

State of Wisconsin



1995 Assembly Bill 202

Date of enactment: **August 9, 1995**
Date of publication*: **August 23, 1995**

1995 WISCONSIN ACT 35

AN ACT to *renumber and amend* 66.023 (7); to *amend* 66.023 (2) (a), 66.023 (2) (b), 66.023 (3) (f), 66.023 (4) (a) 1., 66.023 (4) (c) and 66.026; and to *create* 66.023 (3) (g), 66.023 (7) (title), 66.023 (7) (a) and 66.023 (7m) of the statutes; **relating to:** municipal boundary changes.

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

SECTION 1. 66.023 (2) (a) of the statutes is amended to read:

66.023 (2) (a) That specified boundary line changes shall occur during the planning period and the approximate dates by which the changes shall occur.

SECTION 2. 66.023 (2) (b) of the statutes is amended to read:

66.023 (2) (b) That specified boundary line changes may occur during the planning period and the approximate dates by which the changes may occur.

SECTION 3. 66.023 (3) (f) of the statutes is amended to read:

66.023 (3) (f) *Content of plan; planning period.* The cooperative plan shall specify the duration of the proposed planning period, which shall be for a period of 10 years, except that the duration of the proposed planning period may be for a period greater than 10 years, ~~but not for a period greater than 20 years,~~ if a duration greater than 10 years is approved by the department.

SECTION 4. 66.023 (3) (g) of the statutes is created to read:

66.023 (3) (g) *Content of plan; zoning agreement.* The cooperative plan shall include all agreements under sub. (7m).

SECTION 5. 66.023 (4) (a) 1. of the statutes is amended to read:

66.023 (4) (a) 1. The department, the department of natural resources, the department of agriculture, trade and consumer protection and the department of transportation.

SECTION 6. 66.023 (4) (c) of the statutes is amended to read:

66.023 (4) (c) *Comment on plan.* Any person may comment on the plan during the hearing and may submit written comments ~~at any time before, at or within 20 days following the hearing.~~ All comments shall be considered by each participating municipality. Any county zoning agency under s. 59.97 (2) or regional planning commission whose jurisdiction includes any participating municipality shall comment in writing on the plan's effect on the master plan adopted by the regional planning commission under s. 66.945 (9), or development plan adopted by the county board or county planning agency under s. 59.97 (3), and on the delivery of municipal services, and may comment on any other aspect of the plan. Any county in the regional planning commission's jurisdiction may submit comments on the effect of the cooperative plan on the master plan adopted under s. 66.945 (9) and on the delivery of county services or on any other matter related to the plan.

* 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].

SECTION 7. 66.023 (7) (title) of the statutes is created to read:

66.023 (7) (title) OTHER BOUNDARY PROCEDURES.

SECTION 8. 66.023 (7) of the statutes is renumbered 66.023 (7) (b) and amended to read:

66.023 (7) (b) (title) ~~Applicability of other~~ *Other boundary procedures during the planning period.* During the planning period specified under sub. (3) (f), no other procedure for altering a municipality's boundaries may be used to alter ~~the a boundary of a municipality that is a party to~~ included in the cooperative plan under sub. (3) (d) 1., except if an annexation is conducted under s. 144.07 (1m), regardless of whether the boundary is proposed to be maintained or changed or is allowed to be changed under the plan. After the planning period has expired, the boundary may be altered.

SECTION 9. 66.023 (7) (a) of the statutes is created to read:

66.023 (7) (a) *Other procedures after hearing.* After the joint hearing under sub. (4) (b) is held, no other procedure, except the procedure under s. 144.07 (1m), for altering a municipality's boundaries may be used to alter a boundary included in the proposed cooperative plan under sub. (3) (d) 1. until the boundary is no longer included in the proposed cooperative plan, the municipality withdraws from the proposed cooperative plan or the proposed cooperative plan fails to receive approval from the department, whichever occurs first.

SECTION 10. 66.023 (7m) of the statutes is created to read:

66.023 (7m) **ZONING IN TOWN TERRITORY.** If a town is a party to a cooperative plan with a city or village, the town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a

zoning ordinance under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other applicable law. This subsection does not affect zoning ordinances adopted under ss. 59.971, 87.30 or 91.71 to 91.78.

SECTION 11. 66.026 of the statutes is amended to read:

66.026 Notice of litigation. Whenever any proceedings under ss. 61.187, 61.189, 61.74, 62.075, 66.012, 66.013 to 66.019, 66.021, 66.022, 66.023, 66.025 or other sections relating to an incorporation, annexation, consolidation, dissolution or detachment of territory of a city or village are contested by instigation of legal proceedings, the clerk of the city or village involved in ~~such the~~ proceedings shall ~~forthwith~~ file with the secretary of state 4 copies of a notice of the commencement of ~~such the~~ action. The clerk shall also file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments ~~as herein~~ that are required under this section may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the department of transportation 2 copies and to the department of revenue and the department of administration one copy each of any notice of action or judgment filed with the secretary of state ~~pursuant to~~ under this section.