



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0042/22
MES:kg&is:10/14

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

stays →

RMR

Due
This week
By NOON
on 1/28

Sen. Act.

1 AN ACT to repeal 30.13 (5), 60.51, 66.01 (14), 66.021 (2m) (title), 66.021 (13),
2 66.033 (title), 66.035, 66.04 (1m) (title), 66.0495 (1) (title), 66.0495 (1) (a) (title),
3 66.0495 (1) (b) (title), 66.0495 (1) (d) (title), 66.0495 (2) (title) and (a) (title),
4 66.0495 (2) (b) (title), 66.0495 (3) (title), 66.05 (1g) and (1m) (a), 66.05 (8) (d),
5 66.051 (1) (c), 66.06, 66.066 (2) (j), 66.067, 66.068 (1), 66.068 (5), 66.069 (1)
6 (title), 66.071 (intro.), 66.074, 66.075, 66.081, 66.10, 66.111, 66.12 (1) (d), 66.123
7 (title), 66.13, 66.14 (title), 66.197, 66.29 (9) (a), 66.295, 66.30 (4), 66.30 (6) (a),
8 66.345, 66.37, 66.39, 66.395 (3) (q), 66.40 (3) (d), 66.40 (3) (r), 66.405 (3) (c), 66.41
9 (title), 66.421 (title), 66.424 (title), 66.425 (title), 66.43 (3) (b), 66.43 (16), 66.431
10 (2m) (f), 66.434 (title), 66.44, 66.47 (6), 66.51 (4), 66.54 (2), 66.54 (3) (title), 66.54
11 (8), 66.60 (16), 66.645, 66.695 (title), 66.697 (title), 66.698 (title), 66.699, 66.73,
12 66.80 (1), 66.80 (3), 66.92, 66.94 and 66.97 to 66.99; to renumber 66.01 (3a),
13 66.01 (12), 66.01 (15), 66.021 (1) (intro.) and (a), 66.021 (16), 66.036, 66.037,
14 66.04 (title), 66.04 (1m) (a) and (b), 66.04 (3), 66.0485, 66.0495 (title), 66.0495
15 (1) (b), 66.05 (10), 66.051 (2) and (3), 66.071 (title), 66.071 (1) (title), 66.076 (5)

1 (b), 66.083 (title), 66.091, 66.092, 66.117, 66.122 (title), 66.146, 66.182, 66.184,
2 66.187, 66.189, 66.199, 66.225, 66.28 (title), 66.286, 66.29 (title) and (1) (title),
3 66.29 (9) (title), 66.296 (2m), 66.296 (6), 66.301, 66.302, 66.304, 66.305 (title),
4 66.31, 66.312, 66.33, 66.35, 66.375, 66.38, 66.40 (title), 66.403 (title), 66.405
5 (title), 66.406 (title), 66.408 (title), 66.416 (title), 66.417 (title), 66.43 (title),
6 66.43 (17), 66.431 (title), 66.47 (title), 66.527 (title), 66.54 (6) (title), 66.54 (9)
7 (title), 66.54 (12) (title), 66.55, 66.606, 66.609, 66.696 (title), 66.74, 66.77,
8 66.905, 66.908, 66.911, 66.914, 66.918, 66.925, 66.93, 66.948, chapter 200
9 (title), 200.01 to 200.05, 200.06 (title) and (1), 200.07 to 200.11, 200.13 and
10 200.15; **to renumber and amend** 66.01 (title) and (1) to (3), 66.01 (4) to (8),
11 66.01 (9) to (11), 66.01 (16), 66.012, 66.013, 66.014, 66.015, 66.016, 66.017,
12 66.018, 66.019, 66.02, 66.021 (title), 66.021 (1) (am) to (e), 66.021 (2), 66.021
13 (2m), 66.021 (3), 66.021 (4), 66.021 (5), 66.021 (6) (title), 66.021 (6), 66.021 (7)
14 (title), (a), (b) and (d), 66.021 (8), 66.021 (9), 66.021 (10), 66.021 (11), 66.021 (12),
15 66.021 (15), 66.022, 66.023, 66.024, 66.025, 66.026, 66.027, 66.028, 66.029,
16 66.03, 66.031 (title), 66.031, 66.032, 66.033, 66.04 (1), 66.04 (2), (2m) and (2s),
17 66.04 (4), 66.041, 66.042, 66.044, 66.045, 66.046, 66.047, 66.048, 66.049,
18 66.0495 (1) (a), 66.0495 (1) (d), 66.0495 (2) (a), 66.0495 (2) (b), 66.0495 (3), 66.05
19 (title), 66.05 (1m) (b), 66.05 (1m) (c), 66.05 (1m) (d), 66.05 (2) (a), 66.05 (2) (b),
20 66.05 (2) (c), 66.05 (3), 66.05 (5), 66.05 (5m), 66.05 (6), 66.05 (8) (a) to (bm), 66.05
21 (9), 66.051 (title) and (1) (a) to (bm), 66.052, 66.053, 66.057, 66.058, 66.0585,
22 66.059, 66.061, 66.064, 66.065 (title), 66.065 (1), (2), (3), (4) and (4a), 66.065 (5),
23 (6) and (7), 66.066 (title), (1) to (1m) and (2) (intro.) and (a) to (i), 66.066 (2) (k)
24 to (m), (4) and (5), 66.068 (title), 66.068 (2) to (4), 66.068 (6) and (7), 66.069
25 (title), 66.069 (1) (a) to (bn), 66.069 (1) (c) and (d), 66.069 (1) (e), 66.069 (2), 66.07,

1 66.071 (1) (a), 66.071 (1) (b), 66.071 (1) (c) to (j), 66.071 (2), 66.072, 66.073,
2 66.0735, 66.076 (title), 66.076 (1), 66.076 (1m), 66.076 (2), 66.076 (3), 66.076 (4),
3 66.076 (5) (a), 66.076 (6), 66.076 (7), 66.076 (8), 66.076 (9), 66.076 (10), 66.076
4 (11), 66.076 (12), 66.077, 66.078, 66.079, 66.08, 66.082, 66.083, 66.085, 66.09
5 (title), (1), (2), (3) and (4), 66.11, 66.113, 66.114, 66.115, 66.119, 66.12 (title) and
6 (1) (title) and (a) to (c), 66.12 (2) and (3), 66.121, 66.122 (1) (a), 66.122 (1) (b),
7 66.122 (2), 66.123, 66.124, 66.125, 66.14, 66.144, 66.145, 66.18, 66.185, 66.186,
8 66.19, 66.192, 66.196, 66.20, 66.21, 66.22, 66.23, 66.24, 66.25, 66.26, 66.27,
9 66.28 (1) to (4), 66.285, 66.29 (1) (a), 66.29 (1) (b), 66.29 (1) (c) and (d) and (2)
10 to (8), 66.29 (9) (b), 66.293, 66.296 (title), 66.296 (1), 66.296 (1m), 66.296 (2),
11 66.296 (3), (4) and (5), 66.297, 66.298, 66.299, 66.30 (title), (1) and (2), 66.30 (2g),
12 66.30 (2m), 66.30 (3) and (3m), 66.30 (5) (intro.), (a) and (b), 66.30 (6) (b) to (h),
13 66.303, 66.305 (1) and (2), 66.307, 66.315, 66.32, 66.325, 66.34, 66.36, 66.365,
14 66.395 (title), (1) to (2m) and (3) (title) and (a) to (p), 66.395 (3) (r) and (s) and
15 (4) to (7), 66.40 (1) to (2m) and (3) (intro.) and (a) to (c), 66.40 (3) (e) to (q), 66.40
16 (3) (s) and (t) and (4) to (26), 66.401, 66.402, 66.4025, 66.403 (intro.) and (1) to
17 (7), 66.403 (8) and (9), 66.404, 66.405 (1), (2), (2m) and (3) (intro.) and (a), 66.405
18 (3) (d) to (s), 66.406 (1), (2) and (3) (intro.) and (a) to (g), 66.406 (3) (h), 66.406
19 (4) (intro.), (a) and (b), 66.406 (4) (c), 66.406 (5) to (8), 66.407, 66.408 (1), (2), (3)
20 and (4), 66.41, 66.411, 66.412, 66.413, 66.414, 66.415, 66.416 (1) to (4), 66.417
21 (1) to (6), 66.418, 66.419 (title), 66.419, 66.42, 66.421, 66.422 (title), 66.422,
22 66.424, 66.425, 66.43 (1), (2), (2m) and (3) (intro.) and (a), 66.43 (3) (c) to (L),
23 66.43 (3) (m) and (n) and (4) to (15), 66.431 (1), (2) and (2m) (intro.) and (a) to
24 (e), 66.431 (2m) (g) to (t) and (3) to (17), 66.432, 66.4325, 66.433, 66.434, 66.435,
25 66.436, 66.437, 66.45, 66.46, 66.462, 66.465, 66.47 (1) to (5), 66.47 (7) to (15),

1 66.48, 66.49, 66.50, 66.501, 66.504, 66.505 (title) and (1) to (4), 66.505 (6) to (11),
2 66.508, 66.51 (title), (1), (2) and (3), 66.52, 66.521, 66.526, 66.527 (1) to (3),
3 66.53, 66.54 (title), 66.54 (1), 66.54 (3), 66.54 (4) (title), 66.54 (4), 66.54 (5), 66.54
4 (6) (a) and (b), 66.54 (6) (c), 66.54 (6) (d), 66.54 (7), 66.54 (9) (a), 66.54 (9) (b) and
5 (c), 66.54 (10) and (11), 66.54 (12), 66.54 (15) and (15m), 66.54 (16), 66.60 (title),
6 66.60 (1), (2), (3) and (4), 66.60 (5), 66.60 (6), 66.60 (6a), 66.60 (6m), 66.60 (7),
7 66.60 (8) to (12) and (15), 66.60 (17), 66.60 (18), 66.604, 66.605, 66.608, 66.610,
8 66.615, 66.616, 66.62, 66.625, 66.63, 66.635, 66.64, 66.65 (title) and (1), 66.65
9 (2), 66.694, 66.695, 66.696, 66.697 (1) and (2), 66.698 (1) and (2), 66.70, 66.75,
10 66.80 (title), 66.80 (2), 66.805, 66.81, 66.82, 66.88, 66.882, 66.884, 66.886,
11 66.888, 66.89, 66.892, 66.894, 66.896, 66.898, 66.899, 66.90, 66.902, 66.904,
12 66.906, 66.91, 66.912, 66.916, 66.935, 66.943, 66.944, 66.945, 66.949, 66.95,
13 66.955, 66.96 (title) and (1), 66.96 (2), 66.96 (3) to (5), 200.06 (2), 200.12 and
14 200.14; **to consolidate, renumber and amend** 66.30 (3n) and (3p); **to amend**
15 20.155 (1) (g), 29.05 (6), 30.16 (2), 30.772 (3) (f), 33.47 (5), 60.23 (20), 60.23 (27),
16 60.24 (3) (j), 61.73, 62.03 (1), subchapter II (title) of chapter 62 [precedes 62.50],
17 67.01 (9) (h), 67.05 (5) (b), 70.11 (18), 74.53 (1) (b), 85.20 (3) (b) 4., 87.01 (7),
18 103.49 (1) (d), (3) (a) and (b), (4r), (5) (a) and (b), (6m) (a) to (e) and (7) (a) and
19 (d), 103.50 (1) (d), (7) (a) to (e) and (8), 117.132 (1m) (a), 119.04 (1), 182.025 (1),
20 182.031 (2), 182.70 (9) (a), 182.71 (7) (c), 195.60 (2), 196.02 (7), 196.195 (1),
21 196.195 (5), 196.202 (2), 196.203 (1), 196.203 (3) (a), 196.203 (4), 196.795 (5) (a),
22 196.795 (5) (b), 196.80 (1m) (d), 196.85 (1), 196.85 (2), 632.103 (2) (a) 1., 755.045
23 (2), 823.21, 823.215, 893.33 (5), 893.76, 893.765 and 946.82 (4); and **to create**
24 36.11 (19) (title), 62.63 (1), 62.69 (1), 62.69 (2) (b), subchapter I (title) of chapter
25 66 [precedes 66.0101], 66.0101 (1m), 66.0103, 66.0117 (1), 66.0119 (1) (c),

1 66.0123 (1), 66.0137 (title) and (1), 66.0139 (1), subchapter II (title) of chapter
2 66 [precedes 66.0201], 66.0217 (1) (b), 66.0217 (4) (a) 6., subchapter III (title)
3 of chapter 66 [precedes 66.0301], 66.0303 (title) and (1), 66.0311 (title) and (1),
4 66.0313 (1), subchapter IV (title) of chapter 66 [precedes 66.0401], 66.0413 (1)
5 (title), 66.0413 (1) (a) and (b), 66.0413 (1) (br) (title), 66.0413 (1) (br) 1., 66.0413
6 (1) (d), 66.0413 (1) (k), 66.0413 (1) (L) (title), 66.0413 (2) (title), 66.0413 (2) (a)
7 2. and 3., 66.0413 (3) (title), 66.0413 (4) (title), 66.0423 (1), 66.0425 (10), 66.0435
8 (10), subchapter V (title) of chapter 66 [precedes 66.0501], 66.0517, subchapter
9 VI (title) of chapter 66 [precedes 66.0601], 66.0601 (1) (title), 66.0601 (1) (b)
10 (title), 66.0601 (1) (c) (title), 66.0603 (title), 66.0627, subchapter VII (title) of
11 chapter 66 [precedes 66.0701], 66.0707 (2), 66.0709 (title), 66.0709 (1), 66.0711
12 (1), 66.0713 (10) (title), 66.0715 (title), 66.0715 (1), 66.0719 (1), 66.0721 (title),
13 66.0727 (4), 66.0729 (6), subchapter VIII (title) of chapter 66 [precedes
14 66.0801], 66.0801, 66.0805 (1), 66.0807 (1), 66.0811 (title), 66.0813 (title),
15 66.0821 (1) (intro.), 66.0821 (2) (title), 66.0821 (3) (title), 66.0821 (3) (a), 66.0821
16 (4) (title), 66.0821 (5) (title), 66.0821 (6) (title), 66.0821 (7) (title), subchapter
17 IX (title) of chapter 66 [precedes 66.0901], 66.0901 (1) (intro.), 66.0901 (9) (a),
18 66.0923 (5), 66.0927 (1) (am), subchapter X (title) of chapter 66 [precedes
19 66.1001], 66.1003 (1), 66.1019 (title), subchapter XI (title) of chapter 66
20 [precedes 66.1101], subchapter XII (title) of chapter 66 [precedes 66.1201],
21 66.1201 (9) (x), subchapter XIII (title) of chapter 66 [precedes 66.1301], 66.1331
22 (3) (Lm), 67.16, 120.25 (title), chapter 200 (title), subchapter I (title) of chapter
23 200 [precedes 200.01] and subchapter II (title) of chapter 200 [precedes 200.21]

1 of the statutes; **relating to:** the reorganization and modernization of chapter
2 66 of the statutes.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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

PREFATORY NOTE: This bill is recommended by the joint legislative council's special committee on general municipal law recodification. The special committee was directed to recodify chapter 66 of the statutes by the process of reorganization into logical subchapters, sections and subunits, repeal of unnecessary or archaic and obsolete language, relocation of those provisions more appropriately placed elsewhere in the statutes and modernization of language where appropriate. The special committee was directed to refrain from recommending substantive changes that would significantly affect relationships between governmental units or engender substantial controversy in the legislative process.

The basis of current ch. 66 was itself a recodification. [Chapter 396, laws of 1921, effective January 1, 1922.] The creation of ch. 66 was part of an ongoing effort by the revisor of statutes to revise and reorganize Wisconsin statutes relating to municipal law. That effort was the basis for the current organization, by chapter, of Wisconsin statutes relating to cities, villages, towns, counties and to local units of government generally. The original purpose of ch. 66 was to locate in one chapter those statutory provisions applicable to more than one general purpose unit of local government.

When first established, ch. 66 consisted of 11 individual statutory sections, comprising about 17 pages of Wisconsin statutes. When the special committee began the recodification process, ch. 66 consisted of 273 individual sections, comprising 160 pages of the statutes. The expansion of ch. 66 over time has resulted in a vast number of disparate statutory provisions, with little apparent thought given to the internal organization of the chapter. Consequently, the chapter is unwieldy and difficult to use.

This bill:

1. Reorganizes ch. 66 by:
 - a. Internally reorganizing the chapter by creating 13 subchapters and relocating provisions within the chapter.
 - b. Reorganizing some individual sections within ch. 66 by combining them with other sections, dividing single sections into 2 or more sections and internally reorganizing single sections.
 - c. Relocating whole or partial provisions of ch. 66 outside of ch. 66 where appropriate (including the relocation of provisions dealing with metropolitan sewage districts into a new chapter, ch. 200, and moving whole sections of ch. 66 that pertain solely to 1st class cities to subch. II of ch. 62, relating to cities).
2. Makes nonsubstantive, editorial changes to modernize language and reflect modern drafting style, including, in a few instances, comprehensive editorial changes by entirely restating the current provision.
3. Repeals several entire sections and portions of sections that the special committee concluded are no longer necessary.
4. Makes substantive changes that the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, this bill makes no substantive changes in the statutory provisions treated by the bill. Substantive changes in the bill are identified in notes to the provisions substantively affected. If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in this bill be construed to have the same effect as the prior statutes.

For convenience, a table of contents listing all section numbers of reorganized ch. 66 and the newly created subchapters is included in this prefatory note. Also, a finding aid is included at the end of the bill which identifies the treatment by this bill of current statutory provisions within ch. 66.

The remainder of this note consists of a table of contents for reorganized ch. 66:

1
2

CHAPTER 66

GENERAL MUNICIPAL LAW

Subchapter I	General Powers; Administration
Subchapter II	Incorporation; Municipal Boundaries
Subchapter III	Intergovernmental Cooperation
Subchapter IV	Regulation
Subchapter V	Officers and Employees
Subchapter VI	Finance; Revenues
Subchapter VII	Special Assessments
Subchapter VIII	Public Utilities
Subchapter IX	Public Works and Projects
Subchapter X	Planning, Housing and Transportation
Subchapter XI	Development
Subchapter XII	Housing Authorities
Subchapter XIII	Urban Redevelopment and Renewal

SUBCHAPTER I

GENERAL POWERS; ADMINISTRATION

66.0101	Home rule; manner of exercise.
66.0103	Code of ordinances.
66.0105	Jurisdiction of overlapping extraterritorial powers.
66.0107	Power of municipalities to prohibit criminal conduct.
66.0109	Penalties under county and municipal ordinances.
66.0111	Bond under municipal ordinances.
66.0114	Actions for violations of ordinances.
66.0113	Citations for certain ordinance violations.
66.0115	Outstanding unpaid forfeitures.
66.0117	Judgment against local governmental units.
66.0119	Special inspection warrants.
66.0121	Orders; action; proof of demand.
66.0123	Recreation authority.
66.0125	Community relations—social development commissions.
66.0127	Municipal hospital board.

- 66.0129 Hospital facilities lease from nonprofit corporation.
66.0131 Local government purchasing.
66.0133 Energy savings performance contracting.
66.0135 Interest on late payments.
66.0137 Provision of insurance.
66.0139 Disposal of abandoned property.
66.0141 Accident record systems.
- SUBCHAPTER II
INCORPORATION; MUNICIPAL BOUNDARIES***
- 66.0201 Incorporation of villages and cities; purpose and definitions.
66.0203 Procedure for incorporation of villages and cities.
66.0205 Standards to be applied by the circuit court.
66.0207 Standards to be applied by the department.
66.0209 Review of incorporation-related orders and decisions.
66.0211 Incorporation referendum procedure.
66.0213 Powers of new village or city: elections; adjustment of taxes; reorganization as village.
66.0215 Incorporation of certain towns adjacent to 1st class cities.
66.0217 Annexation initiated by electors and property owners.
66.0219 Annexation by referendum initiated by city or village.
66.0221 Annexation of and creation of town islands.
66.0223 Annexation of territory owned by city or village.
66.0225 Municipal boundaries fixed by judgment.
66.0227 Detachment of territory.
66.0229 Consolidation.
66.0231 Notice of certain litigation affecting municipal status or boundaries.
66.0233 Town participation in actions to test alterations of town boundaries.
66.0235 Adjustment of assets and liabilities on division of territory.
- SUBCHAPTER III
INTERGOVERNMENTAL COOPERATION***
- 66.0301 Intergovernmental cooperation.
66.0303 Municipal interstate cooperation.
66.0305 Municipal revenue sharing.
66.0307 Boundary change pursuant to approved cooperative change.

- 66.0309 Creation, organization, powers and duties of regional planning commissions.
- 66.0311 Intergovernmental cooperation in financing and undertaking housing projects.
- 66.0313 Law enforcement; mutual assistance.
- 66.0315 Municipal cooperation; federal rivers, harbors or water resources projects.
- SUBCHAPTER IV
REGULATION**
- 66.0401 Regulation relating to solar and wind energy systems.
- 66.0403 Solar and wind access permits.
- 66.0405 Removal of rubbish.
- 66.0407 Noxious weeds.
- 66.0409 Local regulation of firearms.
- 66.0411 Sound producing devices; seizure impoundment; forfeiture.
- 66.0413 Razing buildings.
- 66.0415 Offensive industry.
- 66.0417 Local enforcement of certain food and health regulations.
- 66.0419 Regulation of cable television by municipalities.
- 66.0421 Access to cable service.
- 66.0423 Transient merchants.
- 66.0425 Privileges in streets.
- 66.0427 Open excavations in populous counties.
- 66.0429 Street barriers; neighborhood watch signs.
- 66.0431 Prohibiting operators from leaving keys in parked motor vehicles.
- 66.0433 Licenses for nonintoxicating and soda water beverages.
- 66.0435 Mobile home parks.
- SUBCHAPTER V
OFFICERS AND EMPLOYES**
- 66.0501 Eligibility for office.
- 66.0503 Combination of municipal offices.
- 66.0505 Compensation of governing bodies.
- 66.0507 Automatic salary schedules.
- 66.0509 Civil service system; veteran's preference.
- 66.0511 Law enforcement agency policies on use of force and citizen complaint procedures.
- 66.0513 Police, pay when acting outside county or municipality.
- 66.0515 Receipts for fees.

- 66.0517 Weed commissioner.
- SUBCHAPTER VI
FINANCE; REVENUES**
- 66.0601 Appropriations.
- 66.0603 Investments.
- 66.0605 Local government audits and reports.
- 66.0607 Withdrawal or disbursement from local treasury.
- 66.0609 Financial procedure; alternative system of proving claims.
- 66.0611 Political subdivisions prohibited from levying tax on incomes.
- 66.0613 Assessment on racing prohibited.
- 66.0615 Room tax; forfeitures.
- 66.0617 Impact fees.
- 66.0619 Public improvement bonds; issuance.
- 66.0621 Revenue obligations.
- 66.0623 Refunding village, town, sanitary and inland lake bonds.
- 66.0625 Joint issuance of mass transit bonding.
- 66.0627 Special charges for current services.
- SUBCHAPTER VII
SPECIAL ASSESSMENTS**
- 66.0701 Special assessments by local ordinance.
- 66.0703 Special assessments, generally.
- 66.0705 Property of public and private entities subject to special assessments.
- 66.0707 Assessment or special charge against property in adjacent city, village or town.
- 66.0709 Preliminary payment of improvements funded by special assessments.
- 66.0711 Discount on cash payments for public improvements.
- 66.0713 Contractor's certificates; general obligation-local improvement bonds; special assessment B bonds.
- 66.0715 Deferral of special assessments; payment of special assessments in instalments.
- 66.0717 Lien of special assessment.
- 66.0719 Disposition of special assessment proceeds where improvement paid for out of general fund or municipal obligations.
- 66.0721 Special assessments on certain farmland for construction of sewerage or water system.
- 66.0723 Utilities, special assessments.

- 66.0725 Assessment of condemnation benefits.
- 66.0727 Special assessments against railroad for street improvement.
- 66.0729 Improvement of streets by abutting railroad company.
- 66.0731 Reassessment of invalid condemnation and public improvement assessments.
- 66.0733 Repayment of assessments in certain cases.

**SUBCHAPTER VIII
PUBLIC UTILITIES**

- 66.0801 Definitions; effect on other authority.
- 66.0803 Acquisition of public utility or bus transportation system.
- 66.0805 Management of municipal public utility by commission.
- 66.0807 Joint operation of public utility or public transportation system.
- 66.0809 Municipal public utility charges.
- 66.0811 Municipal public utility revenues.
- 66.0813 Provision of utility service outside of municipality by municipal public utility.
- 66.0815 Public utility franchises and service contracts.
- 66.0817 Sale or lease of municipal public utility plant.
- 66.0819 Combining water and sewer utilities.
- 66.0821 Sewerage systems.
- 66.0822 Joint local water authorities.
- 66.0823 Municipal electric companies. ✓
- 66.0824 Utility districts. ✓
- 66.0825 Parking systems. ✓
- 66.0826 Interference with public service structure. ✓

66.0823 ✓
 ✓ 66.0828 0825 ✓
 ✓ 66.0825 0827 ✓
 ✓ 66.0827 0829 ✓
 ✓ 66.0829 0831 ✓

**SUBCHAPTER IX
PUBLIC WORKS AND PROJECTS**

- 66.0901 Public works, contracts, bids.
- 66.0903 Contractor's failure to comply with municipal prevailing wage and hour scales.
- 66.0905 Pedestrian malls.
- 66.0907 Sidewalks.
- 66.0909 Curb ramping.
- 66.0911 Laterals and service pipes.
- 66.0913 City and county projects, individual or joint; revenue bonding.
- 66.0915 Viaducts in cities, villages and towns.
- 66.0917 Art museums.

Comprehensive planning.

- 66.0919 Civic centers.
- 66.0921 Joint civic buildings.
- 66.0923 County-city auditoriums.
- 66.0925 County-city safety building.
- 66.0927 County-city hospitals; village and town powers.

**SUBCHAPTER X
PLANNING, HOUSING AND TRANSPORTATION**

- 66.1001 Relief from conditions of gifts and dedications.
- 66.1003 Discontinuance of a public way.
- 66.1007 Architectural conservancy districts.
- 66.1009 Agreement to establish an airport affected area.
- 66.1011 Local equal opportunities for housing.
- 66.1013 Urban homestead programs.
- 66.1015 Municipal rent control prohibited.
- 66.1017 Family day care homes.
- 66.1019 Housing codes to conform to state law.
- 66.1021 City, village and town transit commissions.
- 66.1023 Transit employes; Wisconsin retirement system.

**SUBCHAPTER XI
DEVELOPMENT**

- 66.1101 Promotion of industry; industrial sites.
- 66.1103 Industrial development revenue bonding.
- 66.1105 Tax increment law.
- 66.1106 Environmental remediation tax incremental financing.
- 66.1107 Reinvestment neighborhoods.
- 66.1109 Business improvement districts.
- 66.1111 Historic properties.
- 66.1113 Premier resort areas.

**SUBCHAPTER XII
HOUSING AUTHORITIES**

- 66.1201 Housing authorities.
- 66.1203 Housing authorities; operation not for profit.
- 66.1205 Housing authorities; rentals and tenant selection.
- 66.1207 Penalties; evidence.
- 66.1209 Housing authorities; cooperation in housing projects.
- 66.1211 Housing authorities; contracts with city; assistance to counties and municipalities.
- 66.1213 Housing authorities for elderly persons.

**SUBCHAPTER XIII
URBAN REDEVELOPMENT AND RENEWAL**

66.1027 Traditional neighborhood developments and conservation subdivisions.

Need to add sections created by Act 9, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

66.1301	Urban redevelopment.
66.1303	Urban redevelopment; plans, approval.
66.1305	Redevelopment corporations; limitations; incubator.
66.1307	Urban redevelopment; regulation of corporations.
66.1309	Urban redevelopment; transfer of land.
66.1311	Urban redevelopment; acquisition of land.
66.1313	Urban redevelopment; condemnation for.
66.1315	Urban redevelopment; continued use of land by prior owner.
66.1317	Urban redevelopment; borrowing; mortgages.
66.1319	Urban redevelopment; sale or lease of land.
66.1321	Urban redevelopment; city lease to, terms.
66.1323	Urban redevelopment; aids and appropriations.
66.1325	Urban redevelopment; city improvements.
66.1327	Urban redevelopment; construction of statute; conflict of laws; supplemental powers.
66.1329	Urban redevelopment; enforcement of duties.
66.1331	Blighted area law.
66.1333	Blight elimination and slum clearance.
66.1335	Housing and community development authorities.
66.1337	Urban renewal.
66.1339	Villages to have certain city powers.
66.1341	Towns to have certain city powers.

1 **SECTION 1.** 20.155 (1)(g) of the statutes, as affected by 1997 Wisconsin Act ~~229~~²²⁹, is amended to read:

2 ~~229~~ 229, is amended to read:

3 20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the
4 regulation of utilities. Ninety percent of all moneys received by the commission
5 under s. 196.85, 196.855 or ~~200.10~~ 201.10 (3), except moneys received from mobile
6 home park operators under s. 196.85 (2g), shall be credited to this appropriation.
7 Ninety percent of all receipts from the sale of miscellaneous printed reports and
8 other copied material, the cost of which was originally paid under this paragraph,
9 shall be credited to this appropriation.

10 **SECTION 2.** 29.05 (6) of the statutes is amended to read:

1 29.05 (6) ACCESS TO STORAGE PLACES. For purposes of enforcing this chapter, the
2 department and its wardens shall be permitted by the owner or occupant of any cold
3 storage warehouse or building used for the storage or retention of wild animals, or
4 carcasses or parts thereof, to enter and examine said premises subject to ~~ss. 66.122~~
5 ~~and 66.123~~ s. 66.0119; and the owner or occupant, or the agent, servant, or employe
6 of the owner, shall deliver to any such officer any wild animal, or carcass or part
7 thereof, in his or her possession during the closed season therefor, whether taken
8 within or without the state.

9 **SECTION 3.** 30.13 (5) of the statutes is repealed.

NOTE: Replaced by s. 66.0495, which is renumbered s. 30.13 (5). See SECTIONS
118 to 131 of this bill.

10 **SECTION 4.** 30.16 (2) of the statutes is amended to read:

11 30.16 (2) REMOVAL OF OBSTRUCTIONS TO NAVIGATION: WHARVES AND PIERS;
12 ALTERNATIVE. As an alternative to the procedure specified under sub. (1), the
13 governing body of a city, village or town may remove that portion of a wharf or pier
14 which constitutes an unlawful obstruction to navigation as provided under s.
15 ~~66.0495~~ 30.15 (5m).

16 **SECTION 5.** 30.772 (3) (f) of the statutes is amended to read:

17 30.772 (3) (f) In addition to, or as an alternative to, the penalties specified in
18 par. (e), the governing body of a municipality may remove unlawful moorings as
19 provided under and pursuant to the procedures of s. ~~66.0495~~ 30.15 (5m).

20 **SECTION 6.** 33.47 (5) of the statutes is amended to read:

21 33.47 (5) Any special assessment or special charge levied shall be in accordance
22 with ~~s. 66.60~~ ss. 66.0627 and 66.0703 to the extent ~~it is that those sections are~~
23 applicable to and not in conflict with this subsection.

1 **SECTION 7.** 36.11 (19) (title) of the statutes is created to read:

2 36.11 (19) (title) FURNISHING OF SERVICES TO SCHOOL DISTRICTS.

3 **SECTION 8.** 60.23 (20) of the statutes is amended to read:

4 60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ss. 59.54 (21) and
5 95.50 (3), dispose of any dead animal within the town or contract for the removal and
6 disposition with any private disposal facility. A town may enter into a contract with
7 any other governmental unit under s. ~~66.30~~ 66.0301 to provide for the removal and
8 disposition. A town may recover its costs under this subsection by ~~levying a special~~
9 ~~assessment under s. 66.345~~ imposing a special charge under s. 66.0627.

NOTE: Reflects the repeal of s. 66.345 and the amendment of s. 66.0627, as
renumbered. See SECTIONS 166 and 358 of this bill.

10 **SECTION 9.** 60.23 (27) of the statutes is amended to read:

11 60.23 (27) TOWN HOUSING AUTHORITIES, BLIGHTED AREAS. Engage in certain
12 housing and redevelopment activities. The provisions of ss. ~~66.40~~ 66.1201 to ~~66.425,~~
13 ~~66.43, 66.431~~ 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and ~~66.4325~~ 66.1335,
14 except the provisions of s. ~~66.40~~ 66.1201 (10) and any other provisions that conflict
15 with statutes relating to towns and town boards, shall apply to towns, and the powers
16 and duties conferred and imposed by ss. ~~66.40~~ 66.1201 to ~~66.425, 66.43, 66.431~~
17 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and ~~66.4325~~ 66.1335, except the
18 powers and duties conferred and imposed by s. ~~66.40~~ 66.1201 (10) and any other
19 powers that conflict with statutes relating to towns and town boards, upon mayors,
20 common councils and specified city officials are ~~hereby~~ conferred upon town board
21 chairpersons, town boards and town officials performing duties similar to the duties
22 of ~~such~~ the specified city officials and common councils respectively. Any town
23 housing authorities created under this subsection ~~shall be entitled to~~ may

1 participate in any state grants-in-aid for housing in the same manner as city
2 housing authorities created under ss. 66.40 66.1201 to 66.404 66.1211.

SECTION 10. 60.24 (3) (j) of the statutes is amended to read:

60.24 (3) (j) ~~publish annually at his or her discretion a notice regarding~~
~~noxious weeds under s. 66.0407 (4) and~~ at his or her discretion, appoint one or more
commissioners of noxious weeds under ss. 66.96 to 66.99 s. 66.0517.

NOTE: Amends the reference to the town board chairperson's duties to ~~annually~~
~~publish a notice regarding noxious weeds and~~ appoint one or more
commissioners of noxious weeds to reflect that the ~~publication and~~ appointment
duties are made optional. See SECTION ~~566~~ of this bill.

SECTION 11. 60.51 of the statutes is repealed.

NOTE: Repealed as unnecessary. The section cross-references selected provisions of ch. 66 which on their own terms apply to towns.

SECTION 12. 61.73 of the statutes is amended to read:

61.73 Village housing authorities. The provisions of ss. ~~66.395 to 66.425~~
66.1201 to 66.1329 apply to villages, and the powers and duties conferred and
imposed by ss. ~~66.395 to 66.425 66.1201 to 66.1329~~ upon mayors, councils and
specified city officials are conferred upon presidents, village boards and village
officials performing duties similar to the duties of the specified city officials
respectively. ~~Any An~~ ordinance or resolution ~~heretofore~~ passed before June 4, 1949,
by ~~any a~~ village board creating a housing authority in substantially the manner
provided in ss. ~~66.40 to 66.404 66.1201 to 66.1211~~ is valid, and ~~any~~ village housing
authorities may participate in any state grants-in-aid for housing in the same
manner as city housing authorities created under ss. ~~66.395 to 66.404 66.1201 to~~
66.1213.

SECTION 13. 62.03 (1) of the statutes is amended to read:

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1 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)
2 and (k), 62.175 and, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class
3 cities under special charter.

NOTE: Amended to reflect the relocation of s. 66.38, relating to housing loan assistance by cities, into subch. I of ch. 62. Section 66.38 applies to any city with a population over 75,000, including 1st class cities under special charter.

4

SECTION 14. Subchapter II (~~IIA~~) of chapter 62 [precedes 62.50] of the statutes is amended to read:

SECRET

CHAPTER 62

SUBCHAPTER II

~~POLICE AND FIRE DEPARTMENTS~~

~~IN CITIES OF THE FIRST~~

CLASS CITIES

SECTION 15. 62.63 (1) of the statutes is created to read:

62.63 (1) ESTABLISHMENT OF FUNDS. By a majority vote of the members-elect, the common council of a 1st class city may create, establish, maintain and administer annuity and benefit funds for city officers and employees, including officers and employees of boards, agencies, departments and divisions of the city government and of a housing authority established under s. 66.1201.

NOTE: Restates s. 66.80 (1) and (3) repealed by SECTIONS 528 and 530 of this bill.

SECTION 16. 62.69 (1) of the statutes is created to read:

62.69 (1) APPLICATION. This section applies to 1st class cities.

NOTE: Restates s. 66.071 (intro.), repealed by SECTION 192 of this bill.

SECTION 17. 62.69 (2) (b) of the statutes is created to read:

62.69 (2) (b) In this subsection, all acts authorized to be done by the commissioner of public works, except enforcement of regulations approved by the

1 common council, shall be approved by the common council before ~~the~~^{the} acts may take
2 effect.

NOTE: Restates a portion of s. 66.071 (1) (b) that is repealed by SECTION 195 of
this bill.

3 SECTION 18. 66.01 (title) and (1) to (3) of the statutes are renumbered 66.0101
4 (title) and (1) to (3), and 66.0101 (2) and (3), as renumbered, are amended to read:

5 66.0101 (2) (a) A ~~“charter ordinance” is any ordinance which enacts, amends~~
6 ~~or repeals the whole or any part of the charter of a city or village, or makes the~~
7 ~~election mentioned in sub. (4). Such city or village may enact a charter ordinance.~~
8 A charter ordinance shall be so designated, shall require as a charter ordinance,
9 requires a two-thirds vote of the members-elect of the legislative body of such the
10 city or village, and shall be is subject to referendum as hereinafter prescribed
11 provided in this section.

12 (b) ~~Every A charter ordinance which that amends or repeals the whole or any~~
13 ~~part of a city or village charter shall designate specifically the portion of the charter~~
14 ~~so that is amended or repealed, and every. A charter ordinance which that makes~~
15 ~~the election mentioned in under sub. (4) shall designate specifically each enactment~~
16 ~~of the legislature or portion thereof, of the enactment that is made inapplicable to~~
17 ~~such the city or village by the election mentioned in sub. (4).~~

18 (3) ~~Every enactment, amendment or repeal of the whole or any part of the~~
19 ~~charter of any city or village A charter ordinance shall be published as a class 1~~
20 ~~notice, under ch. 985, and shall be recorded by the clerk in a permanent book kept~~
21 ~~for that purpose, with a statement of the manner of its adoption, and a. A certified~~
22 ~~copy thereof of the charter ordinance shall be filed by said the clerk with the secretary~~
23 ~~of state. The secretary of state shall keep a separate index of all charter ordinances,~~

1 arranged alphabetically by city and village and summarizing each ordinance, and
2 annually shall issue ~~such a list~~ the index of charter ordinances filed during the 12
3 months prior to July 1.

NOTE: "Charter ordinance" is now defined in a separate subsection. See
SECTION 27 of this bill.

4 SECTION 19. 66.01 (3a) of the statutes is renumbered 66.0101 (12).

5 SECTION 20. 66.01 (4) to (8) of the statutes are renumbered 66.0101 (4) to (8)
6 and amended to read:

7 66.0101 (4) ~~Any A~~ city or village may elect ~~in the manner prescribed in~~ under
8 this section that ~~the whole or any part of any laws~~ law relating to the local affairs and
9 government of ~~such~~ the city or village other than ~~such~~ those enactments of the
10 legislature of statewide concern as shall with uniformity affect every city or every
11 village shall not apply to ~~such~~ the city or village, and ~~thereupon such laws or parts~~
12 ~~thereof shall cease~~ when the election takes effect, the law ceases to be in effect in ~~such~~
13 the city or village.

14 (5) ~~Any city or village by charter ordinance may make the election mentioned~~
15 ~~in sub. (4) of this section, or enact, amend or repeal the whole or any part of its~~
16 ~~charter; but such~~ A charter ordinance shall does not take effect until 60 days after
17 its passage and publication. If within ~~such 60 days~~ the 60-day period a petition
18 conforming to the requirements of s. 8.40 and signed by a number of electors of the
19 city or village equal to not less than 7% of the votes cast ~~therein in the city or village~~
20 for governor at the last general election ~~shall be~~ is filed in the office of the clerk of ~~said~~
21 the city or village demanding that ~~such~~ the ordinance be submitted to a vote of the
22 electors, it ~~shall~~ may not take effect until it is submitted to a referendum and
23 approved by a majority of the electors voting ~~thereon. Said in the referendum. The~~

1 petition and the proceedings for its submission ~~shall be~~ are governed by s. 9.20 (2)
2 to (6).

3 (6) ~~Any A~~ charter ordinance may be initiated ~~in the manner provided in under~~
4 s. 9.20 (1) to (6), but alternative adoption ~~thereof of the charter ordinance~~ by the
5 legislative body ~~shall be is~~ subject to referendum ~~as provided in under~~ sub. (5) of this
6 section.

7 (7) ~~Any A~~ charter ordinance may be submitted to a referendum by the
8 legislative body, ~~in the manner prescribed in under~~ s. 9.20 (4) to (6), without initiative
9 petition, and ~~shall become~~ becomes effective when approved by a majority of the
10 electors voting ~~thereon in the referendum~~.

11 (8) ~~Every charter, charter amendment or A~~ charter ordinance enacted or
12 approved by a vote of the electors ~~shall control and prevail~~ controls over any prior or
13 subsequent act of the legislative body of the city or village. ~~Whenever~~ If the electors
14 of any city or village by a majority vote have adopted or determined to continue to
15 operate under either ch. 62 or 64, or have determined the method of selection of
16 members of the governing board, the question shall not again be submitted to the
17 electors, nor action taken ~~thereon on the question~~, within a period of 2 years. Any
18 election to change or amend the charter of any city or village, other than a special
19 election as provided in s. 9.20 (4), shall be held at the time provided by statute for
20 holding the spring election.

21 **SECTION 21.** 66.01 (9) to (11) of the statutes are renumbered 66.0101 (9) (a), (b)
22 and (d) and amended to read:

23 66.0101 (9) (a) The legislative body of ~~any a~~ city or village, by resolution
24 adopted by a two-thirds vote of its members ~~elect may~~, and upon petition complying
25 with s. 9.20 shall, submit to the electors ~~in the manner prescribed in under~~ s. 9.20

1 (4) to (6) the question of holding a charter convention under one or more plans
2 proposed in said the resolution or petition.

3 (b) The ballot shall be in substantially the following form:

4 Shall a charter convention be held?

5 YES NO

6 If a charter convention ~~be~~ is held what plan do you favor?

7 PLAN 1 PLAN 2

8 [Repeat for each plan proposed.]

9 (9) Mark an [X] in the square to the RIGHT of the plan that you select.

10 (c) If a majority of the electors voting ~~thereon~~ vote for a charter convention, ~~such~~
11 the convention shall be held pursuant to the plan favored by a majority of the total
12 votes cast for all plans. If no plan receives a majority, the 2 plans receiving the
13 highest number of votes shall be again submitted to the electors and a convention
14 shall ~~thereupon~~ be held pursuant to the plan favored by a majority of the votes cast.

15 (d) ~~Such~~ A charter convention ~~shall have power to~~ may adopt a charter or
16 amendments to the existing charter. ~~Such~~ The charter or charter amendments
17 adopted by ~~such~~ the convention shall be certified, as soon as ~~may be~~ practicable, by
18 the presiding officer and secretary ~~thereof~~ of the convention to the city or village clerk
19 and shall ~~thereupon~~ be submitted to the electors ~~in the manner prescribed in as~~
20 provided under s. 9.20 (4) to (6), without the alternative mentioned therein provided
21 in s. 9.20 (4) to (6), and shall take effect only when approved by a majority of the
22 electors voting ~~thereon~~.

23 SECTION 22. 66.01 (12) of the statutes is renumbered 66.0101 (10).

24 SECTION 23. 66.01 (14) of the statutes is repealed.

NOTE: Repealed as obsolete. The subsection provides as follows:

“(14) All laws relating to public instruction, under article X, sections 1 to 5, of the constitution, remain and shall continue in force for the establishment, administration and government of the district schools as heretofore, until amended or repealed by the legislature. The term “district schools” as here used, in addition to common schools includes, among others, any and all public high schools, trade schools, technical colleges, auxiliary departments for instruction of pupils who are deaf or of impaired speech or blind, and truancy or parental schools.”.

Municipalities no longer enact general laws relating to public instruction.

1 SECTION 24. 66.01 (15) of the statutes is renumbered 66.0101 (11).

2 SECTION 25. 66.01 (16) of the statutes is renumbered 61.188 and amended to
3 read:

4 **61.188 ~~(16)~~ Certain villages may become cities by charter ordinance.**

5 Any village having a population of 1,000 or more may proceed under ~~this section s.~~
6 66.0101 to organize as a city of the appropriate class. The village may by charter or
7 charter ordinance adopted under ~~this section s.~~ 66.0101 elect not to be governed by
8 ch. 62 or ~~this chapter 66~~ in whole or in part or may create ~~such that~~ system of
9 government as is deemed considered by the village to be most appropriate ~~for its~~
10 ~~situation.~~ The charter or charter ordinance may include ~~provision for~~ the following,
11 ~~without limitation because of enumeration:~~ method of election of members of the
12 council by districts, at-large or by a combination of methods, procedure for election
13 of the first common council, creation and selection of all administrative officers,
14 departments, boards and commissions, powers and duties of all officers, boards and
15 commissions and terms of office. The charter or charter ordinance shall may not alter
16 those provisions of ch. 62 dealing with police and fire departments or chs. 115 to 121
17 dealing with education. Any village incorporated after August 12, 1959, may not
18 become a city under this ~~subsection~~ section unless it meets the standards for
19 incorporation in ss. ~~66.015 and 66.016~~ 66.0205 and 66.0207.

1

SECTION 26. Subchapter I ⁵¹⁶⁸ ~~(Title)~~ of chapter 66 [precedes 66.0101] of the statutes

is created to read:

CHAPTER 66

SUBCHAPTER I

GENERAL POWERS; ADMINISTRATION

SECTION 27. 66.0101 (1m) of the statutes is created to read:

66.0101 (1m) In this section, "charter ordinance" means an ordinance that enacts, amends or repeals the charter, or any part of the charter, of a city or village or that makes the election under sub. (4).

NOTE: Provides a general definition of "charter ordinance" for the statutory provision relating to home rule and charter ordinances. See the treatment of current s. 66.01 by SECTIONS 18 to 25 of this bill.

SECTION 28. 66.0103 of the statutes is created to read:

66.0103 Code of ordinances. (1) The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.

(2) Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of ss. 59.14, 60.80, 61.50 (1) and 62.11 (4) (a).

NOTE: Restates current s. 66.035.

SECTION 29. 66.0117 (1) of the statutes is created to read:

66.0117 (1) In this section:

1 (a) "Local governmental unit" means a city, village, town, county, school
2 district, technical college district, town sanitary district or public inland lake
3 protection and rehabilitation district.

4 (b) "Statement" means all of the following:

5 1. A certified transcript of a judgment.

6 2. A judgment creditor's affidavit of the amount due on a judgment, of
7 payments made on the judgment and that the judgment has not been appealed.

NOTE: Creates a definition for s. 66.0117, relating to judgments against local governmental units. The definition differs from the current language of s. 66.09 by removing a community center from the list of local governmental bodies to which the law applies. It appears that a community center is not treated as a local governmental unit anywhere else in the statutes. The term "community centre" first appeared in this section when separate statutes were consolidated and revised in chapter 396, laws of 1921.

8 SECTION 30. 66.0119 (1) (c) of the statutes is created to read:

9 66.0119 (1) (c) "Public building" has the meaning given in s. 101.01 (12).

10 SECTION 31. 66.012 of the statutes is renumbered 66.0215 and amended to
11 read:

12 **66.0215 ~~Towns may become~~ Incorporation of certain towns adjacent**
13 **to 1st class cities.** (1) PETITION. ~~Whenever~~ If the resident population of ~~any a~~ town
14 exceeds 5,000 as shown by the last federal census or by a census ~~herein provided for~~
15 ~~and under sub. (2), if the town is adjacent to a city of the first~~ 1st class city and
16 contains an equalized valuation in excess of \$20,000,000 and ~~if~~ a petition has been
17 ~~presented and signed by 100 or more persons, each an elector and taxpayer of said~~
18 ~~the town, and, in addition thereto, said petition contains~~ containing the signatures
19 of at least ~~one-half~~ 50% of the owners of real estate in ~~said the town which petition~~
20 ~~requests and requesting~~ submission of the question to the electors of the town ~~and,~~

1 is filed with the clerk of the town, the procedure for becoming a fourth 4th class city
2 is initiated.

3 (2) REFERENDUM. At the next regular meeting of the town board, ~~said town~~
4 following the filing of the petition under sub. (1), the board by resolution shall provide
5 for a referendum by the electors of said the town. The resolution shall observe
6 conform to the requirements of s. 5.15 (1) and (2) and shall determine the numbers
7 and boundaries of each ward of the proposed city; and the time of voting, which shall
8 may not be earlier than 6 weeks after the adoption of said the resolution ~~and said.~~
9 The resolution may direct that a census be taken of the resident population of such
10 the territory as it may be on some a day not more than 10 weeks previous to the date
11 of the election, exhibiting the name of every head of a family and the name of every
12 person who is a resident in good faith of such the territory on such that day, and the
13 lot or quarter section of land on which that person resides, which shall be verified by
14 the affixed affidavit of the person taking the ~~same affixed thereto~~ census.

15 (3) NOTICE OF REFERENDUM. Notice of the referendum shall be given by
16 publication of the resolution in a newspaper published in such the town, if there be
17 is one, otherwise in a newspaper designated in the resolution, once a week for 4
18 successive weeks, the first publication to be not more than 4 weeks before the
19 referendum.

20 (4) VOTING PROCEDURE. The referendum shall be conducted in the same manner
21 as elections for supervisors of the town board. The question appearing on the ballot
22 shall be "Shall the town of become a 4th class city?". Below the question shall
23 appear 2 squares. To the left of one square shall appear the words "For a city" and
24 to the left of the other square shall appear the words "Against a city". The inspectors
25 shall make a return to the clerk of such the town.

1 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast in favor
2 of a city the clerk shall certify the fact to the secretary of state, together with the
3 result of the census, if any, and 4 copies of a description of the legal boundaries of the
4 town and 4 copies of a plat thereof, ~~whereupon the~~ of the town. The secretary of state
5 shall then issue a certificate of incorporation, and record the ~~same~~ certificate in a
6 book kept for that purpose. Two copies of the description and plat shall be forwarded
7 by the secretary of state to the department of transportation and one copy to the
8 department of revenue.

9 (6) CITY POWERS. ~~Every~~ A city thus incorporated shall ~~thenceforth be~~ under this
10 section is a body corporate and politic, with the powers and privileges of a municipal
11 corporation at common law and conferred by ch. 62.

12 (7) EXISTING ORDINANCES. (a) Ordinances in force in the territory or any part
13 thereof, ~~so far as~~ of the territory, to the extent not inconsistent with ch. 62, shall
14 continue in force until altered or repealed.

15 (b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force
16 in any part of the territory shall ~~continue~~ continues in force until altered under s.
17 59.692 (7) (ad).

18 (8) INTERIM OFFICERS. All officers of the town embracing the territory thus
19 incorporated as a city shall continue in their powers and duties ~~as theretofore~~ until
20 the first meeting of the common council at which a quorum is present. Until a city
21 clerk ~~shall have been~~ is chosen and qualified all oaths of office and other papers shall
22 be filed with the town clerk, with whom the petition was filed, who shall deliver them
23 with the petition to the city clerk when the city clerk ~~shall have~~ is qualified.

24 (9) FIRST CITY ELECTION. Within 10 days after incorporation of the city, the town
25 board with and the town clerk ~~of which~~ who received the petition was filed shall fix

1 a time for the first city election, designate the polling place or places, and name 3
2 inspectors of election for each place. Ten days' previous notice of the election shall
3 be given by the clerk by publication in the newspapers selected under sub. (3) and
4 by posting notices in 3 public places in the city. Failure to give such notice does not
5 invalidate the election. The election shall be conducted as is prescribed by chs. 5 to
6 12, except that no registration of voters shall may be required. The inspectors shall
7 make returns to the board which shall, within one week after the election, canvass
8 the returns and declare the result. The clerk shall notify the officers-elect and issue
9 certificates of election. If the first election is on the first Tuesday in April the officers
10 so elected shall and their appointees commence and hold their offices as for a regular
11 term, ~~as shall also their appointees~~. Otherwise they shall commence within 10 days
12 and hold until the regular city election and the qualification of their successors, and
13 the term of their appointees shall ~~expire~~ expires as soon as successors qualify.

14 SECTION 32. 66.0123 (1) of the statutes is created to read:

15 66.0123 (1) In this section, "governmental unit" means a town board or school
16 board.

✓ 17 SECTION 33. 66.013 of the statutes, ~~as affected by 1997 Wisconsin Act 24,~~ is
18 renumbered 66.0201, and 66.0201 (1) and (2) (intro.), as renumbered, are amended
19 to read:

20 66.0201 (1) PURPOSE. It is ~~declared to be~~ the policy of this state that the
21 development of territory from town to incorporated status proceed in an orderly and
22 uniform manner and that toward this end each proposed incorporation of territory
23 as a village or city be reviewed as provided in ss. ~~66.013 to 66.019~~ 66.0201 to 66.0213
24 to assure compliance with certain minimum standards which take into account the
25 needs of both urban and rural areas.

1 (2) DEFINITIONS. (intro.) ~~As used in In ss. 66.013 66.0201 to 66.019 66.0213.~~
2 unless the context requires otherwise:

3 **SECTION 34.** 66.0137 (title) and (1) of the statutes are created to read:

4 **66.0137 (title) Provision of insurance. (1) DEFINITION.** In this section, “local
5 governmental unit” means a city, village, town, county, school district (as
6 enumerated in s. 67.01 (5)), sewerage district, drainage district and, without
7 limitation because of enumeration, any other political subdivision of the state should
8 be s. 345.05 (1) (c).

9 **SECTION 35.** 66.0139 (1) of the statutes is created to read:

10 66.0139 (1) In this section, “political subdivision” means a city, village, town
11 or county.

12 **SECTION 36.** 66.014 of the statutes is renumbered 66.0203, and 66.0203 (1), (2)
13 (a) to (e), (3), (4) (a), (7) (a), (8) (b), (9) (a), (d) to (f) and (h) and (10), as renumbered,
14 are amended to read:

15 66.0203 (1) NOTICE OF INTENTION. At least 10 days and not more than 20 days
16 before the circulation of an incorporation petition, a notice setting forth that the
17 petition is to be circulated and including an accurate description of the territory
18 involved shall be published within the county in which said the territory is located
19 as a class 1 notice, under ch. 985.

20 (2) (a) The petition for incorporation of a village or city shall be in writing
21 signed by 50 or more persons who are both electors and freeholders in the territory
22 to be incorporated if the population of the proposed village or city includes 300 or
23 more persons; otherwise by 25 or more ~~such electors and freeholders~~ persons who are
24 both electors and freeholders in the territory to be incorporated.

1 (b) The petition shall be addressed to and filed with the circuit court of a county
2 in which all or a major part of the territory to be incorporated is located; ~~and the~~. The
3 incorporation petition ~~shall be~~ is void unless filed within 6 months of the date of
4 publication of the notice of intention to circulate.

5 (c) The petition shall designate a representative of the petitioners, and an
6 alternate, who shall be an elector or freeholder in the territory, and state that
7 person's address; describe the territory to be incorporated with sufficient accuracy
8 to determine its location and have attached ~~thereto~~ to the petition a scale map
9 reasonably showing the boundaries ~~thereof of the territory~~; specify the current
10 resident population of the territory by number in accordance with the definition
11 given in s. ~~66.013~~ 66.0201 (2) (b); set forth facts substantially establishing the
12 required standards for incorporation ~~required herein~~; and request the circuit court
13 to order a referendum and to certify the incorporation of the village or city when it
14 is found that all requirements have been met.

15 (e) No person who has signed a petition ~~shall be permitted to~~ may withdraw his
16 or her name ~~therefrom~~ from the petition. No additional signatures ~~shall~~ may be
17 added after a petition is filed.

18 (3) HEARING; COSTS. (a) Upon the filing of the petition the circuit court shall
19 by order fix a time and place for a hearing giving preference to ~~such~~ the hearing over
20 other matters on the court calendar.

21 (b) The court may ~~in its discretion~~ by order allow costs and disbursements as
22 provided for actions in circuit court in any proceeding under this subsection.

23 (c) The court may ~~in its discretion~~, upon notice to all parties who have appeared
24 in the hearing and after a hearing ~~thereon~~ on the issue of bond, order the petitioners

1 or any of the opponents to post bond in such an amount as that it deems considers
2 sufficient to cover ~~such~~ disbursements.

3 (4) (a) Notice of the filing of the petition and of the date of the hearing ~~thereon~~
4 on the petition before the circuit court shall be published in the territory to be
5 incorporated, as a class 2 notice, under ch. 985, and given by certified or registered
6 mail to the clerk of each town in which the territory is located and to the clerk of each
7 metropolitan municipality of the metropolitan community in which the territory is
8 located. The mailing shall be not less than 10 days ~~prior to~~ before the time set for
9 the hearing.

10 (7) (a) No action to contest the validity of an incorporation on any grounds
11 ~~whatsoever~~, whether procedural or jurisdictional ~~shall~~, may be commenced after 60
12 days from the date of issuance of the charter of incorporation by the secretary of state.

13 (8) (b) On the basis of the hearing the circuit court shall find if the standards
14 under s. ~~66.015~~ 66.0205 are met. If the court finds that the standards are not met,
15 the court shall dismiss the petition. If the court finds that the standards are met the
16 court shall refer the petition to the department and ~~thereupon~~ the department shall
17 determine whether ~~or not~~ the standards under s. ~~66.016~~ 66.0207 are met.

18 (9) (a) Upon receipt of the petition from the circuit court the department shall
19 make ~~such~~ any necessary investigation ~~as may be necessary~~ to apply the standards
20 under s. ~~66.016~~ 66.0207.

21 (d) Unless the court sets a different time limit, the department shall prepare
22 its findings and determination, citing the its supporting evidence in support thereof,
23 within 90 days after receipt of the ~~reference~~ referral from the court. The findings and
24 determination shall be forwarded by the department to the circuit court. Copies of
25 the findings and determination shall be sent by certified or registered mail to the

1 designated representative of the petitioners, and to all town and municipal clerks
2 entitled to receive mailed notice of the petition under sub. (4).

3 (e) The determination of the department made in accordance with the
4 standards under ss. ~~66.015, 66.016~~ 66.0205, 66.0207 and ~~66.021 (11)~~ 66.0217 (6) (c)
5 shall be ~~either~~ one of the following:

6 1. The petition as submitted ~~shall be~~ is dismissed;

7 2. The petition as submitted ~~shall be~~ is granted and an incorporation
8 referendum held;

9 3. The petition as submitted ~~shall be~~ is dismissed with a recommendation that
10 a new petition be submitted to include more or less territory as specified in the
11 department's findings and determination.

12 (f) If the department determines that the petition shall be dismissed under par.
13 (e) 1., the circuit court shall issue an order dismissing the petition. If the department
14 grants the petition, the circuit court shall order an incorporation referendum as
15 provided in s. ~~66.018~~ 66.0211.

16 (h) Except for an incorporation petition which describes the territory
17 recommended by the department under s. ~~66.014~~ 66.0203 (9) (e) 3., no petition for the
18 incorporation of the same or substantially the same territory may be entertained for
19 one year following the date of ~~the denial~~ dismissal under par. (f) of the petition or the
20 date of any election at which incorporation was rejected by the electors.

21 (10) EXISTING ORDINANCES. A county shoreland zoning ordinance enacted under
22 s. 59.692 that is in force in any part of the territory ~~shall continue~~ continues in force
23 until altered under s. 59.692 (7) (ad).

24 SECTION 37. 66.015 of the statutes is renumbered 66.0205, and 66.0205 (intro.)
25 and (5), as renumbered, are amended to read:

1 **66.0205 Standards to be applied by the circuit court.** (intro.) Before
2 referring the incorporation petition as provided in s. ~~66.014~~ 66.0203 (2) to the
3 department, the court shall determine whether the petition meets the formal and
4 signature requirements and shall further find that the following minimum
5 requirements are met:

6 (5) ~~NEW~~ STANDARDS WHEN NEAR ~~FIRST, SECOND~~ 1ST, 2ND OR ~~THIRD~~ 3RD CLASS CITY.
7 Where ~~If~~ the proposed boundary of a metropolitan village or city is within 10 miles
8 of the boundary of a 1st class city ~~of the first class~~ or 5 miles of a 2nd or 3rd class city
9 ~~of the second or third class~~, the minimum area requirements shall be are 4 and 6
10 square miles for villages and cities, respectively.

11 **SECTION 38.** 66.016 of the statutes is renumbered 66.0207, and 66.0207 (1) (a)
12 and (b) and (2) (intro.) and (b), as renumbered, are amended to read:

13 66.0207 (1) (a) *Characteristics of territory.* The entire territory of the proposed
14 village or city shall be reasonably homogeneous and compact, taking into
15 consideration natural boundaries, natural drainage basin, soil conditions, present
16 and potential transportation facilities, previous political boundaries, boundaries of
17 school districts, shopping and social customs. An isolated municipality shall have
18 a reasonably developed community center, including some or all of ~~such~~ features
19 such as retail stores, churches, post office, telecommunications exchange and similar
20 centers of community activity.

21 (b) *Territory beyond the core.* The territory beyond the most densely populated
22 one-half square mile specified in s. ~~66.015~~ 66.0205 (1) or the most densely populated
23 square mile specified in s. ~~66.015~~ 66.0205 (2) shall have an average of more than 30
24 housing units per quarter section or an assessed value, as defined in s. ~~66.021~~
25 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable

1 to existing or potential mercantile, manufacturing or public utility uses. The
2 territory beyond the most densely populated square mile as specified in s. ~~66.015~~
3 66.0205 (3) or (4) shall have the potential for residential or other urban land use
4 development on a substantial scale within the next 3 years. The department may
5 waive these requirements to the extent that water, terrain or geography prevents
6 such the development.

7 (2) (intro.) In addition to complying with each of the applicable standards set
8 forth in sub. (1) and s. ~~66.015, any proposed incorporation~~ 66.0205 in order to be
9 approved for referendum, a proposed incorporation must be in the public interest as
10 determined by the department upon consideration of the following:

11 (b) *Level of services.* The level of governmental services desired or needed by
12 the residents of the territory compared to the level of services offered by the proposed
13 village or city and the level available from a contiguous municipality which files a
14 certified copy of a resolution as provided in s. ~~66.014~~ 66.0203 (6).

15 **SECTION 39.** 66.017 of the statutes is renumbered 66.0209, and 66.0209 (title),
16 (1), (2) and (4), as renumbered, are amended to read:

17 **66.0209** (title) **Review of the action incorporation-related orders and**
18 **decisions.** (1) The order of the circuit court made under s. ~~66.014~~ 66.0203 (8) or (9)
19 (f) may be appealed to the court of appeals.

20 (2) The decision of the department made under s. ~~66.014~~ 66.0203 (9) shall be
21 is subject to judicial review under ch. 227.

22 (4) ~~Where an~~ An incorporation referendum ~~has been~~ ordered by the circuit
23 court under s. ~~66.014~~ 66.0203 (9) (f), ~~the referendum shall~~ may not be stayed pending
24 the outcome of further litigation, unless the court of appeals or the supreme court,
25 upon appeal or upon the filing of an original action in supreme court, concludes that

1 a strong probability exists that the order of the circuit court or the decision of the
2 department will be set aside.

3 **SECTION 40.** 66.018 of the statutes is renumbered 66.0211, and 66.0211 (title),
4 (2), (3) and (5), as renumbered, are amended to read:

5 **66.0211 (title) Referendum Incorporation referendum procedure.**

6 (2) NOTICE OF REFERENDUM. Notice of the referendum shall be given by
7 publication of the order of the circuit court in a newspaper having general circulation
8 in the territory. ~~Such publication~~ Publication shall be once a week for 4 successive
9 weeks, ~~the.~~ The first publication to may not be ~~not~~ more than 4 weeks before the
10 referendum.

11 (3) RETURN. An incorporation referendum shall be conducted in the same
12 manner as an annexation referendum under s. ~~66.021 (5) insofar as~~ 66.0217 (7) to
13 the extent applicable except that the ballot shall contain the words "For a city
14 [village]" and "Against a city [village]". The inspectors shall make a return to the
15 circuit court.

16 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an
17 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
18 court shall certify the fact to the secretary of state and supply the secretary of state
19 with a copy of a description of the legal boundaries of the village or city and the
20 associated population and a copy of a plat ~~thereof~~ of the village or city. Within 10 days
21 of receipt of the description and plat, the secretary of state shall forward 2 copies to
22 the department of transportation, and one copy each to the department of
23 administration, ~~one copy to~~ the department of revenue and ~~one copy to~~ the
24 department of commerce. The secretary of state shall issue a certificate of
25 incorporation and record the same certificate.

1 **SECTION 41.** 66.019 of the statutes is renumbered 66.0213 and amended to
2 read:

3 **66.0213 Powers of new village or city: elections; adjustment of taxes;**
4 **reorganization as village.** (1) VILLAGE OR CITY POWERS. ~~Every~~ A village or city
5 incorporated under ~~this section shall be ss. 66.0201 to 66.0213~~ is a body corporate and
6 politic, with powers and privileges of a municipal corporation at common law and
7 conferred by these statutes.

8 (2) EXISTING ORDINANCES. (a) Ordinances in force in the territory incorporated
9 or any part thereof, ~~insofar as of the territory, to the extent~~ not inconsistent with chs.
10 61 and 62, ~~shall~~ continue in force until altered or repealed.

11 (b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force
12 in any part of the territory ~~shall continue~~ continues in force until altered under s.
13 59.692 (7) (ad).

14 (3) INTERIM OFFICERS. All officers of the village or town embracing the territory
15 ~~thus that is~~ incorporated as a village or city ~~shall~~ continue in their powers and duties
16 until the first meeting of the board of trustees or common council at which a quorum
17 is present. Until a village or city clerk is chosen and qualified all oaths of office and
18 other papers shall be filed with the circuit court, with ~~whom~~ which the petition was
19 filed, ~~who~~. The court shall deliver them the oaths and other papers with the petition
20 to the village or city clerk when that clerk qualifies.

21 (4) FIRST VILLAGE OR CITY ELECTION. (a) Within 10 days after incorporation of
22 the village or city, the clerk of the circuit court with whom the petition was filed shall
23 fix a time for the first election, and where appropriate designate the polling place or
24 places, and name 3 inspectors of election for each place. The time for the election
25 shall be fixed no less than 40 nor more than 50 days after the date of the certificate

1 of incorporation issued by the secretary of state, irrespective of any other provision
2 in the statutes. Nomination papers shall conform to ch. 8 ~~insofar as~~ to the extent
3 applicable. ~~Such~~ Nomination papers shall be signed by not less than 5% nor more
4 than 10% of the total votes cast at the referendum election, and be filed no later than
5 15 days before the time fixed for the election. Ten days' previous notice of the election
6 shall be given by the clerk of the circuit court by publication in the newspapers
7 selected under s. ~~66.018~~ 66.0211 (2) and by posting notices in 3 public places in ~~such~~
8 the village or city, but failure to give such notice ~~shall~~ does not invalidate the election.

9 (b) The election shall be conducted as prescribed by ch. 6, except that no
10 registration of voters ~~shall~~ may be required. The inspectors shall make returns to
11 the clerk of the circuit court who shall, within one week after ~~such~~ the election,
12 canvass the returns and declare the result. The clerk shall notify the officers—elect
13 and issue certificates of election. If the first election is on the first Tuesday in April
14 the officers ~~so~~ elected and their appointees shall commence and hold their offices as
15 for a regular term. Otherwise they shall commence within 10 days and hold their
16 offices until the regular village or city election and the qualification of their
17 successors and the terms of their appointees ~~shall~~ expire as soon as successors
18 qualify.

19 (5) TAXES LEVIED BEFORE INCORPORATION; HOW COLLECTED AND DIVIDED. ~~Whenever~~
20 If a village or city is incorporated ~~from territory within any town or towns,~~ after the
21 assessment of taxes in any year and before the collection of ~~such~~ the taxes, the tax
22 ~~so~~ assessed shall be collected by the town treasurer of the town or the town treasurers
23 of the different towns of which ~~such~~ the village or city formerly constituted a part,
24 and all moneys collected from the tax levied for town purposes shall be divided

1 between the village or city and the town or the towns, as provided by s. ~~66.03~~ 66.0235
2 (13) (a) 1., for the division of property owned jointly by towns and villages.

3 (6) REORGANIZATION OF CITY AS VILLAGE. If the population of ~~the~~ any city falls
4 below 1,000 as determined by the United States census, the council may upon filing
5 of a petition conforming to the requirements of s. 8.40 containing the signatures of
6 at least 15% of the electors submit at any general or city election the question
7 whether the city shall reorganize as a village. If three-fifths of the votes cast on the
8 question are for reorganization the mayor and council shall record the return in the
9 office of the register of deeds ~~and~~, file a certified copy with the clerk of the circuit
10 court, and ~~shall~~ immediately call an election, to be conducted as are village elections,
11 for the election of village officers. Upon the qualification of ~~such~~ the officers, the
12 board of trustees shall declare the city reorganized as a village, and the
13 reorganization ~~shall be effected~~ is effective. The clerk shall certify a copy of the
14 declaration to the secretary of state who shall file the declaration and endorse a
15 memorandum ~~thereof~~ of the declaration on the record of the certificate of
16 incorporation of the city. Rights and liabilities of the city ~~shall~~ continue in favor of
17 or against the village. Ordinances, so far as within the power of the village, ~~shall~~
18 remain in force until changed.

NOTE: Expands the scope of sub. (6) to include any city, not just a city
incorporated under ss. 66.013 to 66.019 (renumbered ss. 66.0201 to 66.0213), by
changing the reference to "the" city to "any" city.

19 SECTION 42. 66.02 of the statutes, ~~as affected by 1997 Wisconsin Act 29,~~ is
20 renumbered 66.0229 and amended to read:

21 **66.0229 Consolidation.** Subject to s. ~~66.023~~ 66.0307 (7), ~~any~~ a town, village
22 or city may be consolidated with a contiguous town, village or city, by ordinance,
23 passed by a two-thirds vote of all the members of each board or council, fixing the

1 terms of the consolidation and ratified by the electors at a referendum held in each
 2 municipality. The ballots shall bear the words, "for consolidation", and "against
 3 consolidation", and if a majority of the votes cast ~~thereon~~ in each municipality are
 4 for consolidation, the ordinances shall ~~then be in~~ take effect and have the force of a
 5 contract. The ordinance and the result of the referendum shall be certified as
 6 provided in s. ~~66.018~~ 66.0211 (5); if a town the certification shall be preserved as
 7 provided in ss. ~~60.03 and 66.018~~ 66.0211 (5) and 66.0235, respectively. Consolidation
 8 ~~shall does~~ not affect the preexisting rights or liabilities of any municipality and
 9 actions ~~thereon~~ on those rights or liabilities may be commenced or completed as
 10 ~~though if there were no consolidation had been effected. Any.~~ A consolidation
 11 ordinance proposing the consolidation of a town and another municipality shall,
 12 within 10 days after its adoption and prior to its submission to the voters for
 13 ratification at a referendum, be submitted to the circuit court and the department
 14 of administration for a determination whether ~~such~~ the proposed consolidation is in
 15 the public interest. The circuit court shall determine whether the proposed
 16 ordinance meets the formal requirements of this section and shall then refer the
 17 matter to the department of administration, which shall find as prescribed in s.
 18 ~~66.014~~ 66.0203 whether the proposed consolidation is in the public interest in
 19 accordance with the standards in s. ~~66.016~~ 66.0207. The department's findings ~~shall~~
 20 have the same status as incorporation findings under ss. ~~66.014~~ 66.0203 to ~~66.019~~
 21 66.0213.

22

SECTION 43. Subchapter II ^{statute} ~~article~~ of chapter 66 [precedes 66.0201] of the
 23 statutes is created to read:

24

CHAPTER 66

1 SUBCHAPTER II
2 INCORPORATION;
3 MUNICIPAL BOUNDARIES

4 SECTION 44. 66.021 (title) of the statutes is renumbered 66.0217 (title) and
5 amended to read:

6 66.0217 (title) **Annexation of territory initiated by electors and**
7 **property owners.**

8 SECTION 45. 66.021 (1) (intro.) and (a) of the statutes are renumbered 66.0217
9 (1) (intro.) and (a).

10 SECTION 46. 66.021 (1) (am) to (e) of the statutes are renumbered 66.0217 (1)
11 (c) to (g), and 66.0217 (1) (d), (e) and (f), as renumbered, are amended to read:

12 66.0217 (1) (d) “Owner” means the holder of record of an estate in possession
13 in fee simple, or for life, in land or real property, or a vendee of record under a land
14 contract for the sale of an estate in possession in fee simple or for life but does not
15 include the vendor under a land contract. A tenant in common or joint tenant shall
16 be considered ~~such is an~~ an owner to the extent of his or her interest.

17 (e) “Petition” includes the original petition and any counterpart ~~thereof~~ of the
18 original petition.

19 (f) “Real property” means land and the improvements ~~thereon~~ to the land.

20 SECTION 47. 66.021 (2) of the statutes is renumbered 66.0217 (3), and 66.0217
21 (3) (intro.) and (a) (title), as renumbered, are amended to read:

22 66.0217 (3) **METHODS OTHER METHODS OF ANNEXATION.** (intro.) Subject to s.
23 ~~66.023~~ 66.0307 (7), territory contiguous to any a city or village may be annexed
24 thereto to the city or village in the following ways:

25 (a) (title) *Direct annexation by one-half approval.*

1 **SECTION 48.** 66.021 (2m) (title) of the statutes is repealed.

2 **SECTION 49.** 66.021 (2m) of the statutes is renumbered 66.0217 (10) (b) and
3 amended to read:

4 66.0217 (10) (b) ~~Whenever~~ For purposes of this section, if a number of electors
5 cannot be determined on the basis of reported election statistics, the number shall
6 be determined in accordance with s. 60.74 (6).

7 **SECTION 50.** 66.021 (3) of the statutes is renumbered 66.0217 (4), and 66.0217
8 (4) (title), (a) (intro.) and (b), as renumbered, are amended to read:

9 66.0217 (4) (title) NOTICE OF PROPOSED ANNEXATION. (a) (intro.) ~~The An~~
10 annexation under sub. (3) shall be initiated by publishing in the territory proposed
11 for annexation a class 1 notice, under ch. 985, of intention to circulate an annexation
12 petition. The notice shall contain:

13 (b) The person who ~~causes~~ has the notice ~~to be~~ published shall serve a copy of
14 the notice, within 5 days after its publication, upon the clerk of each municipality
15 affected, upon the clerk of each school district affected and upon each owner of land
16 in a town if that land will be in a city or village after the annexation. ~~Such service~~
17 Service may be either by personal service or by ~~registered~~ certified mail with return
18 receipt requested. If required under sub. (6) (a), a copy of the notice shall be mailed
19 to the department as provided in that paragraph.

NOTE: Revises the required service of notice of intention to circulate an annexation petition to include the method of certified mail, rather than registered mail. Certified mail is less expensive than registered mail and there appears to be no policy reason to require registered mail.

20 **SECTION 51.** 66.021 (4) of the statutes is renumbered 66.0217 (5) and amended
21 to read:

22 66.0217 (5) ~~PETITION~~ ANNEXATION PETITION. (a) ~~The An~~ An annexation petition
23 under this section shall state the purpose of the petition, contain a legal description

1 of the territory proposed to be annexed and have attached thereto a scale map. The
2 petition shall also specify the population, ~~as defined in s. 66.013 (2) (b),~~ of the
3 territory. In this paragraph, "population" means the population of the territory as
4 shown by the last federal census, by any subsequent population estimate certified
5 as acceptable by the department or by an actual count certified as acceptable by the
6 department.

NOTE: In addition to the current methods, authorizes the population of the territory to be determined by an actual count, certified as acceptable by the department.

7 (b) No person who has signed a petition ~~shall be permitted to~~ may withdraw
8 his or her name ~~therefrom~~ from the petition. No additional signatures ~~shall~~ may be
9 added after a petition is filed.

10 (c) The circulation of the petition shall commence not less than 10 days nor
11 more than 20 days after the date of publication of the notice of intention to circulate.
12 The annexation petition ~~shall be~~ is void unless filed within 6 months of the date of
13 publication of the notice.

14 **SECTION 52.** 66.021 (5) of the statutes is renumbered 66.0217 (7) and amended
15 to read:

16 66.0217 (7) REFERENDUM. (a) *Notice.* 1. Within 60 days after the filing of the
17 petition under sub. (3), the common council or village board may accept or reject the
18 petition and if rejected no further action ~~shall~~ may be taken ~~thereon~~ on the petition.
19 Acceptance may consist of adoption of an annexation ordinance. Failure to reject the
20 petition ~~shall obligate~~ obligates the city or village to pay the cost of any referendum
21 favorable to annexation.

22 2. If the petition is not rejected the clerk of the city or village with whom the
23 annexation petition is filed shall give written notice ~~thereof~~ of the petition by

1 personal service or registered mail with return receipt requested to the clerk of any
2 town from which territory is proposed to be detached and shall give like notice to any
3 person who files a written request ~~therefor~~ with the clerk. ~~Such~~ The notice shall
4 indicate whether the petition is for direct annexation or whether it requests a
5 referendum on the question of annexation.

6 3. If the notice indicates that the petition is for a referendum on the question
7 of annexation, the town clerk shall give notice as provided in par. (c) of a referendum
8 of the electors residing in the area proposed for annexation to be held within 30 days
9 after the date of personal service or mailing of the notice required under this
10 paragraph. If the notice indicates that the petition is for direct annexation, no
11 referendum shall be held unless, within 30 days after the date of personal service or
12 mailing of the notice required under this paragraph, a petition conforming to the
13 requirements of s. 8.40 requesting a referendum is filed with the town clerk signed
14 by at least 20% of the electors residing in the area proposed to be annexed. If ~~such~~
15 a petition requesting a referendum is filed, the clerk shall give notice as provided in
16 par. (c) of a referendum of the electors residing in the area proposed for annexation
17 to be held within 30 days of the receipt of the petition and shall mail a copy of ~~such~~
18 the notice to the clerk of the city or village to which the annexation is proposed. ~~Any~~
19 The referendum shall be held at ~~some~~ a convenient place within the town to be
20 specified in the notice.

21 (b) *Clerk to act.* If more than one town is involved, the city or village clerk shall
22 determine as nearly as is practicable which town contains the most electors in the
23 area proposed to be annexed and shall indicate in the notice required under par. (a)
24 ~~such~~ that determination. The clerk of the town so designated shall perform the

1 duties required ~~hereunder~~ under this subsection and the election shall be conducted
2 in such ~~the~~ town as are other elections ~~conducted therein~~.

3 (c) *Publication of notice.* The notice shall be published in a newspaper of
4 general circulation in the area proposed to be annexed on the publication day next
5 preceding the referendum election and one week prior to such ~~that~~ that publication.

6 (d) *How conducted.* The referendum shall be conducted by the town election
7 officials but the town board may reduce the number of such ~~election~~ election officials for that
8 election. The ballots shall contain the words "For annexation" and "Against
9 annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election
10 shall be conducted as are other town elections in accordance with chs. 6 and 7 ~~insofar~~
11 as to the extent applicable.

12 (e) *Canvass; statement to be filed.* The election inspectors shall make a
13 statement of the holding of the election showing the whole number of votes cast, and
14 the number cast for and against annexation, attach ~~thereto~~ their affidavit to the
15 statement and immediately file it in the office of the town clerk. They shall file a
16 certified statement of the results in the office of the clerk of each other municipality
17 affected.

18 (f) *Costs.* If the referendum is against annexation, the costs of the election shall
19 be borne by the towns involved in the proportion that the number of electors of each
20 town within the territory proposed to be annexed, voting in the referendum, bears
21 to the total number of electors in such ~~that~~ that territory, voting in the referendum.

22 (g) *Effect.* If the result of the referendum is against annexation, all previous
23 proceedings ~~shall be~~ are nullified. If the result of the referendum is for annexation,
24 failure of any town official to perform literally any duty required by this section ~~shall~~
25 does not invalidate the annexation.

1 SECTION 53. 66.021 (6) (title) of the statutes is renumbered 66.0217 (10) (title)
2 and amended to read:

3 66.0217 (10) (title) QUALIFICATIONS OF ELECTORS AND OWNERS: ELECTOR
4 DETERMINATION.

5 SECTION 54. 66.021 (6) of the statutes is renumbered 66.0217 (10) (a) and
6 amended to read:

7 66.0217 (10) (a) Qualifications Under this section, qualifications as to electors
8 and owners shall be determined as of the date of filing ~~any a~~ petition, except that all
9 qualified electors residing in the territory proposed for annexation on the day of the
10 ~~conduct of a referendum election shall be entitled to~~ may vote therein in the election.
11 Residence and ownership ~~must~~ shall be bona fide and not acquired for the purpose
12 of defeating or invalidating the annexation proceedings.

13 SECTION 55. 66.021 (7) (title), (a), (b) and (d) of the statutes, ~~as affected by 1997~~
14 ~~Wisconsin Act 25~~ are renumbered 66.0217 (8) (title), (a), (b) and (c), and 66.0217 (8)
15 (a) and (c), as renumbered, are amended to read:

16 66.0217 (8) (a) An ordinance for the annexation of the territory described in the
17 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
18 members of the governing body not less than 20 days after the publication of the
19 notice of intention to circulate the petition and not later than 120 days after the date
20 of filing with the city or village clerk of the petition for annexation or of the
21 referendum election if favorable to the annexation. If the annexation is subject to
22 sub. (11) (6) the governing body shall first review the reasons given by the
23 department of ~~administration~~ that the proposed annexation is against the public
24 interest. Subject to s. 59.692 (7), ~~such~~ an ordinance under this subsection may
25 temporarily designate the classification of the annexed area for zoning purposes

1 until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before
2 introduction of an ordinance containing ~~such~~ a temporary classification, the
3 proposed classification shall be referred to and recommended by the plan
4 commission. The authority to make ~~such a~~ temporary classification ~~shall is~~ not be
5 effective when the county ordinance prevails during litigation as provided in s. 59.69
6 (7).

7 (c) The annexation ~~shall be~~ is effective upon enactment of the annexation
8 ordinance. The board of school directors in ~~any city of the first a 1st class shall~~ city
9 is not be required to administer the schools in any territory annexed to ~~any such the~~
10 city until July 1 following ~~such the~~ the annexation.

11 **SECTION 56.** 66.021 (8) of the statutes, ~~as affected by 1997 Wisconsin Act 272~~
12 is renumbered 66.0217 (9) and amended to read:

13 66.0217 (9) FILING REQUIREMENTS; SURVEYS. (a) The clerk of a city or village
14 which has annexed territory shall file immediately with the secretary of state a
15 certified copy of the ordinance, certificate and plat, and shall send one copy to each
16 company that provides any utility service in the area that is annexed. The clerk shall
17 also record the ordinance with the register of deeds and file a signed copy of the
18 ordinance with the clerk of any affected school district. Failure to file, record or send
19 ~~shall does~~ not invalidate the annexation and the duty to file, record or send ~~shall be~~
20 is a continuing one. The ordinance that is filed, recorded or sent shall describe the
21 annexed territory and the associated population. The information filed with the
22 secretary of state shall be utilized in making recommendations for adjustments to
23 entitlements under the federal revenue sharing program and distribution of funds
24 under ch. 79. The clerk shall certify annually to the secretary of state and record with
25 the register of deeds a legal description of the total boundaries of the municipality

1 as those boundaries existed on December 1, unless there has been no change in the
2 12 months preceding.

3 (b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary
4 of state shall forward 2 copies of the ordinance, certificate and plat to the department
5 of transportation, one copy to the department of administration, one copy to the
6 department of revenue, one copy to the department of public instruction, one copy
7 to the department of ~~commerce~~, one copy to the department of natural resources, one
8 copy to the department of agriculture, trade and consumer protection and 2 copies
9 to the clerk of the municipality from which the territory was annexed.

10 (c) Any city or village may direct a survey of its present boundaries to be made,
11 and when properly attested the survey and plat may be filed in the office of the
12 register of deeds in the county in which the city or village is located, ~~whereupon.~~
13 Upon filing, the survey and plat shall be are prima facie evidence of the facts therein
14 set forth in the survey and plat.

15 **SECTION 57.** 66.021 (9) of the statutes is renumbered 66.0217 (12) and amended
16 to read:

17 66.0217 (12) VALIDITY OF PLATS. ~~Where any~~ If an annexation is declared invalid
18 but ~~prior to such~~ before the declaration and subsequent to ~~such~~ the annexation a plat
19 ~~has been is~~ submitted and ~~has been is~~ approved as required in s. 236.10 (1) (a), ~~such~~
20 the plat shall be deemed is validly approved despite the invalidity of the annexation.

21 **SECTION 58.** 66.021 (10) of the statutes is renumbered 66.0217 (11), and
22 66.0217 (11) (title) and (a), as renumbered, are amended to read:

23 66.0217 (11) (title) ACTION TO CONTEST ANNEXATION. (a) An action on any
24 grounds ~~whatsoever, whether denominated~~ procedural or jurisdictional, to contest
25 the validity of an annexation shall be commenced within the time after adoption of

1 the annexation ordinance provided by s. 893.73 (2). During the action, the
2 application of, and jurisdiction over, any county zoning in the area annexed is as
3 provided under s. 59.69 (7).

NOTE: A cross-reference to s. 59.69 (7) is added for convenience.

4 **SECTION 59.** 66.021 (11) of the statutes, ~~as affected by 1997 Wisconsin Act 21~~
5 is renumbered 66.0217 (6), and 66.0217 (6) (title), (a) and (c) (intro.), as renumbered,
6 are amended to read:
7 66.0217 (6) (title) ~~REVIEW~~ DEPARTMENT REVIEW OF ANNEXATIONS. (a) *Annexations*
8 *within populous counties.* No annexation proceeding within a county having a
9 population of 50,000 or more ~~shall be~~ is valid unless the person ~~causing publishing~~
10 a notice of annexation ~~to be published~~ under sub. (3) ~~shall within 5 days of the~~
11 ~~publication mail~~ (4) mails a copy of the notice, ~~legal description and a scale map of~~
12 ~~the proposed annexation~~ to the clerk of each municipality affected and the
13 department of ~~administration~~ within 5 days of the publication. The department may
14 within 20 days after receipt of the notice mail to the clerk of the town within which
15 the territory lies and to the clerk of the proposed annexing village or city a notice that
16 in its opinion the annexation is against the public interest. ~~No later than 10 days~~
17 ~~after mailing the notice, the department shall advise the clerk of the town in which~~
18 ~~the territory is located and the clerk of the village or city to which the annexation is~~
19 ~~proposed and that advises the clerks~~ of the reasons the annexation is against the
20 public interest as defined in par. (c). The annexing municipality shall review the
21 advice before final action is taken.

NOTE: 1. Eliminates, as redundant, reference to mailing a copy of the legal description and scale map since the description and map are a required content of the notice under renumbered sub. (4) (a) [former sub. (3) (a)].

2. Eliminates, as unnecessary, the additional 10 days currently allowed the department of ~~administration~~ administration to give its reason for determining that a proposed

annexation is against the public interest after it gives notice of that determination.

1 (c) *Definition of public interest.* (intro.) For purposes of this subsection "public
2 interest" is determined by the department of ~~administration~~ after consideration of
3 the following:

4 **SECTION 60.** 66.021 (12) of the statutes, as affected by 1997 Wisconsin Act 27,
5 is renumbered 66.0217 (2) and amended to read:

6 66.0217 (2) UNANIMOUS DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If a
7 petition for direct annexation signed by all of the electors residing in the territory and
8 the owners of all of the real property in the territory is filed with the city or village
9 clerk, and with the town clerk of the town or towns in which the territory is located,
10 together with a scale map and a legal description of the property to be annexed, an
11 annexation ordinance for the annexation of the territory may be enacted by a
12 two-thirds vote of the elected members of the governing body of the city or village
13 without compliance with the notice requirements of sub. (3) (4). In such annexations
14 an annexation under this subsection, subject to sub. (11) (6), the person filing the
15 petition with the city or village clerk and the town clerk shall, within 5 days of the
16 filing, mail a copy of the scale map and a legal description of the territory to be
17 annexed to the department of ~~administration~~ and the governing body shall review
18 the advice of the department, if any, before enacting the annexation ordinance.

19 **SECTION 61.** 66.021 (13) of the statutes is repealed. *administration* ✓

NOTE: Repeals as unnecessary a provision providing that the procedure for annexation by unanimous approval under current s. 66.021 (12) does not eliminate the required review by the department of ~~commerce~~ of annexations in counties over 50,000 population. The subsection on annexations by unanimous approval [sub. (12)] expressly states that annexations under that provision are subject to department of administration review.

1

SECTION 62. 66.021 (15) of the statutes, as affected by 1997 Wisconsin Act 27,
is renumbered 66.0221 and amended to read:

3

66.0221 Annexation of and creation of town islands. (1) Upon its own
motion, a city or village by a two-thirds vote of the entire membership of its
governing body may enact an ordinance annexing territory which comprises a
portion of a town or towns and which was completely surrounded by territory of the
city or village on December 2, 1973. The ordinance shall include all surrounded town
areas except those exempt by mutual agreement of all of the governing bodies
involved. The annexation ordinance shall contain a legal description of the territory
and the name of the town or towns from which the territory is detached. Upon
enactment of the ordinance, the city or village clerk immediately shall file 6 certified
copies of the ordinance in the office of the secretary of state, together with 6 copies
of a scale map. The secretary of state shall forward 2 copies of the ordinance and scale
map to the department of transportation, one copy to the department of natural
resources, one copy to the department of revenue and one copy to the department of
administration. This ~~subsection~~ section does not apply if the town island was created
only by the annexation of a railroad right-of-way or drainage ditch. This ~~subsection~~
section does not apply to land owned by a town government which has existing town
government buildings located ~~thereon~~ on the land. No town island may be annexed
under this ~~subsection~~ section if the island consists of over 65 acres or contains over
100 residents. Section 66.0217 (11) applies to annexations under this ~~subsection~~

21

22

NOFF

(2) After December 2, 1973, no city or village may, by annexation, create a town
area which is completely surrounded by the city or village.

24

SECTION 63. 66.021 (16) of the statutes is renumbered 66.0217 (13).

25

SECTION 64. 66.0217 (1) (b) of the statutes is created to read:

1 66.0217 (1) (b) "Department" means the department of administration.

2 **SECTION 65.** 66.0217 (4) (a) 6. of the statutes is created to read:

3 66.0217 (4) (a) 6. A statement that a copy of the scale map may be inspected
4 at the office of the town clerk for the territory proposed to be annexed and the office
5 of the city or village clerk for the city or village to which the territory is proposed to
6 be annexed.

NOTE: Requires that the notice of intent to circulate an annexation petition
indicate that a copy of the scale map may be inspected in the town clerk's or city
or village clerk's office.

7 **SECTION 66.** 66.022 of the statutes is renumbered 66.0227 and amended to
8 read:

9 **66.0227 Detachment of territory.** Subject to s. ~~66.023~~ 66.0307 (7), territory
10 may be detached from ~~any a~~ city or village and be attached to ~~any a~~ city, village or
11 town, to which it is contiguous, ~~in the following manner as follows:~~

12 (1) A petition signed by a majority of the owners of three-fourths of the taxable
13 land in area within ~~such~~ the territory to be detached or, if there is no taxable land
14 ~~therein in the territory~~, by all owners of ~~such~~ land in the territory, shall be filed with
15 the clerk of the city or village from which detachment is sought, within 120 days after
16 the date of publication of a class 1 notice, under ch. 985, of intention to circulate a
17 petition of detachment.

18 (2) An ordinance detaching ~~such~~ the territory may be enacted within 60 days
19 after the filing of ~~such~~ the petition, by a vote of three-fourths of all the members of
20 the governing body of the detaching city or village and its terms accepted within 60
21 days after ~~such~~ enactment, by an ordinance enacted by a vote of three-fourths of all
22 the members of the governing body of the city, village or town to which ~~such~~ the
23 territory shall be ~~annexed~~ is to be attached. The failure of ~~any a~~ governing body to

1 adopt the ordinance ~~as provided herein shall be deemed~~ under this subsection is a
2 rejection of the petition and all proceedings ~~thereunder shall be~~ are void.

3 (3) The governing body of ~~any~~ a city, village or town involved may, or if a petition
4 conforming to the requirements of s. 8.40 signed by a number of qualified electors
5 ~~thereof~~ equal to at least 5% of the votes cast for governor in the city, village or town
6 at the last gubernatorial election, demanding a referendum ~~thereon~~, is presented to
7 it within 30 days after the passage of either of the ordinances ~~herein provided for~~
8 ~~under sub. (2) shall, cause the question to be submitted~~ submit the question to the
9 electors of the city, village or town whose electors petitioned ~~therefor~~ for detachment,
10 at a referendum election called for ~~such~~ that purpose within 30 days after the filing
11 of ~~such~~ the petition, or after the enactment of either ordinance. ~~Whenever~~ If a
12 number of electors cannot be determined on the basis of reported election statistics,
13 the number shall be determined in accordance with s. 60.74 (6). The governing body
14 of the municipality shall appoint 3 election inspectors who ~~shall be~~ are resident
15 electors to supervise the referendum. The ballots shall contain the words "For
16 Detachment" and "Against Detachment". The inspectors shall certify the results of
17 the election by their attached affidavits ~~annexed thereto~~ and file a copy with the clerk
18 of each town, village or city involved, and none of the ordinances ~~so provided for shall~~
19 may take effect nor be in force unless a majority of the electors ~~shall~~ approve the ~~same~~
20 question. The referendum election shall be conducted in accordance with chs. 6 and
21 7 ~~insofar as to the extent~~ applicable.

22 (4) ~~Whenever any~~ If an area which has been subject to a city or village zoning
23 ordinance is detached from one municipality and attached to another ~~in accordance~~
24 ~~with~~ under this section, the regulations imposed by ~~such~~ the zoning ordinance ~~shall~~
25 continue in effect and shall be enforced by the attaching city, village or town until

1 changed by official action of the governing body of ~~such~~ the municipality, except that
2 if the detachment or attachment is contested in the courts, the zoning ordinance of
3 the detaching municipality ~~shall prevail~~ prevails, and ~~such~~ the detaching city or
4 village ~~shall have~~ has jurisdiction over the zoning in the area affected until ultimate
5 determination of the court action.

6 (5) The ordinance, certificate and plat shall be filed and recorded in the same
7 manner as ~~for~~ annexations under s. ~~66.021 (8)~~ 66.0217 (9) (a). The requirements for
8 the secretary of state ~~shall be~~ are the same as in s. ~~66.021 (8)~~ 66.0217 (9) (b).

9 (6) Because the creation of congressional, legislative, supervisory and
10 aldermanic districts of equal population is a matter of statewide concern, any
11 detachment action that affects a tract of land that is the subject of an ordinance
12 enacted or resolution adopted by ~~any~~ a city during the period from January 1, 1990,
13 to April 1, 1991, or any later date, expressing an intent to not exercise the city's
14 authority to annex territory before April 1, 1991, or the specified later date, taken
15 by a municipality during the period beginning on April 1 of the year commencing
16 after each federal decennial census of population and ending on June 30 of the year
17 commencing after that census, is effective on July 1 of the year commencing after
18 that census or at ~~such~~ a later date as ~~may be~~ specified in the detachment ordinance.
19 This subsection first applies to detachments effective after March 31, 1991.

20 **SECTION 67.** 66.023 of the statutes, ~~as affected by 1997 Wisconsin Acts 24 and~~
21 ~~30~~ is renumbered 66.0307, and 66.0307 (4) (c) and (10), as renumbered, are amended
22 to read:

23 66.0307 (4) (c) *Comment on plan.* Any person may comment on the plan during
24 the hearing and may submit written comments before, at or within 20 days following
25 the hearing. All comments shall be considered by each participating municipality.

1 ~~Any~~ A county zoning agency under s. 59.69 (2) or regional planning commission
2 whose jurisdiction includes any participating municipality shall comment in writing
3 on the plan's effect on the master plan adopted by the regional planning commission
4 under s. ~~66.945~~ 66.0309 (9), or development plan adopted by the county board or
5 county planning agency under s. 59.69 (3), and on the delivery of municipal services,
6 and may comment on any other aspect of the plan. ~~Any~~ A county in the regional
7 planning commission's jurisdiction may submit comments on the effect of the
8 cooperative plan on the master plan adopted under s. ~~66.945~~ 66.0309 (9) and on the
9 delivery of county services or on any other matter related to the plan.

10 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS. A
11 boundary change under a cooperative plan shall be accomplished by the enactment
12 of an ordinance by the governing body designated to do so in the plan. The filing and
13 recording requirements under s. ~~66.021(8)~~ 66.0217(9) (a), as they apply to cities and
14 villages under s. ~~66.021(8)~~ 66.0217(9) (a), apply to municipalities under this
15 subsection. The requirements for the secretary of state ~~shall be~~ are the same as those
16 required in s. ~~66.021(8)~~ 66.0217(9) (a).

17 SECTION 68. 66.024 of the statutes is renumbered 66.0219, and 66.0219 (intro.),
18 (1) to (3), (4) (a) and (b) and (5) to (9), as renumbered, are amended to read:

19 **66.0219 Annexation by referendum; ~~court order~~ initiated by city or**
20 **village.** (intro.) As a complete alternative to any other annexation procedure, and
21 subject to s. ~~66.023~~ 66.0307 (7), unincorporated territory which contains electors and
22 is contiguous to a city or village may be annexed ~~thereto in the manner hereafter~~
23 ~~provided to the city or village under this section.~~ The definitions in s. ~~66.021~~ 66.0217
24 (1) ~~shall~~ apply to this section.

1 (1) PROCEDURE FOR ANNEXATION. (a) The governing body of the city or village
2 to which it is proposed to annex territory shall, by resolution adopted by two-thirds
3 of the members-elect, declare its intention to apply to the circuit court for an order
4 for an annexation referendum, and shall publish the resolution in a newspaper
5 having general circulation in the area proposed to be annexed, as a class 1 notice,
6 under ch. 985, ~~and shall cause to be made.~~ The governing body shall prepare a scale
7 map of such the territory to be annexed, showing it in relation to the annexing city
8 or village. The resolution shall contain a description of the territory to be affected,
9 sufficiently accurate to determine its location, the name of the municipalities
10 directly affected and the name and post-office address of the municipal official
11 ~~causing responsible for the publication of the resolution to be published. The person~~
12 ~~who causes the resolution to be published shall serve a.~~ A copy of the resolution
13 together with the scale map shall be served upon the clerk of the town or towns from
14 which the territory is to be detached within 5 days of the date of publication of the
15 resolution. ~~Such service~~ Service may be either by personal service or by registered
16 mail and if by registered mail an affidavit ~~must~~ shall be on file with the annexing
17 body indicating the date ~~said on which the~~ resolution was mailed. The annexation
18 ~~shall be deemed~~ is considered commenced upon publication of the resolution.

19 (b) Application to the circuit court shall be by petition subscribed by the officers
20 designated by the governing body, and shall have attached as a part thereof: the scale
21 map, a certified copy of the resolution of the governing body and an affidavit of the
22 publication and filing required under par. (a). ~~Such~~ The petition shall be filed in the
23 circuit court not less than 30 days but no more than 45 days after the publication of
24 the notice of intention.

1 (2) PROTEST TO COURT BY ELECTORS; HEARING. (a) If, prior to the date set for
2 hearing upon ~~such an~~ application filed under sub. (1)(b), there is filed with the court
3 a petition signed by a number of qualified electors residing in the territory equal to
4 at least a majority of the votes cast for governor in the territory at the last
5 gubernatorial election or the owners of more than one-half of the real property in
6 assessed value in ~~such the~~ territory, protesting against the annexation of ~~such the~~
7 territory, the court shall deny the application for an annexation referendum.
8 ~~Whenever~~ If a number of electors cannot be determined on the basis of reported
9 election statistics, the number shall be determined in accordance with s. 60.74 (6).

10 (b) If a petition protesting the annexation is found insufficient the court shall
11 proceed to hear all parties interested for or against the application. The court may
12 ~~in its discretion~~ adjourn ~~such the~~ hearing from time to time, direct a survey to be
13 made and refer any question for examination and report ~~thereon~~. ~~Any~~ A town whose
14 territory is involved in the proposed annexation shall, upon application, be a party
15 and is entitled to be heard on any relevant matter ~~pertaining thereto~~.

16 (3) DISMISSAL. If for any reason the proceedings are dismissed, the court may,
17 ~~in its discretion~~, order entry of judgment against the city or village for ~~such~~
18 disbursements or any part thereof ~~as have been~~ of disbursements incurred by the
19 parties opposing the annexation.

20 (4) (a) If the court, after ~~such the~~ hearing, is satisfied as to the correctness of
21 ~~that~~ the description of the territory or any survey is accurate and that the provisions
22 of this section have been complied with, it shall make an order so declaring and shall
23 direct a referendum election within the territory ~~which shall be~~ described in the
24 order, on the question, of whether such the area should be annexed. ~~Such~~ The order

1 shall direct 3 electors named ~~therein~~ in the order residing in the town in which the
2 territory proposed to be annexed lies, to perform the duties of inspectors of election.

3 (b) The referendum election shall be held within 30 days after the entry of the
4 order, in the territory proposed for annexation, by the electors of ~~such~~ that territory
5 as provided in s. ~~66.021(5)~~ 66.0217(7), so far as applicable. The ballots shall contain
6 the words “For Annexation” and “Against Annexation”. The certification of the
7 election inspectors shall be filed with the clerk of the court, and the clerk of any
8 municipality involved, but need not be filed or recorded with the register of deeds.

9 (5) DETERMINATION BY VOTE. (a) If a majority of the votes cast at ~~such~~ the
10 referendum election is against annexation, no other proceeding under this section
11 affecting the same territory or part ~~thereof~~, shall of the same territory may be
12 commenced by the same municipality, until 6 months after the date of the
13 referendum election.


14 (b) If a majority of the votes cast at ~~such~~ the referendum election is for
15 annexation, the territory shall be annexed to the petitioning city or village upon
16 compliance with s. ~~66.021(8)~~ 66.0217(9).

17 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim zoning
18 ordinance to become effective only upon approval of the annexation at the
19 referendum election may be enacted by the governing body of the city or village.
20 Subject to s. 59.692 (7), the ordinance may temporarily designate the classification
21 of the annexed area for zoning purposes until the zoning ordinance is amended as
22 prescribed in s. 62.23(7)(d). The proposed interim zoning ordinance shall be referred
23 to and recommended by the plan commission prior to introduction. Authority to
24 make ~~such a~~ temporary classification ~~shall is~~ not be effective when the county zoning
25 ordinance prevails during litigation as provided in s. 59.69 (7).

1 (7) APPEAL. ~~Any appeal~~ An appeal from the order of the circuit court shall be
2 is limited to contested issues determined by ~~such the circuit court~~. Such An appeal
3 shall not stay the conduct of the referendum election ~~provided herein~~, if one is
4 ordered, but the statement of the election results and the copies of the certificate and
5 plat ~~shall~~ may not be filed with the secretary of state until the appeal has been
6 determined.

7 (8) LAW APPLICABLE. Section ~~66.021 (10)~~ shall apply 66.0217 (11) applies to
8 annexations under this section.

9 (9) TERRITORY EXCEPTED. This section shall does not apply to any territory
10 located in an area for which a certificate of incorporation was issued ~~prior to~~ before
11 February 24, 1959, by the secretary of state, even if the incorporation of the territory
12 is later held to be invalid by a court.

13 **SECTION 69.** 66.025 of the statutes ~~as affected by 1997 Wisconsin Act 27~~ is  ✓
14 renumbered 66.0223 and amended to read:

15 **66.0223 Annexation of ~~owned~~ territory owned by a city or village.** In
16 addition to other methods provided by law and subject to ss. 59.692 (7) and ~~66.023~~
17 66.0307 (7), territory owned by and lying near but not necessarily contiguous to a
18 village or city may be annexed to a village or city by ordinance enacted by the board
19 of trustees of the village or the common council of the city, provided that in the case
20 of noncontiguous territory the use of the territory by the city or village is not contrary
21 to any town or county zoning regulation. The ordinance shall contain the exact
22 description of the territory annexed and the names of the towns from which
23 detached, and ~~shall operate to attach~~ attaches the territory to the village or city upon
24 the filing of ~~6~~ 7 certified copies ~~thereof~~ of the ordinance in the office of the secretary
25 of state, together with ~~6~~ 7 copies of a plat showing the boundaries of the territory

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1 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
2 of state to the department of transportation, one copy to the department of
3 administration, one copy to the department of natural resources, one copy to the
4 department of revenue and one copy to the department of public instruction. Within
5 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
6 or delivered to the clerk of the county in which the annexed territory is located.
7 Section 66.0217 (11) applies to annexations under this section.

NOTE: 1. Requires that a copy of the annexation ordinance and the plat showing the boundaries of the attached territory be mailed or delivered to the department of administration and to the county clerk.

2. Provides, for consistency, that the 90-day statute of limitations that applies to challenges to annexations generally (see current ss. 66.021 (10), 66.024 (7) and 893.73 (2) (b)) applies to annexations of owned territory. The 90-day statute of limitations has been held not to apply to this section. [Kaiser v. City of Madison, 99 Wis. 2d 341, 299 NW2d 257 (Ct. App. 1980).]

8 **SECTION 70.** 66.026 of the statutes is renumbered 66.0231 and amended to
9 read:

10 **66.0231 Notice of certain litigation affecting municipal status or**
11 **boundaries.** Whenever any proceedings If a proceeding under ss. 61.187, 61.189,
12 61.74, 62.075, ~~66.012, 66.013 to 66.019, 66.021, 66.022, 66.023, 66.025~~ 66.0201 to
13 66.0213, 66.0215, 66.0217, 66.0221, 66.0223, 66.0227 or 66.0307 or other sections
14 relating to an incorporation, annexation, consolidation, dissolution or detachment of
15 territory of a city or village are is contested by instigation of legal proceedings, the
16 clerk of the city or village involved in the proceedings shall file with the secretary of
17 state 4 copies of a notice of the commencement of the action. The clerk shall ~~also~~ file
18 with the secretary of state 4 copies of any judgments rendered or appeals taken in
19 such cases. The notices or copies of judgments that are required under this section
20 may also be filed by an officer or attorney of any party of interest. The secretary of
21 state shall forward to the department of transportation 2 copies and to the

1 department of revenue and the department of administration one copy each of any
2 notice of action or judgment filed with the secretary of state under this section.

3 **SECTION 71.** 66.027 of the statutes is renumbered 66.0225 and amended to
4 read:

5 **66.0225 Municipal boundaries, fixed by judgment.** Any 2 municipalities
6 whose boundaries are immediately adjacent at any point and who are parties to ~~any~~
7 an action, proceeding or appeal in court for the purpose of testing the validity or
8 invalidity of ~~any~~ an annexation, incorporation, consolidation or detachment, may
9 enter into a written stipulation, compromising and settling ~~any such~~ the litigation
10 and determining the common boundary line between the municipalities. The court
11 having jurisdiction of the litigation, whether ~~it is a~~ the circuit court, the court of
12 appeals or the supreme court, may enter a final judgment incorporating the
13 provisions of the stipulation and fixing the ~~common~~ boundary line between the
14 municipalities involved. ~~Any A~~ stipulation changing boundaries of municipalities
15 shall be approved by the governing bodies of the detaching and annexing
16 municipalities and s. ~~66.021 (8) and (10)~~ 66.0217 (9) and (11) shall apply. ~~Any A~~
17 change of ~~civil~~ municipal boundaries under this section is subject to a referendum
18 of the electors residing within the territory annexed or detached, if within 30 days
19 after the publication of the stipulation to change boundaries in a newspaper of
20 general circulation in the area proposed to be annexed or detached, a petition for a
21 referendum conforming to the requirements of s. 8.40 signed by at least 20% of the
22 electors of the area to be annexed or detached, is filed with the clerk of the
23 municipality from which the area is proposed to be detached. The referendum shall
24 be conducted as are annexation referenda. If the referendum election is opposed to
25 detachment from the municipality, all proceedings under this section are void. ~~For~~

1 the purposes of In this section, "municipalities" ~~includes~~ means cities, villages and
2 towns.

3 SECTION 72. 66.028 of the statutes is renumbered 66.0305, and 66.0305 (4) (b),
4 as renumbered, is amended to read:

5 66.0305 (4) (b) An agreement entered into under sub. (2) may address any other
6 appropriate matters, including any agreements with respect to services or
7 agreements with respect to municipal boundaries under s. ~~66.023 or 66.027~~ 66.0225
8 or 66.0307.

9 SECTION 73. 66.029 of the statutes is renumbered 66.0233 and amended to
10 read:

11 **66.0233 Town boundaries, participation in actions to test alterations**
12 **of town boundaries.** In proceedings whereby a proceeding in which territory is
13 may be attached to or detached from ~~any a~~ town, the town is an interested party, and
14 the town board may institute, maintain or defend an action brought to test the
15 validity of ~~such~~ the proceedings, and may intervene or be impleaded in ~~any such~~ the
16 action.

Handwritten note: "insert 60A" with an arrow pointing to line 17.

17 SECTION 74. 66.03 of the statutes, ~~as affected by 1997 Wisconsin Acts 27 and~~
18 ~~207,~~ is renumbered 66.0235, and 66.0235 (1), (2), (2c) (a) 2., (2m) to (10), (11) (a) 4.
19 and (b) and (13) (a) 1. and (aa) to (c), as renumbered, are amended to read:

20 66.0235 (1) DEFINITION. In this section, "municipality local governmental unit"
21 includes means town sanitary districts, school districts, technical college districts,
22 towns, villages and cities.

23 (2) BASIS. (a) Except as otherwise provided in this section or in s. 60.79 (2) (c)
24 when territory is transferred, in any manner provided by law, from one municipality
25 local governmental unit to another, there shall be assigned to ~~such other~~

Section 1604

insert 60A ✓

SECTION #. 66.0295 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1001, and 66.1001 (1)(a)3, (2)(g) and (3)(a) to (f) and (o), as renumbered, are amended to read:

66.1001(1)(a)

66.0309 ✓

3. For a regional planning commission, a master plan that is adopted or amended under s. ~~66.945~~ (8), (9) or (10).

(2)

(g) Intergovernmental cooperation element. A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. ~~66.023, 66.30 or 66.945~~. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

check - 66.0301

66.0301, 66.0307 or 66.0309 ✓

(3)

under s. 66.0201, 66.0203 or 66.0215 ✓
21, 66.024 66.0217, 66.0219 or 66.0223 ✓
tered into 66.0229 ✓
by judg- 66.0227 ✓

~~66.0225~~
~~66.0307~~

(o) Impact fee ordinances that are enacted or amended under s. ~~66.55~~

66.0617 ✓

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~~municipality the latter local governmental unit~~ such proportion of the assets and liabilities of the first ~~municipality~~ local governmental unit as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire ~~municipality~~ local governmental unit from which ~~said the~~ territory is taken according to the last assessment roll of such ~~municipality the local governmental unit~~. The clerk of any ~~municipality a local governmental unit~~ to which territory is transferred as aforesaid, within 30 days of the effective date of such ~~the~~ transfer, shall certify to the clerk of the ~~municipality local governmental unit~~ from which such territory was transferred and to the clerk of the school district in which such ~~the~~ territory is located a metes and bounds description of the land area involved and upon Upon receipt of such ~~the~~ description the clerk of the ~~municipality local governmental unit~~ from which such ~~the~~ territory was transferred shall certify to the department of revenue and to the clerk of the school district in which such ~~the~~ territory is located the latest assessed value of the real and personal property located within the transferred territory, and shall make such any further reports as ~~may be~~ needed by the department of revenue in the performance of duties required by law.

(b) When the transfer of territory from one ~~municipality local governmental unit~~ to another results from the incorporation of a new city or village, the proportion of the assets and liabilities assigned to such ~~the new~~ city or village shall be based on the average assessed valuation for the preceding 5 years of the property transferred in proportion to the average assessed valuation for the preceding 5 years of all the taxable property of the entire ~~municipality local governmental unit~~ from which ~~said the~~ territory is taken, according to the assessment rolls of such ~~municipality the local governmental unit~~ for ~~said those~~ years. ~~In any such case the~~ The certification by the

1 clerk of the ~~municipality~~ local governmental unit from which territory was
2 transferred because of the incorporation shall include the assessed value of the real
3 and personal property within the territory transferred for each of the last 5 years.
4 The preceding 5 years shall include the assessment rolls for the 5 calendar years
5 prior to the incorporation.

6 (2c) (a) 2. The clerk of any school district to which territory is transferred,
7 within 30 days of the effective date of the transfer, shall certify to the clerk of the
8 ~~municipality~~ local governmental unit from which the territory was transferred a
9 metes and bounds description of the land area involved. Upon receipt of the
10 description the clerk of the ~~municipality~~ local governmental unit from which the
11 territory was transferred shall certify to the department of revenue the latest
12 assessed value of the real and personal property located within the transferred
13 territory, file one copy of the certification with the school district clerk and one copy
14 with the department of public instruction and make ~~such~~ any further reports as are
15 needed by the department of revenue in the performance of duties required by law.

16 (2m) ATTACHMENT AND DETACHMENT WITHIN 5 YEARS. ~~Whenever~~ If territory is
17 attached to or consolidated with a school district, and the territory or any part thereof
18 of the territory is detached ~~therefrom~~ from the district within 5 years after the
19 attachment or consolidation, the school district to which it is transferred ~~shall be~~ is
20 entitled, in the apportionment of assets and liabilities, only to the assets or liabilities
21 or proportionate part thereof apportioned to the school district as the result of the
22 original attachment or consolidation.

23 (3) REAL ESTATE. (a) The title to real estate ~~shall~~ may not be transferred under
24 this section except by agreement, but the value ~~thereof~~ of real estate shall be included

1 in determining the assets of the ~~municipality~~ local governmental unit owning the
2 same real estate and in making the adjustment of assets and liabilities.

3 (b) The right to possession and control of school buildings and sites ~~shall pass~~
4 passes to the school district in which they are situated immediately upon the
5 attachment or detachment of any school district territory becoming effective, except
6 that in 1st class city school districts the right to possession and control of school
7 buildings and sites ~~shall pass~~ passes on July 1 following the adoption of the ordinance
8 authorized by s. ~~66.021 (7)~~ 66.0217 (8). The asset value of school buildings and sites
9 shall be the value of the use ~~thereof~~ of the buildings and sites, which shall be
10 determined at the time of adjustment of assets and liabilities.

11 (c) When as a result of ~~any an~~ an annexation ~~whereby~~ a school district is left
12 without a school building, any moneys are received by ~~such the~~ the school district as a
13 result of the division of assets and liabilities required by s. ~~66.03~~ this section, which
14 are derived from values that were capital assets, ~~such the~~ the moneys and interest
15 thereon on the moneys shall be held in trust by ~~such the~~ the school district and dispensed
16 only for procuring new capital assets or remitted to an operating district as the
17 remainder of the suspended district becomes a part of ~~such the~~ the operating district, and
18 ~~shall in no case may not~~ may not be used to meet current operating expenditures. ~~This shall~~
19 ~~include any funds in the hands of any district officers on July 1, 1953, resulting from~~
20 ~~such action previously taken under s. 66.03.~~ The boards involved shall, as part of
21 their duties in division of assets and liabilities in school districts, make a written
22 report of the allocation of assets and liabilities to the state superintendent of public
23 instruction and any local superintendent of schools whose territory is involved in the
24 division of assets.

1 (4) PUBLIC UTILITIES. ~~Any~~ A public utility plant, including any dam, power
2 house, power transmission line and other structures and property operated and used
3 in connection ~~therewith shall belong with the plant, belongs~~ to the ~~municipality~~ local
4 governmental unit in which the major portion of the patrons of ~~such the~~ utility reside.
5 The value of ~~such the~~ utility, unless fixed by agreement of all parties interested shall
6 be determined and fixed by the public service commission upon notice to the
7 ~~municipalities~~ local governmental units interested, in the manner provided by law.
8 The commission shall certify the amount of the compensation to the clerks of each
9 ~~municipality~~ local governmental unit interested and ~~said that~~ amount shall be used
10 by the apportionment board ~~or boards~~ in adjusting assets and liabilities.

11 (5) APPORTIONMENT BOARD. The boards or councils of the ~~municipalities~~ local
12 governmental units, or committees, ~~thereof~~ selected for that purpose, acting
13 together, ~~shall~~ constitute an apportionment board. When any ~~municipality~~ a local
14 governmental unit is dissolved ~~by reason of~~ because all of its territory ~~being so is~~
15 transferred the board or council ~~thereof of the local governmental unit~~ existing at the
16 time of ~~such~~ dissolution shall, for the purpose of this section, continue to exist as the
17 governing body of ~~such municipality~~ the local governmental unit until there has been
18 an apportionment of assets by agreement of the interested ~~municipalities~~ local
19 governmental units or by an order of the circuit court. After an agreement for
20 apportionment of assets has been entered into between the interested ~~municipalities~~
21 local governmental units, or an order of the circuit court becomes final, a copy of ~~such~~
22 ~~the~~ apportionment agreement, or of ~~such the~~ order, certified to by the clerks of the
23 interested ~~municipalities~~ local governmental units, shall be filed with the
24 department of revenue, the department of natural resources, the department of
25 transportation, the state superintendent of public instruction, the department of

1 administration, and with any other department or agency of the state from which the
2 town may be entitled by law to receive funds or certifications or orders relating to the
3 distribution or disbursement of funds, with the county treasurer, with the treasurer
4 of any ~~municipality~~ local governmental unit, or with any other entity from which
5 payment would have become due if ~~such the dissolved municipality from which such~~
6 ~~territory was transferred~~ local governmental unit had continued in existence.
7 Subject to ss. 79.006 and 86.303 (4), ~~thereafter~~ payments from the shared revenue
8 account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of
9 transportation aids under s. 20.395, of state aids for school purposes under ch. 121,
10 payments for managed forest land under subch. VI of ch. 77 and all payments due
11 from a department or agency of the state, from a county, from a ~~municipality~~ local
12 governmental unit, or from any other entity from which payments would have
13 become due if ~~such the dissolved municipality from which such territory was~~
14 ~~transferred~~ local governmental unit had continued in existence, shall be paid to the
15 interested ~~municipality~~ local governmental unit as provided by ~~such the~~ agreement
16 for apportionment of assets or by any order of apportionment by the circuit court and
17 ~~such the~~ payments shall have the same force and effect as if made to the dissolved
18 ~~municipality from which such territory was transferred~~ local governmental unit.

19 (6) MEETING. The board or council of the ~~municipality~~ local governmental unit
20 to which the territory is transferred shall fix a time and place for meeting and cause
21 give a written notice ~~thereof of the meeting to be given~~ the clerk of the ~~municipality~~
22 local governmental unit from which the territory is taken at least 5 days prior to the
23 date of the meeting. The apportionment may be made only by a majority of the
24 members from each ~~municipality~~ local governmental unit who attend, and in case of

1 committees, the action ~~must~~ shall be affirmed by the board or council represented by
2 the committee.

3 (7) ADJUSTMENT, HOW MADE. (a) The apportionment board shall determine,
4 except for public utilities, ~~such~~ assets and liabilities from the best information
5 obtainable and shall assign to the ~~municipality~~ local governmental unit to which the
6 territory is transferred its proper proportion ~~thereof~~ of assets and liabilities by
7 assigning the excess of liabilities over assets, or by assigning any particular asset or
8 liability to either ~~municipality~~ local governmental unit, or in ~~such other~~ another
9 manner ~~as will best meet~~ that meets the requirements of the particular case.

10 (b) If a proportionate share of any indebtedness existing by reason of municipal
11 bonds or other obligations outstanding is assigned to ~~any municipality~~ a local
12 governmental unit, that ~~municipality~~ local governmental unit shall ~~cause to be~~
13 ~~levied and collected~~ levy and collect upon all its taxable property, in one sum or in
14 annual instalments, the amount necessary to pay the principal and interest ~~thereon~~
15 when due, and shall pay the amount ~~so~~ collected to the treasurer of the ~~municipality~~
16 local governmental unit which issued the bonds or incurred the obligations. The
17 treasurer shall apply the moneys ~~so~~ received strictly to the payment of ~~such~~ the
18 principal and interest.

19 (c) If the asset apportioned consists of an aid or tax to be distributed in the
20 future according to population, the apportionment board shall certify to the officer,
21 agency or department responsible for making the distribution each ~~municipality's~~
22 local governmental unit's proportionate share of ~~such~~ the asset as determined in
23 accordance with sub. (2). The officer, agency or department shall ~~thereafter~~
24 distribute ~~such~~ the aid or tax directly to the several ~~municipalities~~ local
25 governmental units according to ~~such~~ the certification until the next federal census.

1 (8) APPEAL TO COURT. ~~In case~~ If the apportionment board is unable to agree, the
2 circuit court of the county in which either municipality local governmental unit is
3 situated, may, upon the petition of either municipality local governmental unit,
4 make the adjustment of assets and liabilities ~~pursuant to~~ under this section,
5 including review of any alternative method provided ~~for~~ in sub. (2c) (b) and the
6 correctness of the findings ~~thereunder~~ made under sub. (2c) (b).

7 (9) TRANSCRIPT OF RECORDS. ~~When~~ If territory shall be is detached from a
8 municipality by creation of a new municipality or otherwise local governmental unit,
9 the proper officer of the municipality local governmental unit from which the
10 territory was detached shall furnish, upon demand by the proper officer of the
11 municipality local governmental unit created from the detached territory or to which
12 it is annexed, ^{an} authenticated transcript of all public records in that officer's office
13 pertaining to the detached territory. The municipality local governmental unit
14 receiving the transcript shall pay ~~therefor~~ for the transcript.

15 (10) STATE TRUST FUND LOANS. When territory transferred in any manner
16 provided by law from one municipality local governmental unit to another is liable
17 for state trust fund loans secured under subch. II of ch. 24, the clerk of the
18 municipality local governmental unit to which territory is transferred shall within
19 30 days of the effective date of ~~such~~ the transfer certify a metes and bounds
20 description of the transferred area to the clerk of the municipality local
21 governmental unit from which the land was transferred. ~~Thereupon, the~~ The clerk
22 of the municipality local governmental unit from which ~~such~~ territory was
23 transferred shall then certify to the board of commissioners of public lands: ~~(a)~~ the
24 effective date of ~~such~~ the transfer of territory; ~~(b)~~, the last preceding assessed
25 valuation of the territory liable for state trust fund loans ~~prior to~~ before transfer of

1 a part of ~~such~~ the territory; ~~(e) and~~ the assessed valuation of the territory ~~se~~
2 transferred. ~~Thereafter, the~~ The board shall in making its annual certifications of
3 the amounts due on account of state trust fund loans distribute annual charges for
4 interest and principal on ~~any such~~ outstanding loans covered by this subsection in
5 the proportion that the assessed valuation of the territory ~~se~~ transferred ~~shall bear~~
6 bears to the assessed valuation of the area liable for state trust fund loans as
7 constituted immediately before the transfer of territory, ~~provided, however, that any.~~
8 A transfer of territory effective subsequent to January 1 of any year ~~shall~~ may not
9 be considered until the succeeding year.

10 (11) (a) 4. The name of the school district to which the transfer was made
11 immediately after the effective date of ~~such~~ the transfer.

12 (b) ~~Thereafter, in~~ In making ~~their~~ the annual certifications of the amounts due
13 on account of state trust fund loans the board of commissioners of public lands shall
14 use the new name of the school district, ~~provided that any.~~ A transfer of territory
15 effective subsequent to January 1 of any year ~~shall~~ may not be considered by it until
16 the succeeding year.

17 (13) (a) 1. Subject to subd. 2., if any territory is annexed, detached or
18 incorporated in any year, general property taxes levied against the territory shall be
19 collected by the treasurer of the ~~municipality~~ local governmental unit in which the
20 territory was located on January 1 of such year, and all moneys collected from the
21 tax levied for local municipal purposes shall be allocated to each of the ~~municipalities~~
22 local governmental units on the basis of the portion of the calendar year the territory
23 was located in each of the ~~municipalities~~ local governmental units, and paid
24 accordingly.

1 (aa) *Apportionment when town is nonexistent.* If the town in which territory
2 was located on January 1 is nonexistent when the city or village determines its
3 budget, any taxes certified to the town or required by law to be levied against ~~such~~
4 the territory shall be included in the budget of the city or village and levied against
5 ~~such~~ the territory, together with the city or village tax for local municipal purposes.

6 (b) *Special taxes and assessments.* ~~Whenever~~ If territory is transferred from
7 one ~~municipality~~ local governmental unit to another by annexation, detachment,
8 consolidation or incorporation, or returns to its former status by reason of court
9 determination, any special tax or assessment outstanding against ~~any~~ property in
10 the territory shall be collected by the treasurer of the ~~municipality wherein~~ local
11 governmental unit in which the property is located, according to the terms of the
12 ordinance or resolution levying ~~such~~ the tax or assessment. ~~Such~~ The special tax or
13 assessment, when collected, shall be paid to the treasurer of the ~~municipality~~ local
14 governmental unit which levied the special tax or assessment, or if the ~~municipality~~
15 local governmental unit is nonexistent, the collecting treasurer shall apply the
16 collected funds to any obligation for which purpose the tax or assessment was levied
17 and which remains outstanding; ~~provided that if~~ If no such obligation is
18 outstanding, the collected funds shall be paid into the school fund of the school
19 district in which the territory is located.

20 (bb) *Apportionment when court returns territory to former status.* ~~Whenever~~
21 If territory which has been annexed, consolidated, detached or incorporated returns
22 to its former status by reason of a final court determination, there shall be an
23 apportionment of general property taxes and current aids and shared revenues ~~to~~
24 ~~adjust such assets~~ between the ~~municipalities~~ local governmental units, and no other
25 apportionment of assets and liabilities. The basis of the apportionment shall be

1 determined by the apportionment board subject to appeal to the circuit court, ~~but the~~
 2 The apportionment shall insofar as to the extent practicable equitably adjust ~~such~~
 3 ~~assets~~ the taxes, aids and revenues between the ~~municipalities~~ local governmental
 4 units involved on the basis of the portion of the calendar year the territory was
 5 located in the respective ~~municipalities~~ local governmental units.

6 (c) *Certification by clerk.* The clerk of the ~~municipality~~ local governmental unit
 7 which assessed ~~such~~ the special and general tax and special assessment shall certify
 8 to the clerk of the ~~municipality~~ local governmental unit to which the territory was
 9 attached or returned, a list of all the property located ~~therein~~ in the attached or
 10 returned territory to which is charged any uncollected taxes and assessments. The
 11 certification shall be made within 30 days after the effective date of the transfer of
 12 the property, but failure to so certify ~~shall~~ does not affect the validity of the claim.

13 **SECTION 75.** Subchapter III ~~(title)~~ ⁵⁴³⁴ of chapter 66 [precedes 66.0301] of the
 14 statutes is created to read:

15 **CHAPTER 66**

16 **SUBCHAPTER III**

17 **INTERGOVERNMENTAL COOPERATION**

18 **SECTION 76.** 66.0303 (title) and (1) of the statutes are created to read:

19 **66.0303** (title) **Municipal interstate cooperation.** (1) In this section,
 20 "municipality" has the meaning given in s. 66.0301 (1) (a).

21 **SECTION 77.** 66.031 (title) of the statutes is renumbered 66.0401 (title) and
 22 amended to read:

23 **66.0401** (title) **Regulation of relating to solar and wind energy systems.**

NOTE: Amends the title to reflect the consolidation of current ss. 66.031 and
 66.033.

1 **SECTION 78.** 66.031 of the statutes is renumbered 66.0401 (1), and 66.0401 (1)
2 (intro.), as renumbered, is amended to read:

3 66.0401 (1) AUTHORITY TO RESTRICT SYSTEMS LIMITED. (intro.) No county, city,
4 town or village may place any restriction, either directly or in effect, on the
5 installation or use of a solar energy system, as defined in s. 13.48(2)(h) l. g., or a wind
6 energy system, as defined in s. ~~66.032~~ 66.0415 (1)(m), unless the restriction satisfies
7 one of the following conditions:

8 **SECTION 79.** 66.0311 (title) and (1) of the statutes are created to read:

9 **66.0311** (title) **Intergovernmental cooperation in financing and**
10 **undertaking housing projects.** (1) In this section, “municipality” has the
11 meaning given in s. 66.0301 (1) (a).

12 **SECTION 80.** 66.0313 (1) of the statutes is created to read:

13 66.0313 (1) In this section, “law enforcement agency” has the meaning given
14 in s. 165.83 (1) (b).

NOTE: Creates a definition of the term “law enforcement agency” for use in
renumbered s. 66.0313 (2) as shown in SECTION 349 of this bill.

15 **SECTION 81.** 66.032 of the statutes is renumbered 66.0403, and 66.0403 (1) (h),
16 as renumbered, is amended to read:

17 66.0403 (1) (h) “Owner” means at least one owner, as defined under s. ~~66.021~~
18 ~~(1) (b)~~ 66.0217 (1) (c), of a property or the personal representative of at least one
19 owner.

20 **SECTION 82.** 66.033 (title) of the statutes is repealed.

21 **SECTION 83.** 66.033 of the statutes is renumbered 66.0401 (2) and amended to
22 read:

1 66.0401 (2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. Any A
 2 county, city, village or town may provide by ordinance for the trimming of vegetation
 3 which blocks solar energy, as defined in s. ~~66.032~~ 66.0415 (1) (k), from a collector
 4 surface, as defined under s. 700.41 (2) (b), or which ~~block~~ blocks wind from a wind
 5 energy system, as defined in s. ~~66.032~~ 66.0415 (1) (m). The ordinance may include,
 6 but is not limited to, a designation of responsibility for the costs of the trimming. The
 7 ordinance may not require the trimming of vegetation that was planted by the owner
 8 or occupant of the property on which the vegetation is located before the installation
 9 of the solar or wind energy system.

10 **SECTION 84.** 66.035 of the statutes is repealed.

NOTE: The substance of the repealed section is restated in new s. 66.0103. See SECTION 28 of this bill.

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11 **SECTION 85.** 66.036 of the statutes is renumbered 145.195.

12 **SECTION 86.** 66.037 of the statutes is renumbered 66.1111.

13 **SECTION 87.** 66.04 (title) of the statutes is renumbered 66.0601 (title).

14 **SECTION 88.** 66.04 (1) of the statutes, ~~as affected by 1997 Wisconsin Act 27~~ is
 15 renumbered 66.0601 (1) (a) and amended to read:

16 66.0601 (1) (a) *Bonus to state institution.* No appropriation or bonus of any
 17 kind, except for a donation, may be made by any a town, village, or city, nor any
 18 municipal liability created nor tax levied, as a consideration or inducement to the
 19 state to locate any public educational, charitable, reformatory, or penal institution.

20 **SECTION 89.** 66.04 (1m) (title) of the statutes, ~~as affected by 1997 Wisconsin Act,~~
 21 ~~27~~ is repealed.

22 **SECTION 90.** 66.04 (1m) (a) and (b) of the statutes, as affected by 1997 Wisconsin
 23 Act ~~27~~, are renumbered 66.0601 (1) (b) and (c).

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SECTION 91. 66.04 (2), (2m) and (2s) of the statutes, ~~as affected by 1997~~
~~Wisconsin Act 318~~ are renumbered 66.0603 (1), (2) and (3), and 66.0603 (1) (a)
(intro.) and (b) to (d) and (2) (intro.), as renumbered, are amended to read:

66.0603 (1) (a) (intro.) ~~Any A~~ county, city, village, town, school district, drainage
district, technical college district or other governing board as defined by s. 34.01 (1)
may invest any of its funds not immediately needed in any of the following:

(b) ~~Any A~~ town, city or village may invest surplus funds in any bonds or
securities issued under the authority of the municipality, whether the bonds or
securities create a ~~general~~ municipality liability or a liability of the property owners
of the municipality for special improvements, and may sell or hypothecate the bonds
or securities. Funds of ~~any an~~ employer, as defined by s. 40.02 (28), in a deferred
compensation plan may also be invested and reinvested in the same manner
authorized for investments under s. 881.01 (1).

(c) ~~Any A~~ local government, as defined under s. 25.50 (1) (d), may invest surplus
funds in the local government pooled-investment fund. Cemetery care funds,
including gifts where the principal is to be kept intact, may also be invested under
ch. 881.

(d) ~~Any A~~ county, city, village, town, school district, drainage district, technical
college district or other governing board as defined by s. 34.01 (1) may engage in
financial transactions in which a public depository, as defined in s. 34.01 (5), agrees
to repay funds advanced to it by the local government plus interest, if the agreement
is secured by bonds or securities issued or guaranteed as to principal and interest by
the federal government.

(2) DELEGATION OF INVESTMENT AUTHORITY. (intro.) ~~Any A~~ county, city, village,
town, school district, drainage district, technical college district or other governing

1 board, as defined in s. 34.01 (1), may delegate the investment authority over any of
2 its funds not immediately needed to a state or national bank, or trust company, which
3 is authorized to transact business in this state if all of the following conditions are
4 met:

5 SECTION 92. 66.04 (3) of the statutes is renumbered 66.0601 (2).

6 SECTION 93. 66.04 (4) of the statutes is renumbered 66.0603 (4) and amended
7 to read:

8 66.0603 (4) INVESTED FUND PROCEEDS IN POPULOUS CITIES, USE. In any city of the
9 first a 1st class city, all interest derived from invested funds held by the city treasurer
10 in a custodial capacity on behalf of any political entity, except for pension funds, shall
11 be deemed is general revenues revenue of such the city and shall revert to the city's
12 general fund, conditioned upon the approval by such the political entity evidenced
13 by a resolution adopted for that purpose.

14 SECTION 94. Subchapter IV ^{RS 14} of chapter 66 [precedes 66.0401] of the
15 statutes is created to read:

16 CHAPTER 66

17 SUBCHAPTER IV

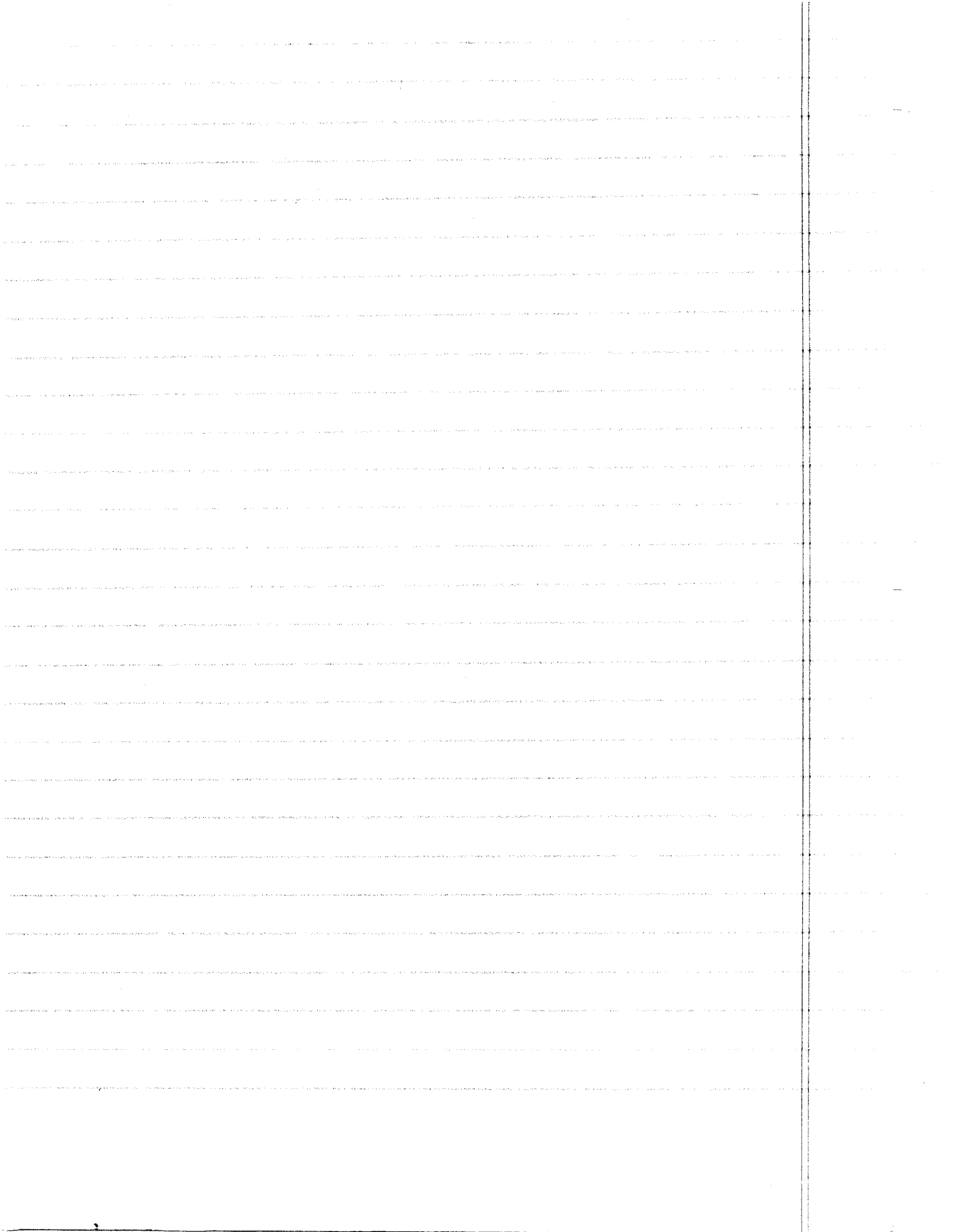
18 REGULATION

19 SECTION 95. 66.041 of the statutes is renumbered 66.0605 and amended to
20 read:

21 66.0605 Local government audits and reports. Notwithstanding any
22 other statute, the governing body of any a county, city, village or town may require
23 or authorize a financial audit of any a municipal or county officer, department, board,
24 commission, function or activity financed in whole or part from municipal or county
25 funds, or if any portion of the funds thereof are the funds of such the county, city,

insert 72A

SECTION ~~#~~[✓] 66.034 of the statutes,
as created by 1999 Wisconsin Act 2,
is renumbered 66.1027.



1 village or town. The governing body may likewise require submission of periodic
2 financial reports by ~~any such~~ the officer, department, board, commission, function
3 or activity.

4 **SECTION 96.** 66.0413 (1) (title) of the statutes is created to read:

5 66.0413 (1) (title) AUTHORITY AND PROCEDURE.

6 **SECTION 97.** 66.0413 (1) (a) and (b) of the statutes are created to read:

7 66.0413 (1) (a) *Definitions.* In this subsection:

8 1. “Building” includes any building or structure or any portion of a building or
9 structure.

10 2. “Raze a building” means to demolish and remove the building and to restore
11 the site to a dust-free and erosion-free condition.

12 (b) *Raze order.* The governing body, building inspector or other designated
13 officer of a municipality may:

14 1. If a building is old, dilapidated or out of repair and consequently dangerous,
15 unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to
16 repair, order the owner of the building to raze the building or, if the building can be
17 made safe by reasonable repairs, order the owner to either make the building safe
18 and sanitary or to raze the building, at the owner’s option.

19 2. If there has been a cessation of normal construction of a building for a period
20 of more than 2 years, order the owner of the building to raze the building.

NOTE: Paragraphs (a) and (b) restate s. 66.05 (1g) and a portion of sub. (1m) (a).
See SECTION 133 of the bill.

21 **SECTION 98.** 66.0413 (1) (br) (title) of the statutes is created to read:

22 66.0413 (1) (br) (title) *Notice of unfitness for occupancy or use; penalty.*

23 **SECTION 99.** 66.0413 (1) (br) 1. of the statutes is created to read:

1 66.0413 (1) (br) 1. If a building subject to an order under par. (b) is unsanitary
2 and unfit for human habitation, occupancy or use and is not in danger of structural
3 collapse, the building inspector or other designated officer shall post a placard on the
4 premises containing the following notice: "This Building May Not Be Used For
5 Human Habitation, Occupancy or Use." The building inspector or other designated
6 officer shall prohibit use of the building for human habitation, occupancy or use until
7 necessary repairs have been made.

NOTE: Restates the last 2 sentences of current s. 66.05 (2) (a), deleted by
SECTION 137.

8 **SECTION 100.** 66.0413 (1) (d) of the statutes is created to read:

9 66.0413 (1) (d) *Service of order.* An order under par. (b) shall be served on the
10 owner of record of the building that is subject to the order or on the owner's agent if
11 the agent is in charge of the building in the same manner as a summons is served
12 in circuit court. An order under par. (b) shall be served on the holder of an
13 encumbrance of record by 1st class mail at the holder's last-known address and by
14 publication as a class 1 notice under ch. 985. If the owner and the owner's agent
15 cannot be found or if the owner is deceased and an estate has not been opened, the
16 order may be served by posting it on the main entrance of the building and by
17 publishing it as a class 1 notice under ch. 985 before the time limited in the order
18 begins to run. The time limited in the order begins to run from the date of service
19 on the owner or owner's agent or, if the owner and agent cannot be found, from the
20 date that the order was posted on the building.

NOTE: Restates a portion of s. 66.05 (1m) (a).

21 **SECTION 101.** 66.0413 (1) (k) of the statutes is created to read:

22 66.0413 (1) (k) *Public nuisance procedure.* A building which is determined
23 under par. (b) 1. to be old, dilapidated or out of repair and consequently dangerous,

1 unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to
2 repair may be proceeded against as a public nuisance under ch. 823.

NOTE: Restates for convenience, in renumbered s. 66.0413, current s. 823.21.

3 **SECTION 102.** 66.0413 (1) (L) (title) of the statutes is created to read:

4 66.0413 (1) (L) (title) *Effect of subsection.*

5 **SECTION 103.** 66.0413 (2) (title) of the statutes is created to read:

6 66.0413 (2) (title) RAZING BUILDING THAT IS A PUBLIC NUISANCE; IN REM PROCEDURE.

7 **SECTION 104.** 66.0413 (2) (a) 2. and 3. of the statutes are created to read:

8 66.0413 (2) (a) 2. "Public nuisance" means a building that, as a result of
9 vandalism or any other reason, has deteriorated or is dilapidated or blighted to the
10 extent that windows, doors or other openings, plumbing or heating fixtures, or
11 facilities or appurtenances of the building are damaged, destroyed or removed so that
12 the building offends the aesthetic character of the immediate neighborhood and
13 produces blight or deterioration.

14 3. "Raze a building" means to demolish and remove the building and to restore
15 the site to a dust-free and erosion-free condition.

NOTE: Restates s. 66.05 (8) (d), repealed by SECTION 145 of this bill.

16 **SECTION 105.** 66.0413 (3) (title) of the statutes is created to read:

17 66.0413 (3) (title) RAZING HISTORIC BUILDINGS.

18 **SECTION 106.** 66.0413 (4) (title) of the statutes is created to read:

19 66.0413 (4) (title) FIRST CLASS CITIES; OTHER PROVISIONS.

20 **SECTION 107.** 66.042 of the statutes is renumbered 66.0607 and amended to
21 read:

22 **66.0607 Withdrawal or disbursement from local treasury.** (1) Except as
23 otherwise provided in subs. (2) to (5), in ~~every~~ a county, city, village, town and or

1 school district, all disbursements from the treasury shall be made by the treasurer
2 thereof upon the written order of the county, city, village, town or school clerk after
3 proper vouchers have been filed in the office of the clerk; ~~and in all cases where.~~ If
4 the statutes provide for payment by the treasurer without an order of the clerk, it
5 ~~shall hereafter be the duty of the clerk to~~ shall draw and deliver to the treasurer an
6 order therefor for the payment before or at the time when such that the payment is
7 required to be made by the treasurer. ~~The provisions of this~~ This section ~~shall apply~~
8 applies to all special and general provisions of the statutes relative to the
9 disbursement of money from the county, city, village, town or school district treasury
10 except s. 67.10 (2).

11 (2) Notwithstanding other law, a county having a population of 500,000 or more
12 may, by ordinance, adopt any other method of allowing vouchers, disbursing funds,
13 reconciling outstanding county orders, reconciling depository accounts, examining
14 county orders, and accounting therefor consistent with accepted accounting and
15 auditing practices, ~~provided that~~ if the ordinance shall prior to its adoption be is
16 submitted to the department of revenue, which shall submit its recommendations on
17 the proposed ordinance to the county board of supervisors.

18 (3) Except as provided in subs. (2), (3m) and (5), disbursements of the county,
19 city, village, town or school district funds from demand deposits shall be by draft or
20 order check and withdrawals from savings or time deposits shall be by written
21 transfer order. Written transfer orders may be executed only for the purpose of
22 transferring deposits to an authorized deposit of the public depositor in the same or
23 another authorized public depository. The transfer shall be made directly by the
24 public depository from which the withdrawal is made. No draft or order check issued
25 under this subsection may be released to the payee, nor is the draft or order check

1 valid, unless signed by the clerk and treasurer. No transfer order is valid unless
2 signed by the clerk and the treasurer. Unless otherwise directed by ordinance or
3 resolution adopted by the governing body, a certified copy of which shall be filed with
4 each public depository concerned, the chairperson of the county board, mayor, village
5 president, town chairperson or school district president, ~~as the case may be,~~ shall
6 countersign all drafts or order checks and all transfer orders. The governing body
7 may also, by ordinance or resolution, authorize additional signatures. In lieu of the
8 personal signatures of the clerk and treasurer and ~~such~~ any other required signature
9 ~~as may be required,~~ the facsimile signature adopted by the person and approved by
10 the governing body ~~concerned~~ may be affixed to the draft, order check or transfer
11 order. The use of a facsimile signature does not relieve ~~any~~ an official from any
12 liability to which the official is otherwise subject, including the unauthorized use of
13 the facsimile signature. ~~Any~~ A public depository ~~shall be~~ is fully warranted and
14 protected in making payment on any draft or order check or transferring pursuant
15 to a transfer order bearing a facsimile signature affixed as provided by this
16 subsection notwithstanding that the facsimile signature may have been placed
17 thereon affixed without the authority of the designated persons.

18 (3m) ~~Any~~ A county, city, village, town or school district may process periodic
19 payments through the use of money transfer techniques, including direct deposit,
20 electronic funds transfer and automated clearinghouse methods. The county,
21 municipal or school district treasurer shall keep a record of the date, payee and
22 amount of each disbursement made by a money transfer technique.

23 (4) Except as provided in sub. (3m), if ~~any~~ a board, commission or committee
24 of ~~any~~ a county, city, village, town or school district is vested by statute with exclusive
25 control and management of a fund, including the audit and approval of payments

1 ~~therefrom from the fund~~, independently of the governing body, ~~such~~ payments under
2 this section shall be made by drafts or order checks issued by the county, city, village,
3 town or school clerk upon the filing with ~~him or her~~ the clerk of certified bills,
4 vouchers or schedules signed by the proper officers of ~~such~~ the board, commission or
5 committee, giving the name of the claimant or payee, and the amount and nature of
6 each payment.

7 (5) In ~~cities of the a~~ 1st class city, municipal disbursements of public moneys
8 shall be by draft, order, check, order check or as provided under sub. (3m). Checks
9 or drafts shall be signed by the treasurer and countersigned by the comptroller.
10 Orders shall be signed by the mayor and clerk and countersigned by the comptroller,
11 as provided in the charter of ~~such~~ the city. Disbursements of school moneys shall be
12 as provided by s. 119.50.

13 (6) Withdrawal or disbursement of moneys deposited in a public depository as
14 defined in s. 34.01 (5) by a treasurer as defined in s. 34.01 (7), other than the elected,
15 appointed or acting official treasurer of a county, city, village, town or school district,
16 shall be by endorsement, written order, draft, share draft, check or other draft signed
17 by the person or persons designated by written authorization of the governing board
18 as defined in s. 34.01 (1). The authorization shall conform to any statute covering
19 the disbursement of the funds. ~~Any A~~ public depository ~~shall be~~ is fully warranted
20 and protected in making payment in accordance with the latest authorization filed
21 with it.

22 (7) No order may be issued by ~~the a~~ county, city, village, town, special purpose
23 district, school district, cooperative education service agency or technical college
24 district clerk in excess of funds available or appropriated for the purposes for which

1 the order is drawn, unless authorized by a resolution adopted by the affirmative vote
2 of two-thirds of the entire membership of the governing body.

3 **SECTION 108.** 66.0423 (1) of the statutes is created to read:

4 66.0423 (1) In this section:

5 (a) "Sale of merchandise" includes a sale in which the personal services
6 rendered upon or in connection with the merchandise constitutes the greatest part
7 of value for the price received, but does not include a farm auction sale conducted by
8 or for a resident farmer of personal property used on the farm or the sale of produce
9 or other perishable products at retail or wholesale by a resident of this state.

10 (b) "Transient merchant" means a person who engages in the sale of
11 merchandise at any place in this state temporarily and who does not intend to
12 become and does not become a permanent merchant of that place.

NOTE: Incorporates a definition from s. 190.065 (1m), 1987 stats., into the
current statute regarding the regulation of transient merchants. See SECTION
247 of this bill.

13 **SECTION 109.** 66.0425 (10) of the statutes is created to read:

14 66.0425 (10) A privilege may be granted only as provided in this section.

15 **SECTION 110.** 66.0435 (10) of the statutes is created to read:

16 66.0435 (10) The powers conferred on licensing authorities by this section are
17 in addition to all other grants of authority and are limited only by the express
18 language of this section.

NOTE: Restates a provision of s. 66.058 (2) (b) that is deleted by SECTION 156.

19 **SECTION 111.** 66.044 of the statutes is renumbered 66.0609, and 66.0609 (1) to
20 (4), as renumbered, are amended to read:

21 66.0609 (1) The governing body of any a village or of any a city of the 2nd, 3rd
22 or 4th class may by ordinance enact an alternative system of approving financial

1 claims against the municipal treasury other than claims subject to s. 893.80. The
2 ordinance shall provide that payments may be made from the city or village treasury
3 after the comptroller or clerk of the city or village audits and approves each claim as
4 a proper charge against the treasury, and endorses his or her approval on the claim
5 after having determined that all of the following conditions have been complied with:

6 (a) That funds are available ~~therefor~~ for the claim pursuant to the budget
7 approved by the governing body.

8 (b) That the item or service covered by ~~such~~ the claim has been duly authorized
9 by the proper official, department head or board or commission.

10 (c) That the item or service has been actually supplied or rendered in
11 conformity with ~~such~~ the authorization described in par. (b).

12 (d) That the claim is just and valid pursuant to law. The comptroller or clerk
13 may require the submission of ~~such proof and evidence~~ to support the foregoing claim
14 ~~as in that officer's discretion may be deemed~~ the officer considers necessary.

15 (2) ~~Such~~ The ordinance under sub. (1) shall require that the clerk or
16 comptroller ~~shall~~ file with the governing body not less than monthly a list of the
17 claims approved, showing the date paid, name of claimant, purpose and amount.

18 (3) The ordinance under sub. (1) shall ~~provide~~ ^{require} that the governing body of the
19 city or village ~~shall authorize~~ ~~obtain~~ an annual detailed audit of its financial
20 transactions and accounts by a public accountant licensed under ch. 442 and
21 designated by the governing body.

22 (4) ~~Such~~ The system ~~shall be~~ under sub. (1) is operative only if the comptroller
23 or clerk is covered by a fidelity bond of not less than \$5,000 in villages and ~~cities of~~
24 ~~the fourth~~ 4th class cities, of not less than \$10,000 in ~~cities of the third~~ 3rd class cities,
25 and of not less than \$20,000 in ~~cities of the second~~ 2nd class cities.

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SECTION 112. 66.045 of the statutes ~~was affected by 1997 Wisconsin Act 27,~~ is renumbered 66.0425 and amended to read:

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66.0425 Privileges in streets. (1) ~~Privilege for~~ In this section, "privilege" means the authority to place an obstruction or excavation beyond the a lot line, or within a highway in any a town, village, or city, other than by general ordinance affecting the whole public, ~~shall be granted only as provided in this section.~~

(2) ~~Application therefor shall be made~~ A person may apply to the a town or village board or the common council, and the of a city for a privilege. A privilege shall may be granted only on condition that by its acceptance if the applicant shall become primarily liable assumes primary liability for damages to person or property by reason of the granting of the privilege, ~~be is~~ obligated to remove the same an obstruction or excavation upon 10 days' notice by the state or the municipality and ~~waive~~ waives the right to contest in any manner the validity of this section or the amount of compensation charged ~~and that the.~~ The grantor of the privilege may require the applicant to file such a bond as the board or council require, not exceeding that does not exceed \$10,000 running; that runs to the town, village, or city, and such third to 3rd parties as that may be injured, to secure; and that secures the performance of these the conditions. But if specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may make such impose any conditions as they deem on the privilege that it considers advisable.

(3) Compensation for the special a privilege shall be paid into the general fund and shall be fixed, ~~in towns by the chairperson, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city~~

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attorney and mayor by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of ~~such special~~ a privilege ~~shall be~~ is not entitled to ~~no~~ damages for removal of ~~the~~ an obstruction or excavation, and if the holder ~~shall~~ does not remove the ~~same~~ obstruction or excavation upon due notice, it shall be removed at the holder's expense.

(5) Third parties whose rights are interfered with by the granting of ~~such~~ a privilege ~~shall~~ have a right of action against the holder of the ~~special~~ privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telecommunications service, gas, light, heat or power, but ~~such~~ the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or ~~excavation~~ excavations in a highway and ~~shall be~~ are liable for all injuries to person or property ~~thereby~~ caused by the obstructions or excavations.

(7) This section does not apply to ~~such~~ an obstruction or excavation that is in place for ~~not longer~~ less than ~~3 months~~ 90 days, and for which a permit has been granted by the proper official.

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

(9) ~~Anyone causing any obstruction or excavation to~~ Any person who violates this section may be made contrary to subs. (1) to (8) shall be liable to a fine of fined

1 not less than \$25 ~~and not~~ nor more than \$500, or ~~to imprisonment in the county jail~~
 2 ~~imprisoned~~ for not less than 10 days nor more than 6 months, or ~~to both such fine and~~
 3 ~~imprisonment.~~ *Relocate to p. 84, following line 2.*

NOTE: Amends sub. (3) regarding compensation for the municipal award of a privilege. Current law states that compensation is determined by specified municipal officers. Section 66.0425 (3) now provides that compensation will be determined by the governing body of a city, village or town or by the designee of the governing body.

4 **SECTION 113.** 66.046 of the statutes is renumbered 66.0429, and 66.0429 (1)
 5 and (3) (a), as renumbered, are amended to read:

6 66.0429 (1) The governing body of a city, village or town may set aside streets
 7 or roads that are not a part of any federal, state or county trunk highway system for
 8 the safety of children in coasting or other play activities, and may obstruct or
 9 barricade ~~such~~ the streets or roads to safeguard the children from accidents. The
 10 governing body of the city, village or town ~~shall~~ may erect and maintain ~~thereon on~~
 11 the streets or roads barriers or barricades, lights, or warning signs ~~therefor~~ and ~~shall~~
 12 is not be liable for any damage caused thereby by the erection or maintenance.

13 (3) (a) The governing body of a city may monitor or limit access to streets that
 14 are not part of any federal, state or county trunk highway system or connecting
 15 highway, as described in s. 84.02 (11), for the purposes of security or public safety.
 16 The governing body of a city may authorize gates or security stations, or both, to be
 17 erected and maintained to monitor traffic or limit access on ~~such~~ these streets. The
 18 restriction of access to streets that is authorized under this subsection ~~may~~ does not
 19 affect a city's eligibility for state transportation aids.

20 **SECTION 114.** 66.047 of the statutes is renumbered 66.08⁽³⁾~~29~~ and amended to
 21 read:

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2 **66.0829** ³¹ **Interference with public service structure.** No A contractor
3 ~~having with~~ a contract for any work upon, over, along or under any a public street
4 or highway ~~shall~~ may not interfere with, destroy or disturb the structures of ~~any a~~
5 public utility ~~as defined under s. 196.01 (5), and,~~ including a telecommunications
6 carrier as defined in s. 196.01 (8m), encountered in the performance of ~~such~~ the work
7 ~~so as to interrupt, impair or affect~~ in a manner that interrupts, impairs or affects the
8 public service for which ~~such~~ the structures may be used, without first ~~procuring~~
9 obtaining written authority from the commissioner of public works, or other properly
10 constituted appropriate authority. ~~It shall, however, be the duty of every A public~~
11 utility, ~~whenever a~~ if given reasonable notice by the contractor of the need for
12 temporary protection of, or a temporary change in, ~~its~~ the utility's structures, located
13 ~~upon, over, along or under the surface of any public street or highway is deemed~~
14 determined by the commissioner of public works, or other ~~such duly constituted~~
15 appropriate authority, to be reasonably necessary to enable the accomplishment of
16 ~~such work, to so~~ shall temporarily protect or change its said structures; ~~provided,~~
17 ~~that such contractor shall give reasonable notice of such required temporary~~
18 ~~protection or temporary change to the public utility, and~~ located upon, over, along or
19 under the surface of a public street or highway. The contractor shall pay or assure
20 to the public utility the reasonable cost thereof, except when of the temporary
21 structure or change, unless the public utility is properly otherwise liable therefor
22 ~~under the law, but in all cases where such.~~ If work is done by or for the state or by
23 or for any county, city, village, town sanitary district, metropolitan sewerage district
24 created under ss. 66.20 to 66.26 200.01 to 200.15 or 66.88 to 66.918 200.21 to 200.65
25 or town, the cost of such the temporary protection or temporary change shall be borne
by the public utility.

1 **SECTION 115.** 66.048 of the statutes is renumbered 66.0915, and 66.0915 (1),
2 (2), (3) (title), (a), (c) and (d) and (4), as renumbered, are amended to read:

3 66.0915 (1) ~~VIADUCTS, PRIVATE~~ PRIVATE VIADUCTS IN CITIES, VILLAGES AND TOWNS.

4 The privilege of erecting a viaduct above a public street, road or alley, for the purpose
5 of connecting buildings on each side thereof, may be granted by the city council,
6 village board or town board upon the written petition of the owners of all the frontage
7 of the lots and lands abutting upon the portion thereof sought to be connected, and
8 the owners of more than one-half of the frontage of the lots and lands abutting upon
9 that portion of the remainder thereof which ~~that~~ lies within 2,650 feet from the ends
10 of the portion proposed to be so connected. ~~Whenever any of the lots or lands~~
11 ~~aforsaid~~ If a lot or land is owned by the state, or by a county, city, village or town,
12 or by a minor or incompetent person, or the title ~~thereof~~ to the lot or land is held in
13 trust, ~~as to all lots and lands so owned or held, said~~ the petition may be signed by the
14 governor, the chairperson of the county board, the mayor of the city, the president of
15 the board of trustees of the village, the chairperson of the town board, the guardian
16 of the minor or incompetent person, or the trustee, respectively, and the signature
17 of ~~any~~ a private corporation may be made by its president, secretary or other
18 principal officer or managing agent. Written notice stating when and where the
19 petition will be acted upon, and describing the location of the proposed viaduct, shall
20 be given by the city council, village board or town board by publication of a class 3
21 notice, under ch. 985.

22 (2) ~~VIADUCTS, REMOVAL~~ REMOVAL OF PRIVATE VIADUCTS. A viaduct in ~~any~~ a city,
23 village or town may be discontinued by the city council, village board or town board,
24 upon written petition of the owners of more than one-half of the frontage of the lots
25 and lands abutting on the street or road approaching on each end of such the viaduct,

1 which lies within 2,650 feet from the ends of ~~such~~ the viaduct. ~~Whenever any of the~~
2 ~~lots or lands aforesaid~~ If a lot or land is owned by the state, or by a county, city, village
3 or town, or by a minor or incompetent person, or the title ~~thereof~~ to the lot or land
4 is held in trust, ~~as to all lots and lands so owned or held, said~~ the petition may be
5 signed by the governor, the chairperson of the county board, the mayor of the city, the
6 president of the board of trustees of the village, the chairperson of the town board,
7 the guardian of the minor or incompetent person, or the trustee, respectively, and the
8 signature of any a private corporation may be made by its president, secretary or
9 other principal officer or managing agent. Written notice stating when and where
10 the petition will be acted upon, and stating what viaduct is proposed to be
11 discontinued, shall be given by the city council, village board or town board by
12 publication of a class 1 notice, under ch. 985, not less than one year before the day
13 fixed for the hearing and a class 3 notice, under ch. 985, within the 30 days before
14 the date of the hearing.

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

24 (c) The lease shall be signed on behalf of the city, village or town by the mayor,
25 village president or town board chairperson and shall be attested by the city, village

1 or town clerk under the corporate seal. The lease shall also be executed by the lessee
2 in such ~~a manner as necessary to bind that binds~~ the lessee. After being duly
3 executed and acknowledged the lease shall be recorded in the office of the register
4 of deeds of the county in which ~~is located~~ the leased premises are located.

5 (d) ~~If, in the judgment of such governing body,~~ determines that the public
6 interest requires that any building erected in the leased space be removed so that a
7 street, road, alley or public place may be restored to its original condition, the lessor
8 city, village or town may condemn the lessee's interest in the leased space by
9 proceeding under ch. 32. After payment of such any damages ~~as may be fixed~~ in the
10 condemnation proceedings, the city, village or town may remove all buildings or other
11 structures from the leased space and restore the buildings adjoining the leased space
12 to their original condition.

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

24 (b) Leases A lease shall specify purposes for which the leased space is to be used.
25 If the purpose is to erect in the space a building or a structure attached to the lot, the

1 lease shall contain a reasonably accurate description of the building to be erected and
2 of the manner in which it ~~shall be imposed~~ will impose upon or around the lot. The
3 lease shall also provide for use by the lessee of ~~such~~ those areas of the real estate as
4 that are essential for ingress and egress to the leased space, for the support of the
5 building or other structures to be erected and for the connection of essential public
6 or private utilities to the building or structure.

7 (c) Any building erected in the space leased shall be operated, as far as
8 practicable, separately from the municipal use. ~~Such~~ The structure shall conform
9 to all state and municipal regulations.

10 (d) ~~Any leases~~ A lease under this subsection ~~shall be~~ is subject to sub. (3) (c) and
11 (d).

12 **SECTION 116.** 66.0485 of the statutes is renumbered 66.0141.

13 **SECTION 117.** 66.049 of the statutes is renumbered 66.0405 and amended to
14 read:

15 **66.0405 Removal of rubbish.** Cities, villages and towns may ~~cause the~~
16 ~~removal of~~ remove ashes, garbage, and rubbish from such ~~classes~~ places ~~therein~~
17 in the city, village or town as the board or council ~~shall direct~~ directs. The removal
18 may be from all ~~such~~ of the places or from those whose owners or occupants desire
19 the service. Districts may be created and removal provided for certain ~~of them~~
20 districts only, and different regulations may be applied to each removal district or
21 class of property. The cost of removal may be ~~provided for~~ funded by special
22 assessment against the property served, by general tax upon the property of the
23 respective districts, or by general tax upon the property of the city, village or town.
24 If a city, village or town contracts for ash, garbage or rubbish removal service, it may
25 contract with one or more service providers.

NOTE: Amended to expressly authorize contracting with one or more service providers for removal of ash, garbage or rubbish. Express authority is extended in order to mitigate possible antitrust issues if the city, village or town determines that the service can best be provided by one service provider.

1 **SECTION 118.** 66.0495 (title) of the statutes is renumbered 30.13 (5m) (title).

2 **SECTION 119.** 66.0495 (1) (title) of the statutes is repealed.

3 **SECTION 120.** 66.0495 (1) (a) (title) of the statutes is repealed.

4 **SECTION 121.** 66.0495 (1) (a) of the statutes is renumbered 30.13 (5m) (a) 1. and
5 amended to read:

6 30.13 (5m) (a) 1. The governing body of a city, village or town or a designated
7 officer may order the owner of a wharf or pier which constitutes an unlawful
8 obstruction of navigable waters under ~~s. 30.13 sub.~~ (4) to remove that portion of the
9 wharf or pier which constitutes an unlawful obstruction.

10 **SECTION 122.** 66.0495 (1) (b) (title) of the statutes is repealed.

11 **SECTION 123.** 66.0495 (1) (b) of the statutes is renumbered 30.13 (5m) (a) 2.

12 **SECTION 124.** 66.0495 (1) (d) (title) of the statutes is repealed.

13 **SECTION 125.** 66.0495 (1) (d) of the statutes is renumbered 30.13 (5m) (a) 3. and
14 amended to read:

15 30.13 (5m) (a) 3. An order under this subsection paragraph shall be served
16 upon the owner or person responsible in the manner provided for the service of a
17 summons in circuit court. If the owner or person responsible cannot be found, the
18 order may be served by posting it on the wharf or pier and by publishing it as a class
19 3 notice under ch. 985. The order shall specify the action to be taken and the time
20 within which it shall be complied with. At least 50 days must be allowed for
21 compliance.

22 **SECTION 126.** 66.0495 (2) (title) and (a) (title) of the statutes are repealed.

1 **SECTION 127.** 66.0495 (2) (a) of the statutes is renumbered 30.13 (5m) (b) 1. and
2 amended to read:

3 30.13 (5m) (b) 1. If the owner or person responsible fails to comply with an order
4 issued under ~~sub. (1) par. (a)~~, the governing body of a city, village or town or a
5 designated officer may cause the wharf or pier to be removed through any available
6 public agency or by a contract or arrangement by a private person. The cost of the
7 removal may be charged against the real estate on which or adjacent to which the
8 wharf or pier is located, constitutes a lien against that real estate and may be
9 assessed and collected as a special tax. The governing body of the city, village or town
10 or the designated officer may sell any salvage or valuable material resulting from the
11 removal at the highest price obtainable. The governing body of the city, village or
12 town or the designated officer shall remit the net proceeds of any sale, after
13 deducting the expense of the removal, to the circuit court for use of the person
14 entitled to the proceeds subject to the order of the court. The governing body of the
15 city, village or town or the designated officer shall submit a report on any sale to the
16 circuit court which shall include items of expense and the amount deducted. If there
17 are no net proceeds, the report shall state that fact.

18 **SECTION 128.** 66.0495 (2) (b) (title) of the statutes is repealed.

19 **SECTION 129.** 66.0495 (2) (b) of the statutes is renumbered 30.13 (5m) (b) 2. and
20 amended to read:

21 30.13 (5m) (b) 2. If the owner or person responsible fails to comply with an order
22 issued under ~~sub. (1) par. (a)~~, the governing body of a city, village or town or a
23 designated officer may commence an action in circuit court for a court order requiring
24 the person to comply with the order issued under ~~sub. (1) par. (a)~~. The court shall

1 give the hearing on this action precedence over other matters on the court's calendar.
2 ~~Costs may be assessed in the discretion of the court and may assess costs.~~

3 **SECTION 130.** 66.0495 (3) (title) of the statutes is repealed.

4 **SECTION 131.** 66.0495 (3) of the statutes is renumbered 30.13 (5m) (c) and
5 amended to read:

6 30.13 (5m) (c) A person affected by an order issued under ~~sub. (1) par. (a)~~ may
7 apply to circuit court within 30 days after service of the order for a restraining order
8 prohibiting the governing body of the city, village or town or the designated officer
9 from removing the wharf or pier. The court shall conduct a hearing on the action
10 within 20 days after application. The court shall give this hearing precedence over
11 other matters on the court's calendar. The court shall determine whether the order
12 issued under ~~sub. (1) par. (a)~~ is reasonable. If the court finds that the order issued
13 under ~~sub. (1) par. (a)~~ is unreasonable, it shall issue a restraining order or modify it
14 as the circumstances require and the governing body of the city, village or town or
15 the designated officer may not issue another order under ~~sub. (1) par. (a)~~ with respect
16 to the wharf or pier unless its condition is substantially changed. ~~Costs may be~~
17 ~~assessed in the discretion of the~~ The court may assess costs. The remedy provided
18 under this ~~subsection~~ paragraph is exclusive and no person affected by an order
19 issued under ~~sub. (1) par. (a)~~ may recover damages for the removal of a wharf or pier
20 under this section.

21 **SECTION 132.** 66.05 (title) of the statutes is renumbered 66.0413 (title) and
22 amended to read:

23 **66.0413 (title) Razing buildings; excavations.**

24 **SECTION 133.** 66.05 (1g) and (1m) (a) of the statutes are repealed.

NOTE: The repealed provisions are restated as s. 66.0413 (1) (a), (b) and (d) and the first sentence of par. (f). See SECTIONS 96 to 100 of the bill.

1 **SECTION 134.** 66.05 (1m) (b) of the statutes is renumbered 66.0413 (1) (c) and
2 amended to read:

3 66.0413 (1) (c) Reasonableness of repair: presumption. Except as provided in
4 sub. (9) (3), if a municipal governing body, building inspector of buildings or
5 designated officer determines that the cost of ~~such~~ repairs of a building described in
6 par. (b) 1. would exceed ~~50 per cent~~ 50% of the assessed value of ~~such~~ the building
7 divided by the ratio of the assessed value to the recommended value as last published
8 by the department of revenue for the municipality within which ~~such~~ the building
9 is located, ~~such~~ the repairs shall be are presumed unreasonable and it shall be
10 ~~presumed for the purposes of this section that such building is a public nuisance for~~
11 purposes of par. (b) 1.

12 **SECTION 135.** 66.05 (1m) (c) of the statutes is renumbered 66.0413 (1) (L) 1. and
13 amended to read:

14 66.0413 (1) (L) 1. Acts of municipal authorities under this ~~section shall~~
15 subsection do not increase the liability of an insurer.

16 **SECTION 136.** 66.05 (1m) (d) of the statutes is renumbered 66.0413 (1) (e) and
17 amended to read:

18 66.0413 (1) (e) Effect of recording order. If a raze order issued under par. (a)
19 (b) is recorded with the register of deeds in the county in which the building is located,
20 the order is considered to have been served, as of the date the raze order is recorded,
21 on any person claiming an interest in the building or the real estate as a result of a
22 conveyance from the owner of record unless the conveyance was recorded before the
23 recording of the raze order.

1 **SECTION 137.** 66.05 (2) (a) of the statutes is renumbered 66.0413 (1) (f) and
2 amended to read:

3 66.0413 (1) (f) Failure to comply with order; razing building. An order under
4 par. (b) shall specify the time within which the owner of the building is required to
5 comply with the order and shall specify repairs, if any. If the owner fails or refuses
6 to comply within the time prescribed, the building inspector ~~of buildings~~ or other
7 designated officer may ~~cause such building or part thereof to be razed and removed~~
8 ~~and may restore the site to a dust-free and erosion-free condition either~~ proceed to
9 raze the building through any available public agency or by contract or arrangement
10 with private persons, or ~~close~~ to secure the building and, if necessary, the property
11 on which the building is located if unfit for human habitation, occupancy or use. The
12 cost of ~~such razing, removal and restoration of the site to a dust-free and erosion-free~~
13 ~~condition or closing~~ securing the building may be charged in full or in part against
14 the real estate upon which ~~such~~ the building is located, and if that cost is so charged
15 it is a lien upon ~~such~~ the real estate and may be assessed and collected as a special
16 tax. Any portion of the cost charged against the real estate that is not reimbursed
17 under s. 632.103 (2) from funds withheld from an insurance settlement may be
18 assessed and collected as a special tax.

NOTE. 1. The first sentence is from s. 66.05 (1m) (a), repealed by SECTION 133.
2. Clarifies that an option upon failure to comply with an order is to secure the
building and, if necessary, the property on which the building is located. The
new language more accurately reflects current practice.

19 (j) Sale of salvage. ~~When any building has been ordered razed and removed and~~
20 ~~If an order to raze a building has been issued to restore the site to a dust-free and~~
21 ~~erosion-free condition,~~ the governing body or other designated officer under ~~said~~ the
22 contract or arrangement ~~afesaid~~ to raze the building may sell the salvage and
23 valuable materials at the highest price obtainable. The net proceeds of ~~such~~ the sale,

1 after deducting the expenses of such razing, removal and restoration of the site to a
2 dust-free and erosion-free condition the building, shall be promptly remitted to the
3 circuit court with a report of ~~such~~ the sale or transaction, including the items of
4 expense and the amounts deducted, for the use of ~~the~~ any person ~~who may be entitled~~
5 ~~thereto~~ to the net proceeds, subject to the order of the court. If there remains no
6 surplus to be turned over to the court, the report shall so state. ~~If the building or part~~
7 ~~thereof is insanitary and unfit for human habitation, occupancy or use, and is not in~~
8 ~~danger of structural collapse the building inspector shall post a placard on the~~
9 ~~premises containing the following words: "This Building Cannot Be Used for Human~~
10 ~~Habitation, Occupancy or Use". And it is the duty of the building inspector or other~~
11 ~~designated officer to prohibit the use of the building for human habitation, occupancy~~
12 ~~or use until the necessary repairs have been made.~~

NOTE: The last 2 sentences are restated as s. 66.0413 (1) (br) 1. See SECTION 99.

13 **SECTION 138.** 66.05 (2) (b) of the statutes is renumbered 66.0413 (1) (g) and
14 amended to read:

15 66.0413 (1) (g) Court order to comply. Any A municipality, building inspector
16 ~~of buildings~~ or designated officer may, in his, her or its official capacity, commence
17 and prosecute an action in circuit court for an order of the court requiring the owner
18 to comply with an order to raze or ~~remove any a~~ building or part thereof issued under
19 ~~this section subsection~~ if the owner fails or refuses to do so within the time prescribed
20 in the order, or for an order of the court requiring any person occupying a building
21 whose occupancy has been prohibited under ~~this section subsection~~ to vacate the
22 premises, or any combination of the court orders. ~~Hearing A hearing~~ on such actions
23 under this paragraph shall be given preference. ~~Costs shall be~~ Court costs are in the
24 discretion of the court.

NOTE: Clarifies that the costs referred to are court costs, not the cost of razing or securing a building.

1 **SECTION 139.** 66.05 (2) (c) of the statutes is renumbered 66.0413 (1) (br) 2. and
2 amended to read:

3 66.0413 (1) (br) 2. Any person who rents, leases or occupies a building which
4 has been condemned for human habitation, occupancy or use under subd. 1. shall be
5 fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days for each
6 week of such the violation, or both.

7 **SECTION 140.** 66.05 (3) of the statutes is renumbered 66.0413 (1) (h) and
8 amended to read:

9 66.0413 (1) (h) Restraining order. ~~Anyone~~ A person affected by ~~any such an~~
10 order ~~shall issued under par. (b) may~~ within the time provided by s. 893.76 apply to
11 the circuit court for an order restraining the building inspector ~~of buildings~~ or other
12 designated officer from razing ~~and removing~~ the building ~~or part thereof~~ ~~and~~
13 ~~restoring the site to a dust-free and erosion-free condition~~ or forever be barred. The
14 hearing shall be held within 20 days and shall be given preference. The court shall
15 determine whether the raze order ~~of the inspector of buildings~~ is reasonable, ~~and if,~~
16 If the order is found reasonable the court shall dissolve the restraining order, ~~and if,~~
17 If the order is found not reasonable the court shall continue the restraining order or
18 modify it as the circumstances require. Costs ~~shall be~~ are in the discretion of the
19 court. If the court finds that the order ~~of the inspector of buildings~~ is unreasonable,
20 the building inspector ~~of buildings~~ or other designated officer shall issue no other
21 order under this ~~section~~ subsection in regard to the same building ~~or part thereof~~
22 until its condition is substantially changed. The remedies provided in this
23 ~~subsection~~ paragraph are exclusive remedies and anyone affected by such an order

1 ~~of the inspector shall issued under par. (b) is not be entitled to recover any damages~~
2 ~~for the razing and removal of any such of the building and the restoration of the site~~
3 ~~to a dust free and erosion free condition.~~

4 SECTION 141. 66.05 (5) of the statutes is renumbered 66.0413 (1) (i) and
5 amended to read:

6 66.0413 (1) (i) Removal of personal property. If any a building ordered razed
7 ~~and removed and the site ordered restored to a dust free and erosion free condition~~
8 ~~or made safe and sanitary by repairs subject to an order under par. (b) contains~~
9 personal property or fixtures which will unreasonably interfere with the razing or
10 repair of such the building and restoration of such site or if the razing and removal
11 of the building and the restoration of the site to a dust free and erosion free
12 condition makes necessary the removal, sale or destruction of such the personal
13 property or fixtures, the building inspector ~~of buildings~~ or other designated officer
14 may order in writing the removal of such the personal property or fixtures by a date
15 certain date. ~~Such.~~ The order shall be served as provided in ~~sub. (1m)~~ par. (d). If
16 the personal property or fixtures ~~or both~~ are not removed by the time specified the
17 inspector may store ~~the same, or may, sell it, or, if it has no appreciable value he or~~
18 ~~she may, destroy the same.~~ In case personal property or fixture. If the property is
19 stored the amount paid for storage shall ~~be~~ is a lien against such the property and
20 against the real estate and, to the extent that the amount is not reimbursed under
21 s. 632.103 (2) from funds withheld from an insurance settlement, shall be assessed
22 and collected as a special tax against the real estate if the real estate is owned by the
23 owner of the personal property and fixtures. If the property is stored the owner
24 thereof of the property, if known, shall be notified of the place of its storage and if it
25 ~~be the property is~~ not claimed by the owner it may be sold at the expiration of 6

1 months after it has been stored. ~~In case of sale the~~ The handling of the sale and the
2 distribution of the net proceeds after deducting the cost of storage and any other costs
3 shall be ~~handled~~ as specified in ~~sub. (2) par. (j)~~ and a report made to the circuit court
4 as ~~therein~~ specified. ~~Anyone~~ in par. (j). A person affected by any order made under
5 this ~~subsection~~ paragraph may appeal as provided in ~~sub. (3) par. (h)~~.

6 **SECTION 142.** 66.05 (5m) of the statutes is renumbered 66.0413 (1) (L) 2. and
7 amended to read:

8 66.0413 (1) (L) 2. This section ~~shall~~ does not limit powers otherwise granted
9 to municipalities by other laws of this state.

10 **SECTION 143.** 66.05 (6) of the statutes is renumbered 66.0427 and amended to
11 read:

12 **66.0427 Open excavations in populous counties.** In any a town, city or
13 village in ~~any a~~ county ~~having~~ with a population of 500,000 or more no excavation
14 for building purposes, whether or not completed, ~~shall~~ may be left open for more than
15 6 months without proceeding with the erection of a building ~~thereon~~. ~~In the event~~
16 ~~any such~~ on the excavation. ~~If an~~ excavation remains open for more than 6 months,
17 the building inspector ~~of buildings~~ or other designated officer ~~in such~~ of the town,
18 village or city shall order that the erection of a building on the excavation begin
19 forthwith or ~~in the alternative~~ that the excavation be filled to grade. The order shall
20 be served upon the owner of the land or the owner's agent and upon the holder of any
21 encumbrance of record as provided in ~~sub. (1m) s.~~ 66.0413 (1) (d). If the owner of the
22 land fails to comply with the order within 15 days after service ~~thereof~~ of the order
23 upon the owner, the building inspector ~~of buildings~~ or other designated officer shall
24 cause fill the excavation ~~to be filled~~ to grade and the cost shall be charged against the
25 real estate as provided in ~~sub. (2)~~. ~~Subsection (3) shall also apply~~ s. 66.0413 (1) (f).

1 Section 66.0413 (1) (h) applies to orders issued under this subsection section. This
2 ~~shall not be construed to section does not~~ impair the authority of ~~any a~~ city or village
3 to enact ordinances in this field.

4 **SECTION 144.** 66.05 (8) (a) to (bm) of the statutes, ~~as affected by 1997 Wisconsin~~
5 ~~Act 187,~~ are renumbered 66.0413 (2) (a) to (e) and amended to read:

6 66.0413 (2) (a) Definitions. In this subsection “building”:

7 1. “Building” means a building, dwelling or structure.

8 (b) Notification of nuisance. ~~Whenever an~~ If the owner of any a building in any
9 a city, village or town permits the ~~same, either as a result of vandalism or for any~~
10 ~~other reason, to deteriorate or become dilapidated or blighted to the extent where~~
11 ~~windows, doors or other openings or plumbing or heating fixtures or facilities or~~
12 ~~appurtenances of such building are either deteriorated, damaged, destroyed or~~
13 ~~removed so that such building offends the aesthetic character of the immediate~~
14 ~~neighborhood or produces blight or deterioration by reason of such condition~~ building
15 to become a public nuisance, the building inspector or other designated officer of such
16 the city, village or town shall issue a written notice ~~respecting of~~ the existence of such
17 ~~defect; such that makes the building a public nuisance.~~ The written notice shall be
18 served on the owner of such the building as ~~set forth in~~ provided under sub. (1m) (a)
19 (1) (d) and shall direct the owner of ~~such building to~~ promptly remedy the defect
20 within 30 days following ~~the service of such notice.~~

21 (c) Failure to remedy; court order to remedy or raze. 1. If an owner fails to
22 remedy or improve the defect in accordance with the written notice ~~furnished by the~~
23 ~~building inspector or other designated officer~~ under par. (am) (b) within the 30-day
24 period specified in the written notice, the building inspector or other designated
25 officer shall apply to the circuit court of the county in which the building is located

1 for an order determining that the building constitutes a public nuisance. As a part
2 of the application for ~~such~~ the order from the circuit court the building inspector or
3 other designated officer shall file a verified petition which recites the giving of ~~such~~
4 written notice, the defect ~~or defects~~ in ~~such~~ the building, the owner's failure to comply
5 with the notice and ~~such~~ other pertinent facts ~~as may be related thereto~~. A copy of
6 the petition shall be served upon the owner of record or the owner's agent if an agent
7 is in charge of the building and upon the holder of any encumbrance of record under
8 sub. ~~(1m)(a)~~ and the (1)(d). ~~The owner shall have reply to the petition within~~ 45 days
9 following service upon the owner ~~in which to reply to such petition~~. Upon application
10 by the building inspector or other designated officer the circuit court shall set
11 promptly the petition for hearing. Testimony shall be taken by the circuit court with
12 respect to the allegations of the petition and denials contained in the verified answer.
13 If the circuit court after hearing the evidence ~~with respect to~~ on the petition and the
14 answer determines that the building constitutes a public nuisance, the court shall
15 issue promptly an order directing the owner of the building to remedy the defect and
16 to make such repairs and alterations as may be required. The court shall set a
17 reasonable period of time in which the defect shall be remedied and the repairs or
18 alterations completed. A copy of the order shall be served upon the owner as provided
19 in sub. ~~(1m)(a)~~ (1)(d). The order of the circuit court shall state in the alternative that
20 if the order of the court is not complied with within the time fixed by the court, the
21 court will appoint a receiver or authorize the building inspector or other designated
22 officer to proceed to raze ~~and remove~~ the building ~~and restore the site to a dust-free~~
23 ~~and erosion-free condition~~ under par. ~~(bg)~~ (d).

24 2. In an action under this subsection, the circuit court before which the action
25 is commenced shall exercise jurisdiction in rem or quasi rem over the property which

1 is the subject of the action. The owner of record of the property, if known, and all other
2 persons of record holding or claiming any interest in the property shall be made
3 parties defendant and service of process may be ~~had~~ made upon them.

4 3. It ~~shall~~ is not be a defense to an action under this subsection that the owner
5 of record of the property is a different person, ~~partnership~~ or ~~corporate~~ entity than
6 the owner of record of the property on or after the date the action was commenced
7 ~~or thereafter~~ if a lis pendens was filed before the change of ownership.

8 (d) Failure to comply with court order. If the order of the circuit court under par.
9 ~~(b)~~ (c) is not complied with within the time fixed by the court under par. ~~(b)~~ (c), the
10 court shall authorize the building inspector or other designated officer to raze ~~and~~
11 ~~remove the building and restore the site to a dust-free and erosion-free condition~~ or
12 shall appoint a disinterested person to act as receiver of the property to do either of
13 the following within a reasonable period of time set by the court:

14 1. Remedy the defect and make any repairs and alterations necessary to meet
15 the standards required by the building code or any health order. A receiver appointed
16 under this subdivision, with the approval of the circuit court, may borrow money
17 against and mortgage the property held in receivership as security in any amount
18 necessary to remedy the defect and make the repairs and alterations. For the
19 expenses incurred to remedy the defect and make the repairs and alterations
20 necessary under this subdivision, the receiver ~~shall have~~ has a lien upon the
21 property. At the request of and with the approval of the owner, the receiver may sell
22 the property at a price equal to at least the ~~appraisal~~ appraised value of the property
23 plus the cost of any repairs made under this subdivision. The selling owner ~~shall be~~
24 is liable for ~~such~~ those costs.

1 2. Secure and sell the building to a buyer who demonstrates to the circuit court
2 an ability and intent to rehabilitate the building and to ~~cause have~~ the building to
3 be reoccupied in a legal manner.

4 (e) Receiver: order to raze. 1. ~~Any A~~ receiver appointed under par. ~~(bg)~~ (d) shall
5 collect all rents and profits accruing from the property held in receivership and pay
6 all costs of management, including all general and special real estate taxes or
7 assessments and interest payments on first mortgages on the property. A receiver
8 under par. ~~(bg)~~ (d) shall apply moneys received from sale of property held in
9 receivership to pay all debts due on the property in the order set by law and shall pay
10 any balance to the selling owner if the circuit court approves.

11 2. The circuit court shall set the fees and bond of a receiver appointed under
12 par. ~~(bg)~~ (d) and may discharge the receiver as the court ~~deems~~ considers appropriate.

13 3. Nothing in this subsection relieves the owner of ~~any~~ property for which a
14 receiver has been appointed under par. ~~(bg)~~ (d) from any civil or criminal
15 responsibility or liability except that the receiver ~~shall have~~ has civil and criminal
16 responsibility and liability for all matters and acts directly under the receiver's
17 authority or performed at his or her discretion.

18 4. If a defect is not remedied and repairs and alterations are not made within
19 the time limit set by the circuit court under par. ~~(bg)~~ (d), the court shall order that
20 the building inspector or other designated officer proceed to raze ~~and remove~~ the
21 building ~~and restore the site to a dust-free and erosion-free condition.~~

22 5. All costs and disbursements ~~with respect to razing, removing and restoration~~
23 ~~of the site~~ raze a building under this subsection shall be as provided ~~for~~ under sub.
24 ~~(2)(a)~~ (1)(f).

25 **SECTION 145.** 66.05 (8) (d) of the statutes is repealed.

1 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any
 2 person who is charged with possession of more than 25 grams of marijuana, or who
 3 is charged with possession of any amount of marijuana following a conviction for
 4 possession of marijuana, in this state shall not be prosecuted under this paragraph;
 5 and.

6 SECTION 150. 66.051 (1) (c) of the statutes is repealed.

NOTE: Section 66.051 (1) (c) is repealed as unnecessary given the general
 provision of s. 66.051 (2), renumbered s. 66.0107 (2), that nothing in the section
 may be construed to preclude cities, villages and towns from prohibiting conduct
 which is the same or similar to that prohibited by chs. 941 to 948. Under par.
 (c), towns, villages and cities may: $\Delta\Delta$ repealed

7 No ff

8 "Prohibit conduct which is the same as or similar to that prohibited by s. 947.01,
 947.012 or 947.0125."

9 SECTION 151. 66.051 (2) and (3) of the statutes are renumbered 66.0107 (2) and

10 (3).

11 SECTION 152. 66.0517 of the statutes is created to read: auto ref 165-11

12 **66.0517 Weed commissioner.** (1) DEFINITION. In this section, "noxious
 13 weeds" has the meaning given in s. 66.0407 (1) (b).

14 (2) APPOINTMENT. (a) *Town, village and city weed commissioner.* The
 15 chairperson of each town, the president of each village and the mayor of each city may
 16 appoint one or more commissioners of noxious weeds on or before May 15 in each
 17 year. A weed commissioner shall take the official oath and the oath shall be filed in
 18 the office of the town, village or city clerk. A weed commissioner shall hold office for
 19 one year and until a successor has qualified or the town chairperson, village
 20 president or mayor determines not to appoint a weed commissioner. If more than one
 21 commissioner is appointed, the town, village or city shall be divided into districts by
 22 the officer making the appointment and each commissioner shall be assigned to a
 23 different district. The town chairperson, village president or mayor may appoint a

1 resident of any district to serve as weed commissioner in any other district of the
2 same town, village or city.

3 (b) *County weed commissioner.* A county may by resolution adopted by its
4 county board provide for the appointment of a county weed commissioner and
5 determine the duties, term and compensation for the county weed commissioner.
6 When a weed commissioner has been appointed under this paragraph and has
7 qualified, the commissioner has the powers and duties of a weed commissioner
8 described in this section. Each town chairperson, village president or mayor may
9 appoint one or more deputy weed commissioners, who shall work in cooperation with
10 the county weed commissioner in the district assigned by the appointing officer.

11 (3) **POWERS, DUTIES AND COMPENSATION.** (a) *Destruction of noxious weeds.* A weed
12 commissioner shall investigate the existence of noxious weeds in his or her district.
13 If a person in a district neglects to destroy noxious weeds as required under s. 66.0407
14 (3), the weed commissioner shall destroy, or have destroyed, the noxious weeds in the
15 most economical manner. A weed commissioner may enter upon any lands that are
16 not exempt under s. 66.0407 (5) and cut or otherwise destroy noxious weeds without
17 being liable to an action for trespass or any other action for damages resulting from
18 the entry and destruction, if reasonable care is exercised.

19 (b) *Compensation of weed commissioner.* 1. Except as provided in sub. (2) (b),
20 a weed commissioner shall receive compensation for the destruction of noxious weeds
21 as determined by the town board, village board or city council upon presenting to the
22 proper treasurer the account for noxious weed destruction, verified by oath and
23 approved by the appointing officer. The account shall specify by separate items the
24 amount chargeable to each piece of land, describing the land, and shall, after being
25 paid by the treasurer, be filed with the town, village or city clerk. The clerk shall

1 enter the amount chargeable to each tract of land in the next tax roll in a column
2 headed "For the Destruction of Weeds", as a tax on the lands upon which the weeds
3 were destroyed. The tax shall be collected under ch. 74, except in case of lands which
4 are exempt from taxation, railroad lands or other lands for which taxes are not
5 collected under ch. 74. A delinquent tax may be collected as is a delinquent real
6 property tax under chs. 74 and 75 or as is a delinquent personal property tax under
7 ch. 74. In case of railroad lands or other lands for which taxes are not collected under
8 ch. 74, the amount chargeable against these lands shall be certified by the town,
9 village or city clerk to the state treasurer who shall add the amount designated to the
10 sum due from the company owning, occupying or controlling the lands specified. The
11 state treasurer shall collect the amount chargeable as prescribed in subch. I of ch.
12 76 and return the amount collected to the town, city or village from which the
13 certification was received.

14 2. For the performance of duties other than the destruction of noxious weeds,
15 a weed commissioner shall receive compensation to be determined by the town board,
16 village board or city council.

NOTE: Creates s. 66.0517 of the statutes in order to combine the provisions regarding weed commissioners contained in ss. 66.97 to 66.99. The latter statutes are repealed in SECTION 572 of this bill. The new provision specifies that the appointment of a town, village or city weed commissioner is optional. The provision also differs from s. 66.97 by treating a 1st class city in the same manner as any other city. Otherwise, ss. 66.97 to 66.99 are restated.

17 **SECTION 153.** 66.052 of the statutes is renumbered 66.0415 and amended to
18 read:

19 **66.0415 Offensive industry.** (1) ~~Any~~ The common council of a city or village
20 board may direct the location, management and construction of, and license,
21 regulate or prohibit, any industry, thing or place where any nauseous, offensive or
22 unwholesome business is carried on, that is within the city or village or within 4 miles

1 of the boundaries of the city or village, except that the Milwaukee, Menominee and
2 Kinnickinnic rivers with their branches to the outer limits of the county of
3 Milwaukee, and all canals connecting with ~~said these~~ rivers, together with the lands
4 adjacent to ~~said these~~ rivers and canals or within 100 yards of them, are deemed to
5 be within the jurisdiction of the city of Milwaukee. ~~Any A~~ town board ~~shall have~~ has
6 the same powers as are provided in this section for cities and villages, as to the area
7 within the town that is not licensed, regulated or prohibited by ~~any a~~ city or village
8 under this section. ~~Any A~~ business that is conducted in violation of ~~any a~~ city, village
9 or town ordinance that is authorized ~~to be enacted~~ under this section is a public
10 nuisance. An action for the abatement or removal of the business or ~~to obtain~~ an
11 injunction to prevent operation of the business may be brought and maintained by
12 the common council or village or town board in the name of this state on the relation
13 of ~~such the~~ city, village or town as provided in ss. 823.01, 823.02 and 823.07, or as
14 provided in s. 254.58. Section 97.42 ~~may~~ does not limit the powers granted by this
15 section. Section 95.72 ~~may~~ does not limit the powers granted by this section to cities
16 or villages but powers granted to towns by this section are limited by s. 95.72 and by
17 any orders and rules promulgated under s. 95.72.

18 (2) Any To prevent nuisance, a city or village may, subject to the approval of the
19 appropriate town board of such town, by ordinance enact reasonable regulations
20 governing areas where refuse, rubbish, ashes or garbage ~~shall be~~ are dumped or
21 accumulated in ~~any a~~ town within one mile of the corporate limits of ~~such the~~ city or
22 village, ~~so as to prevent nuisance.~~

23 **SECTION 154.** 66.053 of the statutes is renumbered 66.0433, and 66.0433 (1) (a),
24 (am) and (c) and (2), as renumbered, are amended to read:

1 66.0433 (1) (a) ~~Each~~ A town board, village board ~~and or~~ common council shall
2 may grant licenses to such persons as they ~~deem~~ it considers proper for the sale of
3 beverages containing less than ~~one-half of one per centum~~ 0.5% of alcohol by volume
4 to be consumed on the premises where sold and to manufacturers, wholesalers,
5 retailers and distributors of ~~such these~~ beverages, ~~for which~~. The fee for a license fee
6 of shall be not less than \$5 nor more than \$50, to be fixed by the board or council, ~~shall~~
7 be paid, except that where ~~such these~~ beverages are sold, ~~not to be consumed on for~~
8 consumption off the premises, the license fee shall be \$5. ~~Such~~ The license shall be
9 issued by the town, village or city clerk, shall designate the specific premises for
10 which granted and shall expire the ~~thirtieth day of next~~ June thereafter 30 after
11 issuance. The full license fee shall be charged for the whole or a fraction of the year.
12 No ~~such~~ beverages ~~shall~~ described in this paragraph may be manufactured, sold at
13 wholesale or retail or sold for consumption on the premises, or kept for sale at
14 wholesale or retail, or for consumption on the premises where sold, without ~~such a~~
15 license issued under this paragraph.

16 (am) ~~In case of removal of the~~ If a place of business moves from the premises
17 designated in the license to another location in the town, village or city within the
18 license period, the licensee shall give notice of ~~such the~~ change of location, and the
19 license shall be amended accordingly without payment of an additional fee. ~~No such~~
20 A license, ~~however, shall be~~ is not transferable from one person to another.

21 (c) ~~Each~~ A town board, village board ~~and or~~ common council ~~shall have~~
22 authority may by resolution or ordinance to adopt ~~such regulations as it may deem~~
23 reasonable and necessary regulations regarding the location of licensed premises,
24 the conduct thereof of the licensed premises, the sale of beverages containing less

1 than ~~one-half of one per centum~~ 0.5% of alcohol by volume and the revocation of any
2 license ~~or permit~~.

3 (2) SODA WATER BEVERAGES. ~~Each~~ A town board, village board ~~and or~~ common
4 council of any city may grant licenses to ~~such persons as they deem it considers~~
5 proper for the sale of soda water beverages, as defined in s. 97.34, to be consumed on
6 or off the premises where sold. ~~Such~~ A license fee shall be fixed by ~~such~~ the governing
7 body of ~~such~~ the city, village or town but shall not exceed \$5. The license shall be
8 issued by the town, city or village clerk, shall designate the specific premises for
9 which granted and shall expire on the ~~thirtieth day of next~~ June thereafter. ~~Each~~
10 ~~such~~ 30 after issuance. ~~The governing body shall have authority~~ may by resolution
11 or ordinance to adopt ~~such regulations as it may deem~~ reasonable and necessary
12 regulations regarding the location of licensed premises, the conduct ~~thereof of the~~
13 licensed premises and the revocation of any ~~such~~ license.

14 SECTION 155. 66.057 of the statutes is renumbered 157.129, and 157.129 (title),
15 as renumbered, is amended to read:

16 **157.129 (title) Minimum acreage of cemeteries; local ordinance.**

17 ~~SECTION 156. 66.058 of the statutes, as affected by 1997 Wisconsin Act 87, is~~
18 ~~renumbered 66.0435, and 66.0435 (1) (intro.) and (e), (2), (3) (a), (c) 1. (intro.), 2. and~~
19 ~~4. to 8. and (d) to (h) and (5) to (8), as renumbered, are amended to read:~~

20 66.0435 (1) DEFINITIONS. (intro.) ~~For the purposes of~~ In this section:

21 (e) "Mobile home park" means any plot or plots of ground upon which 2 or more
22 units, occupied for dwelling or sleeping purposes are located, regardless of whether
23 ~~or not~~ a charge is made for ~~such~~ the accommodation.

24 (2) ~~LICENSE AND REVOCATION OR SUSPENSION THEREOF~~ GRANTING, REVOKING OR
25 SUSPENDING LICENSE. (a) ~~It shall be is~~ unlawful for any person to maintain or operate

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1 a mobile home park within the limits of ~~any a~~ city, town or village, ~~any mobile home~~
2 ~~park unless such~~ the person shall first obtain ~~has received a license~~ from the city,
3 town or village ~~a license therefor~~. ~~All such parks in existence on August 9, 1953 shall~~
4 ~~within 90 days thereafter, obtain such license, and in all other respects comply fully~~
5 ~~with the requirements of this section except that the licensing authority shall upon~~
6 ~~application of a park operator, waive such requirements that require prohibitive~~
7 ~~reconstruction costs if such waiver does not affect sanitation requirements of the city,~~
8 ~~town or village or create or permit to continue any hazard to the welfare and health~~
9 ~~of the community and the occupants of the park.~~

10 (b) In order to protect and promote the public health, morals and welfare and
11 to equitably defray the cost of municipal and educational services required by
12 persons and families using or occupying trailers, mobile homes, trailer camps or
13 mobile home parks for living, dwelling or sleeping purposes, ~~each a~~ city council,
14 village board and town board may establish do any of the following:

15 1. Establish and enforce by ordinance reasonable standards and regulations
16 for every trailer and trailer camp and every mobile home and mobile home park;
17 require.

18 2. Require an annual license fee to operate ~~the same a trailer and trailer camp~~
19 or mobile home and mobile home park and levy and collect special assessments to
20 defray the cost of municipal and educational services furnished to ~~such the~~ trailer
21 and trailer camp, or mobile home and mobile home park. ~~They may limit~~

22 3. Limit the number of units, trailers or mobile homes that may be parked or
23 kept in any one camp or park, ~~and limit.~~

24 4. Limit the number of licenses for trailer camps or parks in any common school
25 district, if the mobile housing development would cause the school costs to increase

1 above the state average or if an exceedingly difficult or impossible situation exists
2 with regard to providing adequate and proper sewage disposal in the particular area.
3 ~~The power conferred on cities, villages and towns by this section is in addition to all~~
4 ~~other grants and shall be deemed limited only by the express language of this section.~~

5 (c) In ~~any a~~ town in which the town board enacts an ordinance regulating
6 trailers under ~~the provisions of~~ this section and has also enacted and approved a
7 county zoning ordinance under the provisions of s. 59.69, the provisions of the
8 ordinance which is most restrictive shall apply with respect to the establishment and
9 operation of ~~any a~~ trailer camp in ~~said the~~ town.

10 (d) ~~Any A~~ license granted under ~~the provisions of~~ this section shall be ~~is~~ subject
11 to revocation or suspension for cause by the ~~common council, village board or town~~
12 ~~board~~ licensing authority that issued the license upon complaint filed with the clerk
13 of the ~~city, village or town~~ licensing authority, if the complaint is signed by ~~any a~~ law
14 enforcement officer, local health officer, as defined in s. 250.01 (5), or building
15 inspector, after a public hearing upon the complaint, ~~provided that the~~. The holder
16 of the license shall be given 10 days' written notice ~~in writing~~ of the hearing, and the
17 ~~holder of the license shall be is~~ entitled to appear and be heard as to why the license
18 shall should not be revoked. ~~Any A~~ holder of a license that is revoked or suspended
19 by the ~~governing body of any city, village or town~~ licensing authority may within 20
20 days of the date of the revocation or suspension appeal ~~therefrom~~ the decision to the
21 circuit court of the county in which the trailer camp or mobile home park is located
22 by filing a written notice of appeal with the ~~city, village or town~~ clerk of the licensing
23 authority, together with a bond executed to the ~~city, village or town~~ licensing
24 authority, in the sum of \$500 with 2 sureties or a bonding company approved by the

1 said clerk, conditioned for the faithful prosecution of the appeal and the payment of
2 costs adjudged against the license holder.

3 (3) (a) The licensing authority shall ~~exact~~ collect from the licensee an annual
4 license fee of not less than \$25 ~~and not~~ nor more than \$100 for each 50 spaces or
5 fraction thereof of 50 spaces within each mobile home park within its limits, ~~except~~
6 ~~that where,~~ If the park lies in more than one municipality the amount of the license
7 fee shall be ~~such fraction thereof as the number of spaces in the park in the~~
8 ~~municipality bears to the entire number of spaces in the park~~ determined by
9 multiplying the gross fee by a fraction the numerator of which is the number of spaces
10 in the park in a municipality and the denominator of which is the entire number of
11 spaces in the park.

12 (c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each ~~local~~
13 ~~taxing~~ licensing authority shall collect from each mobile home occupying space or
14 lots in a park in the ~~city, town or village~~ licensing authority, except from mobile homes
15 that constitute improvements to real property under s. 70.043 (1) and from
16 recreational mobile homes and camping trailers as defined in s. 70.111 (19), a
17 monthly parking permit fee computed as follows:

18 2. The monthly parking permit fee ~~shall be~~ is applicable to mobile homes
19 moving into the tax district any time during the year. The park operator shall furnish
20 information to the tax district clerk and the assessor on mobile homes added to the
21 park within 5 days after their arrival, on forms prescribed by the department of
22 revenue. As soon as the assessor receives the notice of an addition of a mobile home
23 to a park, the assessor shall determine its fair market value and notify the clerk of
24 that determination. The clerk shall equate the fair market value established by the
25 assessor and shall apply the appropriate tax rate, divide the annual parking permit

1 fee thus determined by 12 and notify the mobile home owner of the monthly fee to
2 be collected from the mobile home owner. Liability for payment of the fee shall begin
3 begins on the first day of the next succeeding month and ~~shall remain on the mobile~~
4 ~~home only continues~~ for such the months as in which the mobile home remains in the
5 tax district.

6 4. The valuation established ~~shall be~~ is subject to review as are other values
7 established under ch. 70. If the board of review reduces a valuation on which
8 previous monthly payments have been made the tax district shall refund past excess
9 fee payments.

10 5. The monthly parking permit fee shall be paid by the mobile home owner to
11 the local taxing authority on or before the 10th of the month following the month for
12 which such the parking permit fee is due.

13 6. The licensee of a park ~~shall be~~ is liable for the monthly parking permit fee
14 for any mobile home occupying space ~~therein~~ in the park as well as the owner and
15 occupant ~~thereof~~ of the mobile home occupying space. A municipality, by ordinance,
16 may require the mobile home park operator to collect the monthly parking permit fee
17 from the mobile home owner.

18 7. No monthly parking permit fee shall may be imposed for any space occupied
19 by a mobile home accompanied by an automobile for an accumulating period not to
20 exceed 60 days in any 12 months if the occupants of the mobile home are tourists or
21 vacationists. Exemption certificates in duplicate shall be accepted by the treasurer
22 of the licensing authority from qualified tourists or vacationists in lieu of monthly
23 mobile home parking permit fees.

24 66.0435(3)(c) 8. The credit under s. 79.10 (9) (bm), as it applies to a parcel of taxable property
25 shall ~~apply~~ applies to the estimated fair market value of a mobile home. The

Handwritten notes: "ENS. 114A" in a circle, "Proof w/ 99WA5" written vertically, and "Bold" in a circle.

Handwritten note: "that is the principal dwelling of the owner" in a circle.

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110 A ✓

SEC. 66.058 (title), (1), (2)

and (3) (title), (a), ~~and~~ (b) and
of the statutes are renumbered

(c) 1. to 7. 66.0435⁴³⁵ (title), (1), (2)

and (3) (title), (a), (b) and (c) 1. to 7.,

and 66.0435 (1) (intro.) and (2), (2) (3) (a),

(c) 1. (intro.), 2. and 4. to 7., as

renumbered, are amended to read:

114 A ✓

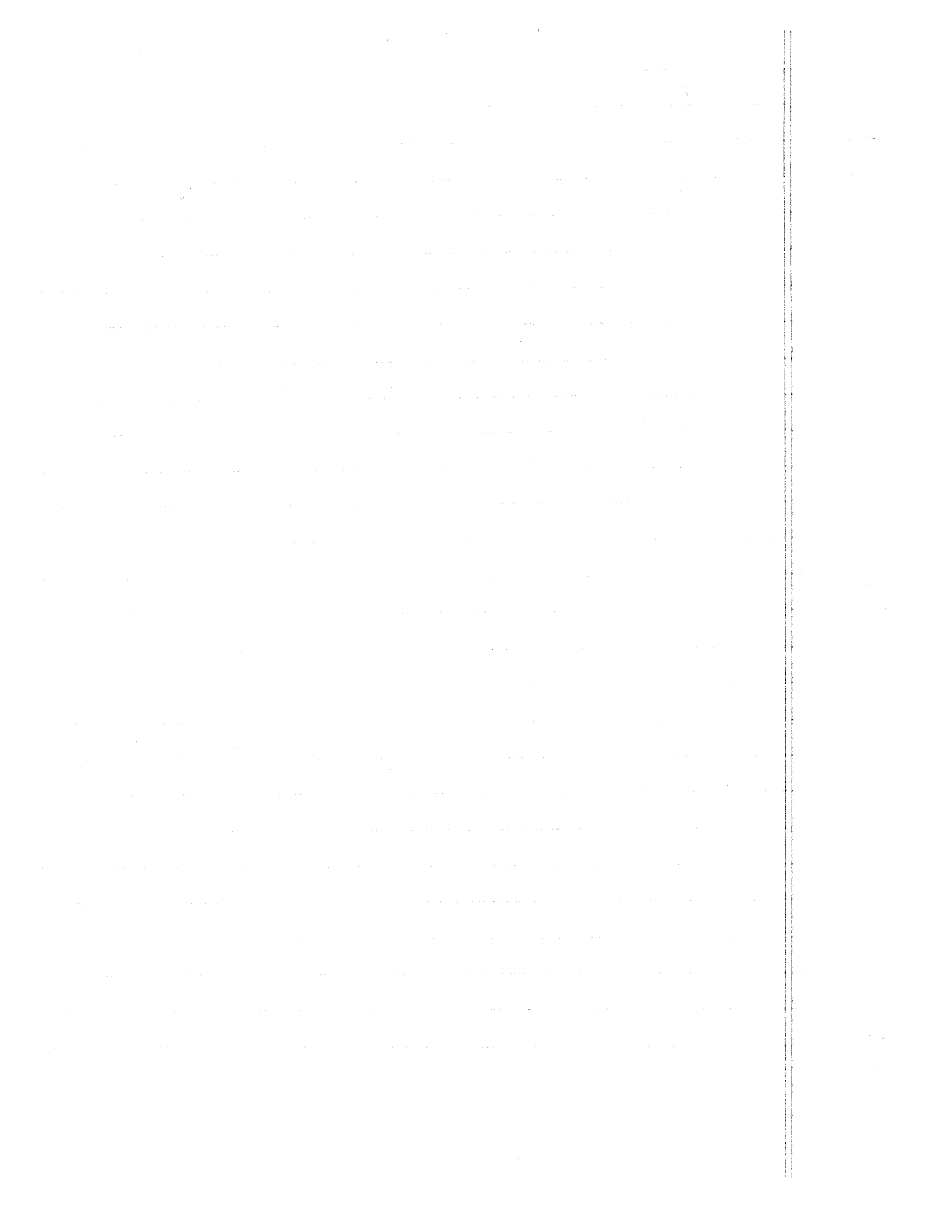
SEC. 66.058 (3) (c) 2. of the
statutes, as affected by 1999 Wisconsin
Act 5, is renumbered 66.0435⁴ (3) (c) 2.
and amended to read:



plain text

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The owner of the mobile home shall file a claim for the credit with the ~~appropriate~~ treasurer of the municipality in which the property is located. To obtain the credit under 5.79.10(9)(b)(m), the owner shall attest on the claim that the mobile home is the owner's principal dwelling.



Proof 2/99WA5
INS. 115A

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treasurer shall reduce the owner's parking permit fee by the amount of any allowable credit. The treasurer shall furnish notice of all ~~amounts~~ ^{claims (plain text)} for credits under this subdivision to the department of revenue as provided under s. 79.10 (1m).

466-0435(3) (d) This section ~~shall~~ does not apply where ~~to~~ a mobile home park that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

(e) If a mobile home is permitted by local ordinance to be located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands, and the owner of ~~such~~ the land shall be required to comply with the reporting requirements of par. (c). The owner of the land may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(f) Nothing ~~contained~~ in this subsection ~~shall prohibit~~ prohibits the regulation thereof by local ordinance of a mobile home park.

(g) Failure to timely pay the tax ~~hereunder~~ prescribed in this subsection shall be treated ~~in all respects like~~ as a default in payment of personal property tax and shall be ~~is~~ subject to all procedures and penalties applicable ~~thereto~~ under chs. 70 and 74.

(h) Each local governing body ~~is empowered to~~ may enact an ordinance providing a forfeiture of up to \$25 for the failure to comply with the reporting requirements of par. (c) or (e). Each failure to report ~~shall be regarded as is~~ a separate offense.

(5) PLANS AND SPECIFICATIONS TO BE FILED. ~~Accompanying, and to be filed with an original application for a mobile home park, shall be plans~~ Plans and specifications which ~~shall be~~ in compliance with all applicable city, town or village

1 ordinances of the licensing authority and provisions of the department of health and
2 family services shall be filed with an original application for a mobile home park. The
3 clerk, after approval of the application by the governing body licensing authority and
4 upon completion of the work according to the plans, shall issue the license. A mobile
5 housing development harboring only nondependent mobile homes as defined in sub.
6 (1) (f) ~~shall is not be~~ required to provide a service building.

7 (6) RENEWAL OF LICENSE. Upon application by any licensee and, after approval
8 by the governing body of the city, town or village licensing authority and upon
9 payment of the annual license fee, the clerk of the city, town or village licensing
10 authority shall issue a certificate renewing the license for another year, unless
11 sooner revoked. The application for renewal shall be in writing, signed by the
12 applicant on forms furnished by the city, town or village licensing authority.

13 (7) TRANSFER OF LICENSE; FEE. Upon application for a transfer of license the clerk
14 of the city, town or village licensing authority, after approval of the application by the
15 governing body licensing authority, shall issue a transfer upon payment of the
16 required \$10 fee.

17 (8) DISTRIBUTION OF FEES. The municipality licensing authority may retain 10%
18 of the monthly parking permit fees collected in each month, without reduction for any
19 amounts deducted under sub. (3m), to cover the cost of administration. The
20 municipality licensing authority shall pay to the school district in which the park is
21 located, within 20 days after the end of each month, such proportion of the remainder
22 of the fees collected in the preceding month ~~as the ratio of the most recent property~~
23 tax levy for school purposes bears to the total tax levy for all purposes in the
24 municipality licensing authority. If the park is located in more than one school

Handwritten notes:
- "set-plain" circled in blue with an arrow pointing to the phrase "as the ratio of the most recent property tax levy".
- "R" and "KAN" written above the phrase "as the ratio of the most recent property tax levy".
- "21" and "22" circled in blue on the left margin.

115 A ✓

SEC. 66.058 (3) (d) to (h) and
(3m) to (8) ✓ of the statutes are renumbered^d
66.0435 (3) (d) to (h) and (3m) to (8),
and 66.0435⁴ (3) (d) to (h) and (5) to (8),
as renumbered^d, are amended to read:

The following text is a scan of a document page, which appears to be a list of references or a table of contents. The text is extremely faint and largely illegible. It contains several lines of text, possibly including names, dates, and titles, but the characters are too light to be accurately transcribed. The layout suggests a structured list, with entries separated by lines and possibly grouped by date or author.