to its members, may, subject to ss. 30.44 (3m), 30.45, 86.16, 196.491 (3) (d) 3m and 196.492 and to reasonable regulations made by any city ~~or~~, village or town through which its transmission lines or systems may pass, construct and maintain such lines or systems with all necessary appurtenances in, across or beneath any public highway or bridge or any stream or body of water, or upon any lands of any owner consenting thereto, and for such purpose may acquire lands or the necessary easements; and may connect and operate its lines or system with other lines or systems devoted to like business, within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light.

SECTION 197. 182.017 (6) of the statutes is amended to read:

182.017 (6) **MUNICIPAL FRANCHISE REQUIRED.** No lighting or heating corporation shall have any right here-

under in any city ~~or~~, village or town until it has obtained a franchise or written consent for the erection or installation of its lines from such city ~~or~~, village or town.

SECTION 198. 190.16 (2) of the statutes is amended to read:

190.16 (2) (title) **MUNICIPAL CONSENT.** No such spur tracks shall be constructed across, or upon any street, road or alley, within any city, village or town, until application therefor shall have been made to and acted upon by such city, village or town. The city, village or town may prescribe any reasonable terms and conditions for the construction of any such spur track.

SECTION 202. 194.08 of the statutes is amended to read:

194.08 Effect of this chapter on powers of department and municipalities. None of the provisions of this chapter shall be deemed to deprive the department or any city ~~or village~~ municipality of any jurisdiction they now have or which may ~~hereafter~~ be conferred upon them over the public highways of the state, nor prevent ~~said the~~ department or any city ~~or village~~ municipality from suspending at any time the right of common motor carriers of property or of passengers, contract motor carriers or private motor carriers to operate motor vehicles over any public highway when necessary for the proper preservation or policing of the ~~same~~ public highway.

SECTION 203. 194.33 of the statutes is amended to read:

194.33 Municipal consent. No common motor carrier of property or of passengers shall operate any motor vehicle within or through any city ~~or village~~ municipality except in compliance with action taken by ~~sueh~~ the municipality in relation to ~~sueh~~ streets, roads and routes in the municipality. No action by any city ~~or village~~ municipality under this section shall be subject to review by the department.

SECTION 204. 195.19 (4) of the statutes is amended to read:

195.19 (4) **RELOCATION OF RAILROAD FACILITIES.** ~~Cities~~ Any city, village or town may cooperate with a railroad ~~or railroads~~ in grade crossing elimination or relocation, elimination or relocation of switchyards, roundhouses or terminals and may appropriate or borrow money therefor.

SECTION 205. 196.12 (2) of the statutes is amended to read:

196.12 (2) No public utility operated by a city ~~or~~, village or town having a population of less than 5,000 shall be required to report under this section except as to earnings, operating expenses, including depreciation and maintenance, cost of renewals, extensions and improvements to the property and the nature and amount of service furnished in such detail as the commission deems necessary, except that if the commission conducts any investigation of the public utility upon formal complaint,

the commission may require the detailed reports required under sub. (1).

SECTION 206. 196.67 (1) (intro.) of the statutes is renumbered 196.67 (1) and amended to read:

196.67 (1) Any person constructing, operating or maintaining an overhead electrical supply line with a voltage of 6,000 or more between conductors or between conductors and the ground shall place warning signs from 4 to 6 feet above the ground, upon all poles or other structures supporting the line.

SECTION 207. 196.67 (1) (a) to (c) of the statutes are repealed.

SECTION 208. 198.06 of the statutes is amended to read:

198.06 Referendum. (1) NOTICE OF ELECTION, PUBLICATION. Upon the establishment of subdistricts said the county clerk shall give notice of an election to be held within the proposed district for the purpose of determining whether the same proposed district shall be created. Such notice shall state the name of the proposed district, and describe its boundaries. The same notice shall be published once a week for at least three 3 consecutive weeks before the day of said the election in some newspaper or newspapers having a general circulation within the proposed district.

(2) **BALLOT REQUIREMENTS.** The ballot for said the election shall be in such form and contain such instructions and shall be of the size required by ss. 5.51 and 5.64 for the referendum ballot, except that there shall appear thereon on the ballot the following:

Shall the... (giving the name thereof) “municipal power district” be created and established?

YES 2 NO 2

(3) **ELECTION PROCEDURE, ELECTORS, CANVASS.** Such The election, and all matters pertaining thereto to the election not otherwise provided for herein in this section, shall be held and conducted and the result thereof ascertained, ~~determined and declared~~ in accordance with the election laws governing the conduct of local elections in the several election districts embraced in such proposed municipal power district, as nearly as may be, and no person shall be entitled to may vote at such the election unless he or she be is a qualified elector of the territory included in the proposed district. Such The election may be held on the same day as any other state, county or city, village, town or county election and may be consolidated therewith. The ballots shall be transmitted by the local election authorities to the county board of canvassers of said the county containing the largest number of voters within the proposed district, within five 5 days after said the election.

(4) **COUNTY CANVASS OF VOTES, DECLARE RESULT.** The county board of canvassers of said the county shall meet on the Monday next succeeding the day of said the election and shall canvass the votes cast thereat, and in so doing shall canvass the returns of each municipality sepa-

rately, and shall order and declare said the district created of the municipalities in which a majority of those voting on the proposition voted in favor of the creation of the district, provided, that the total number of voters in such the approving municipalities shall be not less than two-thirds of the number of voters within the district as first proposed.

(5) **ORDER OF CANVASSERS, FILING, EFFECT OF REDUCED AREA, CREATION COMPLETE.** Such The board of canvassers shall cause a certified copy of the order declaring the result of said the election to be filed in the office of the secretary of state. A certified copy of such the order shall also be filed with the clerk of each municipality included in such the district, with the said county clerk, and with the public service commission. In case said the district as finally constituted ~~shall comprise~~ comprises a smaller area than originally proposed, because of the failure of one or more municipalities to approve the district at said the election, then, within 10 days following such the filing with the commission such the commission shall file its approval or disapproval of said the district as created by said the election with the secretary of state, the clerk of each municipality included in such the district, and with said the county clerk. In such case, from and after such the filing by the commission the creation and incorporation of such the district shall be deemed complete, or the district shall be deemed dissolved, as the approval or disapproval of the commission shall determine, and in the case of municipal water districts created under s. 198.22, unless objection thereto is made to the public service commission by one or more of the governing bodies of the municipalities which would otherwise be included in such the district. If a district has been approved by all the municipalities within the district as proposed, the creation and incorporation of such the district shall be deemed complete from and after the filing of the result of the election with the secretary of state by such the board of canvassers.

(6) **EXPENSES OF ELECTION, PAYMENT.** All amounts properly incurred and actually expended by any municipality or the clerk thereof in publishing notices of any primary or election, in employing persons to conduct the same election or in performing other duties imposed upon such the municipality or upon the clerk thereof by any provision of this chapter shall be paid as other similar expenses of such the municipality are paid and shall be ~~and become~~ a charge in favor of such the municipality against the district to be repaid, together with interest thereon at the rate of six per cent per year, upon the presentation of proper vouchers therefor by the clerk of such the municipality to such the district, when and as such the district ~~shall have~~ has funds available for that purpose.

(7) **INFORMALITIES DISREGARDED, LIMITATION OF ACTION TO TEST VALIDITY OF DISTRICT.** No informality in any proceeding or in the conduct of said the election, not substantially affecting adversely the legal rights of any

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citizen, shall be held to invalidate the creation of any district, and any proceedings wherein the validity of ~~such~~ the creation is denied shall be commenced within 3 months from the date of filing the order of the board of canvassers with the secretary of state, otherwise ~~such~~ the creation and the legal existence of ~~said~~ the district shall be held to be valid and in every respect legal and incontestable.

SECTION 209. 218.02 (5) (b) of the statutes is amended to read:

218.02 (5) (b) Whenever a licensee shall contemplate a change of the licensee's place of business to another location within the same city ~~or~~ village or town, the licensee shall give written notice thereof to the commissioner, who shall attach to the license the commissioner's authorization of such removal, specifying the date thereof and the new location. Such authorization shall be authority for the operation of such business under the same license at the specified new location. No change in the place of business of a licensee to a location outside of the original city ~~or~~ village or town shall be permitted under the same license.

SECTION 210. 219.06 (1) of the statutes is amended to read:

219.06 (1) The state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies and other persons carrying on a banking business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a metropolitan sewerage district under ss. 66.88 to 66.918 or by a housing authority created by or pursuant to the housing authorities law of this state or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, by the city, village, town or county in which operates the housing authority issuing such bonds or other obligations or by the district under s. 66.91 or are guaranteed by the state. Such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state.

SECTION 211. 236.43 (1) (intro.) and (b) of the statutes are amended to read:

236.43 (1) (intro.) The court may vacate streets, roads or other public ways on a plat if:

(b) During all that period the areas dedicated for streets, roads or other public ways were not improved as streets, roads or other public ways; and

SECTION 212. 236.43 (4) (intro.) of the statutes is amended to read:

236.43 (4) (intro.) When the plat is being vacated or altered in any 2nd, 3rd or 4th class city ~~of the second, third~~

~~or fourth class~~ or in any ~~incorporated~~ village or town which includes a street, road, alley or public walkway, said street, road, alley or public walkway may be vacated or altered by the circuit court proceeding under ss. 236.41 and 236.42 upon the following conditions:

SECTION 213. 303.18 (2) of the statutes is amended to read:

303.18 (2) Each ~~village or city~~, village or town in ~~such~~ the county shall, at ~~such times as shall be a time~~ designated by the county board, pay to the county the actual and reasonable costs of maintenance, as determined by ordinance of the county board, of all persons confined in the house of correction for the violation of any of the ordinances of ~~such~~ the city ~~or~~ village or town during the preceding year.

SECTION 214. 340.01 (2) of the statutes is amended to read:

340.01 (2) "Alley" means every highway within the corporate limits of a city ~~or~~ village or town primarily intended to provide access to the rear of property fronting upon another highway and not for the use of through traffic.

SECTION 215. 340.01 (36m) of the statutes is created to read:

340.01 (36m) "Municipality" means a city, village or town.

SECTION 216. 346.52 (2) of the statutes is amended to read:

346.52 (2) During the hours of 7:30 a.m. to 4:30 p.m. during school days, no person may stop or leave any vehicle standing, whether temporarily or otherwise, upon the near side of a through highway adjacent to a schoolhouse used for any children below the 9th grade. If the highway adjacent to the schoolhouse is not a through highway, the operator of a vehicle may stop upon the near side thereof during such hours, provided such stopping is temporary and only for the purpose of receiving or discharging passengers. This subsection shall not apply to villages, towns or cities when the village or town board or common council thereof by ordinance permits parking of any vehicle or of school buses only on the near side of specified highways adjacent to schoolhouses during specified hours.

SECTION 217. 346.57 (4) (i) of the statutes is amended to read:

346.57 (4) (i) 15 miles per hour on any ~~city or village~~ street or town road, except a state trunk highway or connecting highway, within, contiguous to or adjacent to a public park or recreation area when children are going to or from or are playing within such area, when the local authority has enacted an ordinance regulating such traffic and has properly marked such area with official traffic control devices erected at such points as said authority deems necessary and at those points on the streets or town roads concerned where persons traversing the same

would enter such area from an area where a different speed limit is in effect.

SECTION 218. 346.70 (4) (h) of the statutes is amended to read:

346.70 (4) (h) Every law enforcement agency investigating or receiving a report of a traffic accident as described in sub. (1) shall forward a copy of the report of the accident to the county traffic safety commission or to the person designated to maintain spot maps under s. 83.013 (1) (a) in the county where the accident occurred when the accident occurred on a county or town road or on a ~~city or village~~ street where the population of the city ~~or~~ village or town is less than 5,000. For traffic accidents occurring within a city or village with a population of 5,000 or more, the law enforcement agency investigating or receiving a report shall forward a copy of the report of the accident to the city or village where the accident occurred.

SECTION 219. 349.02 (2) (b) 4. of the statutes is amended to read:

349.02 (2) (b) 4. Local ordinances enacted under s. 59.07 (107), 60.23 (21) or 66.051 (4) (1) (bm).

SECTION 220. 349.10 (1) (f) of the statutes is amended to read:

349.10 (1) (f) By order, ordinance or resolution and by the erection of appropriate signs, prohibit U–turns at specified locations. The local authority with the approval of the department may prohibit U–turns and erect appropriate signs on state trunk highways within cities ~~and~~ villages and towns.

SECTION 221. 349.13 (1) (c) of the statutes is amended to read:

349.13 (1) (c) The authority granted by this subsection may be delegated to a traffic officer or to the officer in charge of the maintenance of the highway in question, but no prohibition, limitation or restriction on parking imposed under this section is effective unless official traffic signs or markers or parking meters have been placed or erected indicating the particular prohibition, limitation or restriction except that parking regulations which prohibit, limit or restrict the parking of vehicles for any period longer than 24 consecutive hours, during any hours between 12 midnight and 7 a.m., or any portion thereof or during a snow emergency as determined by the city ~~or~~ village or town, shall be effective in cities ~~and~~ villages and towns upon a two–thirds vote of their respective governing bodies notwithstanding this subsection and s. 346.02 (7) when official traffic signs have been placed or erected at or reasonably near the corporate limits of such city ~~or~~ village or town on all state and county trunk highways and connecting highways, as the latter are defined in s. 86.32, informing motorists that 24–hour parking limitations, night parking regulations or snow emergency regulations are in effect in such city ~~or~~ village or town.

SECTION 222. 349.14 of the statutes is amended to read:

349.14 Authority to use parking meters. (1) It is the public policy of this state that the use of parking meters by cities, villages, towns and counties to measure the time for parking vehicles is a local matter to be determined by the local authorities.

(2) Cities, villages, towns and counties may by ordinance or resolution provide for the installation and operation of parking meters and may provide for the use of the revenue collected from such meters for general street and highway maintenance, repair and construction, for meeting the cost of traffic and parking regulation, for the purchase and operation of ~~publicly owned~~ publicly owned off–street parking facilities, and for such other expenses and purposes as the local authority deems reasonably necessary to provide for the convenience, safety and welfare of persons using the streets and highways for vehicular traffic.

SECTION 223. 349.17 (title) and (1) of the statutes are amended to read:

349.17 (title) Authority of cities, villages and towns to regulate heavy traffic. (1) Any city ~~or~~ village or town may by ordinance or resolution designate any street or highway under its jurisdiction as a heavy traffic route and designate the type and character of vehicles which may be operated thereon. ~~Such~~ A city ~~or~~ village or town may restrict or prohibit heavy traffic from using other streets or highways under its jurisdiction except that it may not place such restrictions on streets or highways over which are routed state trunk highways and may not prohibit heavy traffic from using a street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Whenever a city ~~or~~ village or town designates any street or highway under its jurisdiction as a heavy traffic route, it shall cause appropriate signs to be erected giving notice thereof.

SECTION 224. 349.18 (1) (intro.) and (b) of the statutes are amended to read:

349.18 (1) (intro.) Any city ~~or~~ village or town, by ordinance, may:

(b) Establish a golf cart crossing point upon a highway within its limits. An ordinance ~~adopted~~ enacted under this paragraph shall require that a golf cart stop and yield the right–of–way to all vehicles approaching on the highway before crossing the highway. The ordinance may require that a golf cart be equipped with reflective devices as specified in the ordinance. The city ~~or~~ village or town shall place a sign of a type approved by the department to mark the crossing point on both sides of the highway.

SECTION 225. 349.24 (1) (intro.) and (c) and (2) of the statutes are amended to read:

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349.24 (1) (intro.) The council of any city and every village or town board may:

(c) Prohibit any person from operating any motor vehicle for taxicab purposes upon the highways of ~~such~~ the city ~~or~~ village or town unless ~~such~~ the person is licensed as a chauffeur and operator and unless ~~such~~ the taxicab business is licensed by the licensing of each taxicab;

(2) Any person licensed by any city ~~or~~ village or town as a chauffeur and operator shall not be required to procure either a chauffeur's and operator's license or a taxicab license in any other municipality for the purpose of carrying taxicab passengers for hire from one municipality to another, but this exception does not permit ~~such~~ the chauffeur or operator to operate a taxicab wholly within the limits of any municipality in which ~~such~~ the chauffeur or operator is not licensed.

SECTION 226. 425.205 (2) of the statutes is amended to read:

425.205 (2) The summons in such actions shall be in the following form:

State of Wisconsin
Circuit Court
.... County
A. B. Plaintiff
v.
C. D. Defendant

SUMMONS (Small Claim)

THE STATE OF WISCONSIN

To said Defendant:

The Plaintiff named above has commenced an action to recover possession of the following property:

[Description of Collateral
or Leased Goods]

This claim arises under a consumer credit transaction under which you are alleged to be in default, as described in the attached complaint.

IF YOU ARE NOT IN DEFAULT OR HAVE AN OBJECTION TO THE PLAINTIFF'S TAKING THE PROPERTY LISTED ABOVE, YOU MAY ARRANGE FOR A HEARING ON THESE ISSUES BY APPEARING IN THE CIRCUIT COURT OF COUNTY, IN THE COURTHOUSE LOCATED IN THE CITY OF (municipality), BEFORE.... JUDGE OR ANY OTHER JUDGE ~~OF SAID COURT~~ TO WHOM THE ACTION MAY BE ASSIGNED, ON DAY ~~OF~~ A.D. 19.. (date), AT O'CLOCK ~~IN THE~~ NOON (time). IF YOU DO NOT APPEAR AT THAT TIME, JUDGMENT WILL BE RENDERED AGAINST YOU FOR DELIVERY OF ~~SUCH~~ THE PROPERTY TO THE PLAINTIFF.

DATED, 19..

E.F.
Clerk of Circuit Court
[or]
Plaintiff's Attorney

Plaintiff's P. O. Address

....
....

Plaintiff's Attorney (if any)

....
....

Defendant's P. O. Address

....
....

SECTION 227. 444.02 of the statutes is amended to read:

444.02 **Boxing licenses, permits.** The department shall have the sole direction, management and control of, and jurisdiction over, all boxing and sparring exhibitions conducted within the state by any club. No boxing or sparring exhibitions may be conducted within the state except under authority granted by the department and in accordance with this chapter and the rules of the department. The department may issue, and for cause limit, suspend or revoke, a license to conduct boxing and sparring exhibitions to any incorporated club formed as provided in this chapter. The department may limit the number of sparring or boxing exhibitions given by any club in any city, village or town. No boxing or sparring exhibition may be conducted by any licensed club without a permit from the department. Every license shall be subject to such rules and regulations as the department prescribes. The department may reprimand clubs for violating this chapter or any rules of the department.

SECTION 228. 444.03 of the statutes is amended to read:

444.03 **Application for license; fee.** No boxing or sparring exhibition may be conducted by any club except by license granted to it by the department, and no club may be licensed unless it is incorporated under the laws of Wisconsin and its membership limited to persons who have been continuous residents in the state for at least one year. An application for a license shall be in writing, addressed to the department and verified by an officer of the club. An application shall be accompanied by an annual fee of \$25 in cities, villages and towns of not more than 50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000 inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is over \$1 and \$50 when the admission charge is \$1 or less. The application must show that the club has entered into a valid agreement for the use of the building, amphitheater or stadium in which contests are to be held.

SECTION 229. 753.24 (2) and (3) of the statutes are amended to read:

753.24 (2) Provision may be made, by court rule, for holding court in any city ~~or~~ village or town in the ~~circuit~~ county other than the county seat where the court finds that there are adequate facilities provided and there is sufficient business to warrant holding court.

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(3) If court is held in a city or village located partly in the ~~circuit~~ county from which the judge was elected and partly in another, the judge may hold court, except for trials of criminal offenses, anywhere in that city or village, the same as if it were entirely within the ~~circuit~~ county from which he or she was elected.

SECTION 230. 755.14 (2) of the statutes is amended to read:

755.14 (2) For any pending or appealable cases, the bail shall be delivered along with the case file to the proper clerk of court. Any other moneys received under sub. (1) shall be delivered to the city municipal treasurer as provided in s. 800.10 (2).

SECTION 231. 799.16 (4) (a) and (b) of the statutes are amended to read:

799.16 (4) (a) *Notice in attachment and garnishment.*

STATE OF WISCONSIN
CIRCUIT COURT
.... COUNTY
TO:

You are hereby notified that (an attachment) (a garnishment) has been issued against you and your property (attached) (garnished) to satisfy the demand of amounting to \$

Now, unless you shall appear in the circuit court, of County, located in the courthouse in ~~the city of~~ (municipality), before ~~the Hon., a judge of said court~~ Judge, or before any judge of said court to whom the said action may be assigned for trial according to the law on the day of, on, A.D., 19 (date), at o'clock in the noon (time), judgment will be rendered against you and your property sold or applied to pay the debt as provided by law.

Dated this day of, 19

.... Plaintiff

By Plaintiff's Attorney

(b) *Notice in replevin.*

STATE OF WISCONSIN
CIRCUIT COURT
.... COUNTY
TO:

You are hereby notified that a replevin action has been issued to recover the possession of the following described goods and chattels, to wit: of which I, the plaintiff, am entitled to possess, but which you have (unjustly taken) (unlawfully detained) from me.

Now, unless you shall appear in the circuit court, of County, located in the courthouse in ~~the city of~~ (municipality), before ~~the Hon., a judge of said court~~ Judge, or before any judge of said court to whom the said action may be assigned for trial according to the law, on the day of, on, A.D., 19 (date), at o'clock in the noon (time), judgment will be rendered against you for the delivery of said property to me and for damages for the (taking and) detention thereof and for costs.

Dated this day of, 19

.... Plaintiff

By Plaintiff's Attorney

SECTION 232. 814.24 of the statutes is amended to read:

814.24 (title) Action against city, village or town official, cost. Costs, if any, in an action against a city, village or town officer in his or her official capacity, except ~~the an~~ action directly ~~involve~~ involving the title to his ~~the~~ office, shall not be awarded against ~~such that~~ officer, but may be awarded against the city, village or town.

SECTION 233. 814.705 (4) of the statutes is amended to read:

814.705 (4) A town board may establish a higher fee for collection by the town constable or town police.

SECTION 234. 823.065 (title) of the statutes is amended to read:

823.065 (title) Repeated violations of a municipal ordinance a public nuisance.

SECTION 235. 847.03 (1) of the statutes is amended to read:

847.03 (1) If all or part of the area of any city, village or town block is affected by restrictive deed provisions, restrictive covenants or agreements, if the first restriction affecting the property has existed for 30 years or more and if 75% or more of the area of the city, village or town block has not been developed with buildings of the type allowed by the restrictions, the owner of any part of the block may commence an action in the circuit court of the county where the land lies to remove the restrictive deed provisions, restrictive covenants or agreements. All adjacent property owners shall be named as defendants and shall be served with a copy of the complaint.

SECTION 236. 893.72 of the statutes is amended to read:

893.72 Actions contesting special assessment. An action to avoid any special assessment, or taxes levied pursuant to the ~~same~~ special assessment, or to restrain the levy of ~~such the~~ taxes or the sale of lands for the nonpayment of ~~such the~~ taxes, shall be brought within one year from the notice thereof, and not thereafter. This limitation shall cure all defects in the proceedings, and defects of power on the part of the officers making the assessment, except in cases where the lands are not liable to the assessment, or the city, village or town has no power to make any such assessment, or the amount of the assessment has been paid or a redemption made.

SECTION 237. 893.75 of the statutes is amended to read:

893.75 Limitation of action attacking municipal contracts. Whenever the proper officers of any city ~~or~~, village or town, however incorporated, enter into any contract in manner and form as prescribed by statute, and either party to the contract has procured or furnished materials or expended money under the terms of the contract, no action or proceedings may be maintained to test the validity of the contract unless the action or proceed-

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ing is commenced within 60 days after the date of the signing of the contract.

SECTION 238. 902.03 (title) of the statutes is amended to read:

902.03 (title) County and municipal ordinances; administrative rules of state and federal agencies.

SECTION 239. 941.235 (2) of the statutes is amended to read:

941.235 (2) This section does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city, village or town, the chief of the capitol police or the sheriff of any county to possess a firearm in any building under sub. (1).

SECTION 241. Nonstatutory provisions; counties.

(1) CERTAIN SECONDHAND DEALER LICENSES. A county clerk who has license records in his or her possession from licenses issued under section 134.71 (5) of the statutes shall transfer the records on the effective date of this subsection to the town clerk of the town in which the business to which the records relate is located.

SECTION 242m. Initial applicability; revenue issues. (1) URBAN MASS TRANSIT. The treatment of section 71.38 of the statutes first applies to taxable years beginning on January 1, 1995.

(2) FARMLAND PRESERVATION TAX CREDIT. The treatment of section 71.60 (1) (c) 6. of the statutes first applies

to claims for credits filed in 1995 based on property taxes accrued during the previous year.

SECTION 243m. Initial applicability; manure storage facilities. The treatment of section 92.16 of the statutes first applies to manure storage facilities constructed after December 31, 1994.

SECTION 244. Initial applicability; public utilities, transmission lines right-of-way. The treatment of section 182.017 (1) of the statutes first applies to transmission lines or systems that are constructed on the effective date of this SECTION.

SECTION 245. Initial applicability; public utilities, warning signs. The treatment of section 196.67 (1) (intro.) and (a) to (c) of the statutes first applies to overhead electrical supply lines that are constructed on the effective date of this SECTION.

SECTION 246. Initial applicability; certain actions. (1) ACTIONS CONTESTING SPECIAL ASSESSMENT. The treatment of section 893.72 of the statutes first applies to notices filed on the effective date of this subsection.

(2) LIMITATION OF ACTION ATTACKING MUNICIPAL CONTRACTS. The treatment of sections 66.13 and 893.75 of the statutes first applies to contracts entered into on the effective date of this subsection.

SECTION 247. Effective date. This act takes effect on January 1, 1995.