

State of Wisconsin



1995 Assembly Bill 1050

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1995 WISCONSIN ACT 349

AN ACT *to renumber and amend* 30.77 (3) (ar), 33.235 (1) and 33.24; *to amend* 23.09 (19), 23.094 (1), 30.275 (4) (d), 30.77 (1) (intro.), 30.77 (3) (am) 2., 30.77 (3) (am) 4., 30.77 (3) (aw) 1., 30.77 (3) (d), 30.77 (3) (e) 1. (intro.), 30.77 (3) (e) 1. b., 30.77 (3) (e) 1. c., 30.79 (1) (a), 30.79 (1) (b) 2., 30.92 (1) (b), 33.001 (2) (b), 33.01 (8), 33.14 (3), 33.21, 33.22 (4), 33.23 (1), 33.23 (2), 33.235 (title), 33.235 (2), 33.235 (3), 33.235 (4), 33.25 (1) (a), 33.30 (1), 33.305 (1), 66.119 (1) (a), 66.119 (2) (a), 66.119 (3) (c), 66.119 (3) (d), 66.119 (3) (e), 66.12 (1) (a), 66.12 (1) (b), 66.12 (2), 66.12 (3) (b), 115.375 (2) (a) 2., 165.85 (2) (d), 814.63 (2) and 814.63 (4); and *to create* 30.50 (4q), 30.77 (3) (am) 1m., 30.77 (3) (am) 3m., 30.77 (3) (am) 3r., 33.01 (9g), 33.235 (1), 33.24 (1), 60.77 (5m), 60.782 and 115.375 (2) (a) 1m. of the statutes; **relating to:** certain town sanitary districts having the powers of public inland lake protection and rehabilitation districts, authority to enact ordinances by town sanitary districts and conversion of town sanitary districts into public inland lake protection and rehabilitation districts on lakes without contiguous public lands or easements.

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

SECTION 1. 23.09 (19) of the statutes is amended to read:

23.09 (19) (a) In this subsection, "local governmental unit" means a city, village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public inland lake protection and rehabilitation district.

SECTION 2. 23.094 (1) of the statutes is amended to read:

23.094 (1) DEFINITION. In this section, "political subdivision" means city, village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public inland lake protection and rehabilitation district.

SECTION 3. 30.275 (4) (d) of the statutes is amended to read:

30.275 (4) (d) Provide grants to municipalities, lake sanitary districts, as defined in s. 30.50 (4q), and public

inland lake protection and rehabilitation districts to undertake any of the activities under pars. (a) to (c).

SECTION 4. 30.50 (4q) of the statutes is created to read:

30.50 (4q) "Lake sanitary district" means a town sanitary district that has within its boundaries at least 60% of the footage of shoreline of a public inland lake, as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation district is not in effect.

SECTION 5. 30.77 (1) (intro.) of the statutes is amended to read:

30.77 (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. (intro.) Sections 30.50 to 30.71 shall be uniform in operation throughout the state. No municipality or public inland lake protection and rehabilitation district or town sanitary district may:

SECTION 6. 30.77 (3) (am) 1m. of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

30.77 (3) (am) 1m. A town sanitary district may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact and enforce ordinances applicable to a lake if at least 60% of the footage of shoreline of the lake is within its boundaries, if no public inland lake protection and rehabilitation district has in effect any ordinances enacted under subd. 1. for the lake and if any one of the following occurs:

a. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the town sanitary district to do so.

b. At least 50% of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the town sanitary district to enact and enforce ordinances, and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

SECTION 7. 30.77 (3) (am) 2. of the statutes, as affected by 1995 Wisconsin Act 152, is amended to read:

30.77 (3) (am) 2. An ordinance enacted under subd. 1. or 1m. may not be contrary to or inconsistent with this chapter and shall relate to the equipment, use or operation of boats or to an activity regulated by ss. 30.60 to 30.71.

SECTION 8. 30.77 (3) (am) 3m. of the statutes is created to read:

30.77 (3) (am) 3m. If a town sanitary district enacts an ordinance under this paragraph, the town sanitary district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

SECTION 9. 30.77 (3) (am) 3r. of the statutes is created to read:

30.77 (3) (am) 3r. If a public inland lake protection and rehabilitation district is created for an inland lake after a town sanitary district has enacted ordinances under subd. 1m. for the lake, any ordinances enacted by the public inland lake protection and rehabilitation district supersede all of the following:

a. Any conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

b. Any conflicting provisions of a town sanitary district ordinance enacted under subd. 1m. that are applicable to the lake.

SECTION 10. 30.77 (3) (am) 4. of the statutes, as affected by 1995 Wisconsin Act 152, is amended to read:

30.77 (3) (am) 4. If a town, village or city proposes to rescind a resolution that it adopted under subd. 1. or 1m., and if the rescision will result in less than 50% of the towns, villages or cities with jurisdiction over the lake still having in effect resolutions adopted under subd. 1. or 1m. or will result in less than 60% of the footage of shoreline of the lake being within the boundaries of the towns, villages and cities with resolutions still in effect, the town, village or city proposing to rescind the resolution

shall hold a hearing on the rescision at least 30 days before the rescision will take effect and shall give notice as required under par. (aw) 2. If, after holding the hearing, the town, village or city rescinds the resolution that it adopted under subd. 1. or 1m., the lake public inland lake protection and rehabilitation district ordinances or the town sanitary district ordinances are void.

SECTION 11. 30.77 (3) (ar) of the statutes, as created by 1995 Wisconsin Act 152, is renumbered 30.105 and amended to read:

30.105 (title) **Determining footage of shoreline.** In determining footage of shoreline for purposes of ~~pars. s. 30.50 (4q), 30.77 (3) (ac), (ae) and (am) and 60.782 (2),~~ towns, villages, cities ~~and lake,~~ public inland lake protection and rehabilitation districts and town sanitary districts shall measure by use of a map wheel on the U.S. geological survey 7 1/2 minute series map.

SECTION 12. 30.77 (3) (aw) 1. of the statutes, as created by 1995 Wisconsin Act 152, is amended to read:

30.77 (3) (aw) 1. If one or more towns, villages or cities propose to enact an ordinance for an inland lake under par. (ac) 2. or a lake public inland lake protection and rehabilitation district or town sanitary district proposes to enact an ordinance for an inland lake under par. (am) 1. b. or 1m. b., it shall hold a public hearing on the proposed ordinance at least 30 days before its enactment.

SECTION 13. 30.77 (3) (d) of the statutes, as affected by 1995 Wisconsin Act 152, is amended to read:

30.77 (3) (d) Ordinances pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review by the department as provided under this paragraph. Proposed ordinances subject to review under this paragraph shall be submitted by the local town, village or city clerk or by a the public inland lake protection and rehabilitation district or town sanitary district to the department at least 60 days prior to final action thereon by the town, village ~~or~~ city or district governing body. Advisory reports regarding town, village ~~or~~ city or lake district or town sanitary district ordinances that regulate the equipment, use or operation of boats on inland lakes shall be based on consideration of the effect of the ordinance on the state from the standpoint of uniformity and enforcement and the effect of the ordinance on an affected town, village, city ~~or~~ lake district or town sanitary district in view of pertinent local conditions. Advisory reports shall state in what regard such ordinances are considered consistent or inconsistent with this chapter as to public health, safety or welfare, including the public's interest in preserving the state's natural resources, and shall be accompanied by suggested changes, if any. No later than 20 days after receipt by the department of proposed ordinances, the department shall advise the town, village, city ~~or~~ lake district or town sanitary district in writing as to the results of its advisory review under this paragraph. The department shall address the results sent to a town, village or city to its clerk.

SECTION 14. 30.77 (3) (e) 1. (intro.) of the statutes is amended to read:

30.77 (3) (e) 1. (intro.) A municipality or a public inland lake protection and rehabilitation district or a town sanitary district that has in effect an ordinance under par. (am) may charge boat operators reasonable fees for any of the following:

SECTION 15. 30.77 (3) (e) 1. b. of the statutes is amended to read:

30.77 (3) (e) 1. b. The municipality's or lake district's costs for operating or maintaining a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

SECTION 16. 30.77 (3) (e) 1. c. of the statutes is amended to read:

30.77 (3) (e) 1. c. The municipality's or lake district's costs for providing other recreational boating services.

SECTION 17. 30.79 (1) (a) of the statutes is amended to read:

30.79 (1) (a) "Local governmental unit" means a municipality or a public inland lake protection and rehabilitation district or a lake sanitary district.

SECTION 18. 30.79 (1) (b) 2. of the statutes is amended to read:

30.79 (1) (b) 2. A unit created by a public inland lake protection and rehabilitation district, by a lake sanitary district or by a number of local governmental units riparian to a single lake, at least one of which is a lake district or a lake sanitary district, for the purposes specified in subd. 1.

SECTION 19. 30.92 (1) (b) of the statutes is amended to read:

30.92 (1) (b) "Governmental unit" means the department, a municipality, a ~~town~~ lake sanitary district, a public inland lake protection and rehabilitation district organized under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State Riverway board, the Fox River management commission or any other local governmental unit, as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

SECTION 20. 33.001 (2) (b) of the statutes is amended to read:

33.001 (2) (b) A state effort of research, analysis, planning and financing, and a local effort undertaken by ~~public inland lake protection and rehabilitation districts~~ and the Dane county lakes and watershed commission of planning and plan implementation are necessary and desirable and that the ~~local~~ districts should be formed by persons directly affected by the deteriorated condition of inland waters and willing to assist financially, or through other means, in remedying lake problems.

SECTION 21. 33.01 (8) of the statutes is amended to read:

33.01 (8) "Public inland lake" or "lake" means a lake, reservoir or flowage within the boundaries of the state that is accessible to the public via contiguous public lands or easements giving public access. "Lake" also includes

any lake, reservoir or flowage within the boundaries of the state that is under the jurisdiction of a restructured district.

SECTION 22. 33.01 (9g) of the statutes is created to read:

33.01 (9g) "Restructured district" means a district for a lake that results from a conversion under s. 33.235 (1m), a formation under s. 33.235 (2) or a merger under s. 33.235 (3).

SECTION 23. 33.14 (3) of the statutes is amended to read:

33.14 (3) DEPARTMENT REVIEW. Within 21 days after receipt of the proposed plan and applications the department shall advise the lake district if additional information is needed to conduct its technical and environmental review of the proposal. If an environmental impact statement is required, the department shall complete its environmental impact review before taking final action on the proposed plan.

SECTION 24. 33.21 of the statutes is amended to read:

33.21 Public inland lake protection and rehabilitation districts; purposes. ~~Public inland lake protection and rehabilitation districts~~ Districts may be created for the purpose of undertaking a program of lake protection and rehabilitation of a lake or parts thereof within the district.

SECTION 25. 33.22 (4) of the statutes is amended to read:

33.22 (4) Districts shall not exercise the town sanitary district powers authorized under sub. (3) within the boundaries of an incorporated municipality unless the governing body of the municipality consents. In addition, districts shall not exercise town sanitary district powers in any territory included in an existing town sanitary district except by contract under s. 66.30 or unless the sanitary district merges ~~into the public inland lake protection and rehabilitation district~~ under s. 33.235 (3).

SECTION 26. 33.23 (1) of the statutes is amended to read:

33.23 (1) The governing body of a municipality may by resolution establish a ~~public inland lake protection and rehabilitation~~ district if the municipality encompasses within its boundaries all the lake frontage of the public inland lake within this state. Except as provided under sub. (3), the governing body of the municipality which establishes the district shall perform the function of the board of commissioners. For purposes of this subsection, "district" does not include a restructured district.

SECTION 27. 33.23 (2) of the statutes is amended to read:

33.23 (2) Establishment of lake districts by towns under this section shall conform to the procedures of ss. 33.25 and 33.26 except that the town clerk shall perform the functions of the county clerk and the town board shall perform the functions of the county board and in addition shall hold the hearing.

SECTION 28. 33.235 (title) of the statutes is amended to read:

33.235 (title) Conversion Restructured districts; conversion and merger of town sanitary districts.

SECTION 29. 33.235 (1) of the statutes is renumbered 33.235 (1m) and amended to read.

33.235 (1m) A town board by resolution may convert a town sanitary district which encompasses all the frontage of a lake within its boundaries into a ~~public inland lake protection and rehabilitation~~ restructured district. The town sanitary district commissioners shall serve as the initial board of commissioners until the first annual meeting of the ~~lake~~ restructured district, at which time the commissioners shall be selected under s. 33.28. Conversion shall not affect any preexisting rights or liabilities of the town sanitary district. All such rights or liabilities shall be assumed automatically by the ~~newly created public inland lake protection and rehabilitation~~ restructured district.

SECTION 30. 33.235 (1) of the statutes is created to read:

33.235 (1) In this section:

(a) “Lake” means a lake, reservoir or flowage within the boundaries of the state.

(b) “Lake district” means a public inland lake protection and rehabilitation district that does not include a restructured district.

SECTION 31. 33.235 (2) of the statutes is amended to read:

33.235 (2) The commissioners of a town sanitary district that does not encompass all the frontage of a lake within its boundaries may, with approval of the town board, petition under s. 33.25 for the formation of a restructured district to include the territory of the existing sanitary district and any additional frontage on the lake that is deemed appropriate by the commissioners. The commissioners may sign the petition for the landowners in the sanitary district. If necessary to meet the requirements of s. 33.25, signatures of owners of land lying outside the sanitary district shall be obtained. ~~Creation For-~~ formation of a restructured district that includes such additional territory shall not affect any preexisting rights or liabilities of the town sanitary district, and all these rights and liabilities shall be assumed automatically by the ~~newly created public inland lake protection and rehabilitation~~ restructured district. The method by which these rights and liabilities are apportioned within the ~~newly created~~ restructured district shall be determined by the county board, and set out in the order issued under s. 33.26 (3) ~~ereating forming~~ the restructured district.

SECTION 32. 33.235 (3) of the statutes is amended to read:

33.235 (3) ~~Town~~ A town sanitary districts district having boundaries coterminous or contiguous to a ~~public inland lake protection and rehabilitation lake~~ district may merge into the lake district. Merger is effected by ap-

proval of an identical merger resolution by a two-thirds vote of the commissioners of ~~each district~~ the town sanitary district and the lake district, followed by ratification by a majority of those voting at an annual or special meeting of a the lake district and a majority of those voting in a referendum of the town sanitary district under s. 60.785 (2). Merger may not become effective unless the town board which created the sanitary district approves the merger. The commissioners of ~~each~~ the town sanitary district and the district shall act jointly until the next annual or special meeting, whichever occurs first, of the restructured district at which time the board of the ~~merged restructured~~ district shall be created subject to the requirements under s. 33.28. Merger does not affect the preexisting rights or liabilities of the ~~districts~~ town sanitary district or the lake district. All these rights and liabilities are assumed automatically by the ~~merged restructured~~ restructured district, but the method of discharging these rights or obligations shall be set out in the merger resolution.

SECTION 33. 33.235 (4) of the statutes is amended to read:

33.235 (4) Any restructured district ~~which results from the conversion of a town sanitary district under sub. (1), the formation of a district from a preexisting town sanitary district under sub. (2), or the merger with a town sanitary district under sub. (3),~~ shall have all powers granted to districts under this chapter and to town sanitary districts under ch. 60, except the taxation power under s. 60.77 (6) (b). Such powers shall be exercised using the procedures and methods set out in this chapter.

SECTION 34. 33.24 of the statutes is renumbered 33.24 (2) and amended to read:

33.24 (2) The county board of any county may establish ~~public inland lake protection and rehabilitation~~ districts within the county if the conditions stated in s. 33.26 are found to exist. Before a district that includes any portion of a city or village, may be formed under authority of this section, the city council or village board must have previously approved the inclusion of its territory within the boundaries of a proposed district.

SECTION 35. 33.24 (1) of the statutes is created to read:

33.24 (1) Notwithstanding s. 33.01 (3), in this section, “district” does not include a restructured district.

SECTION 36. 33.25 (1) (a) of the statutes is amended to read:

33.25 (1) (a) Before a county board may establish a district under s. 33.235 or 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 37. 33.30 (1) of the statutes is amended to read:

33.30 (1) Every ~~public inland lake protection and rehabilitation~~ district shall have an annual meeting. Each annual meeting shall be scheduled during the time period between May 22 and September 8 unless scheduled outside those dates by majority vote of the previous annual meeting.

SECTION 38. 33.305 (1) of the statutes is amended to read:

33.305 (1) The board of commissioners of a ~~public inland lake protection and rehabilitation~~ district may schedule a special meeting of the district at any time. The board of commissioners shall schedule a special meeting upon receipt of a petition signed by at least 10% of the electors and property owners in the district.

SECTION 39. 60.77 (5m) of the statutes is created to read:

60.77 (5m) AUTHORITY TO ENACT ORDINANCES. The commission may enact and enforce ordinances to implement the powers listed under sub. (5). The ordinances shall be published as a class 1 notice under ch. 985.

SECTION 40. 60.782 of the statutes is created to read:

60.782 Power to act as a public inland lake protection and rehabilitation district. (1) In this section, "public inland lake" means a lake, reservoir or flowage within the boundaries of the state that is accessible to the public via contiguous public lands or easements giving public access.

(2) A town sanitary district that has at least 60% of the footage of shoreline of a public inland lake within its boundaries for which a public inland lake protection and rehabilitation district is not in effect may do any of the following that is authorized by the commission:

(a) Create, operate and maintain a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

(b) Undertake projects to enhance the recreational uses of the public inland lake, including recreational boating facilities, as defined in s. 30.92 (1) (c).

(c) Appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the district or beneficial to the district.

(d) Lease or acquire, including by condemnation, any real property situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or 30.275 (4).

(3) The commissioners of a town sanitary district that has the powers of a public inland lake protection and rehabilitation district under sub. (2) shall possess the powers of the board of commissioners of a public inland lake protection and rehabilitation district that are authorized by resolution of the town sanitary district.

SECTION 41. 66.119 (1) (a) of the statutes is amended to read:

66.119 (1) (a) The governing body of any county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may by ordinance adopt and authorize the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

SECTION 42. 66.119 (2) (a) of the statutes is amended to read:

66.119 (2) (a) Citations authorized under this section may be issued by law enforcement officers of the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district. In addition, the governing body of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may designate by ordinance or resolution other county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue citations may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employe shall be revoked in the same manner by which it is conferred.

SECTION 43. 66.119 (3) (c) of the statutes is amended to read:

66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment, a jail assessment and, if applicable, a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest, an action for collection of the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment may be commenced. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. 66.12 (1) and a county or town may com-

mence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment.

SECTION 44. 66.119 (3) (d) of the statutes is amended to read:

66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under par. (e) or the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may commence an action for collection of the forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 days from the date of the judgment to pay any forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment imposed. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall reopen the judgment, accept a not guilty plea and set a trial date.

SECTION 45. 66.119 (3) (e) of the statutes is amended to read:

66.119 (3) (e) A judgment may be entered under par. (d) if the summons or citation was served as provided under s. 968.04 (3) (b) 2. or by personal service by a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district employe.

SECTION 46. 66.12 (1) (a) of the statutes is amended to read:

66.12 (1) (a) An action for violation of an ordinance or bylaw enacted by a city, village, town sanitary district or public inland lake protection and rehabilitation district is a civil action. All forfeitures and penalties imposed by any ordinance or bylaw of the city, village, town sanitary district or public inland lake protection and rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in an action in the name of the city or village before the municipal court or in an action in the name of the city, village, town sanitary district or public inland

lake protection and rehabilitation district before a court of record. If the action is in municipal court, the procedures under ch. 800 apply and the procedures under this section do not apply. If the action is in a court of record, it shall be commenced by warrant or summons under s. 968.04 or, if applicable, by citation under s. 778.25 or 778.26. A law enforcement officer may arrest the offender in all cases without warrant under s. 968.07. The affidavit where the action is commenced by warrant may be the complaint. The affidavit or complaint shall be sufficient if it alleges that the defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by section, chapter, title or otherwise with sufficient plainness to identify the ordinance or bylaw. The judge may release a defendant without bail or may permit him or her to execute an unsecured appearance bond upon arrest. In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as the complaint unless the court directs that formal complaint be issued. In all actions under this paragraph the defendant's plea shall be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in the case at issue, any other provision of law notwithstanding.

SECTION 47. 66.12 (1) (b) of the statutes is amended to read:

66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her; and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the case of the penalty assessment imposed by s. 165.87, the driver improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1), the

treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall remit to the state treasurer the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.

SECTION 48. 66.12 (2) of the statutes is amended to read:

66.12 (2) APPEALS. Appeals in actions in courts of record to recover forfeitures and penalties imposed by any ordinance or bylaw of a city, village, town sanitary district or public inland lake protection and rehabilitation district may be taken either by the defendant or by the city, village, town sanitary district or public inland lake protection and rehabilitation district. Appeals from circuit court in actions to recover forfeitures for ordinances enacted under ch. 349 shall be to the court of appeals. An appeal by the defendant shall include a bond to the city, village, town sanitary district or public inland lake protection and rehabilitation district with surety, to be approved by the judge, conditioned that if judgment is affirmed in whole or in part the defendant will pay the judgment and all costs and damages awarded against the defendant on the appeal. If the judgment is affirmed in whole or in part, execution may issue against both the defendant and the surety.

SECTION 49. 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 or bylaw of any city, village, town, town sanitary district or public inland lake protection and rehabilitation district shall be paid into the city, village, town, town sanitary district or public inland lake protection and rehabilitation district treasury for the use of the city, village, town, town sanitary district or public inland lake protection and rehabilitation district, 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, vil-

lage, town, town sanitary district or public inland lake protection and rehabilitation district, 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, village or town clerk or with the town sanitary district or the public inland lake protection and rehabilitation district.

SECTION 50. 115.375 (2) (a) 1m. of the statutes is created to read:

115.375 (2) (a) 1m. "Lake sanitary district" has the meaning given in s. 30.50 (4q).

SECTION 51. 115.375 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

115.375 (2) (a) 2. "Public agency" means a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district or an agency of this state or of a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district.

SECTION 52. 165.85 (2) (d) of the statutes is amended to read:

165.85 (2) (d) "Political subdivision" means counties, cities, villages, towns, town sanitary districts and public inland lake protection and rehabilitation districts.

SECTION 53. 814.63 (2) of the statutes is amended to read:

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, except an action for a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

SECTION 54. 814.63 (4) of the statutes is amended to read:

814.63 (4) In forfeiture actions in which a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district prevails, costs and disbursements shall be allowed to the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district subject only to sub. (2) and such other limitation as the court may direct.