

## 2001 ASSEMBLY BILL 27

January 16, 2001 – Introduced by Representatives OLSEN, LADWIG, POWERS, HUEBSCH, WADE, OTT, HUBER, MUSSER, FREESE, PLOUFF, GUNDERSON, RHOADES, LASSA, AINSWORTH, M. LEHMAN, MILLER, HUNDERTMARK, KRAWCZYK, NASS and HAHN, cosponsored by Senators S. FITZGERALD, WELCH, ROESSLER, FARROW, A. LASEE and ROSENZWEIG. Referred to Committee on Urban and Local Affairs.

- 1     **AN ACT to amend** 59.69 (5) (b), 59.69 (5) (e) 2. and 59.69 (5) (e) 6. of the statutes;  
2             **relating to:** the type of notification for certain county zoning changes that are  
3             mailed to town clerks.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, if a county board enacts a zoning ordinance, the county clerk is required to send by registered mail duplicate copies of the ordinance to each town clerk in the county. Also under current law, one of the ways a county board may amend a zoning ordinance is to act on a petition for amendment that has been submitted to the county board. The county board is required to hold a public hearing on the petition, and is required to send a registered mail notice of the time and place of the hearing to the clerk of each town that is affected by the proposed amendment. If a county board amends a zoning ordinance by a method other than adopting the changes sought in a petition, the county clerk is required to send by registered mail duplicate copies of the ordinance to the clerk of each town that is affected by the ordinance. Also under current law, if a county board enacts an ordinance that relates to the location of boundaries of a zoning district in the county, the county clerk is required to send by registered mail a copy of the ordinance to the town clerk of the town in which the lands affected by the change are located.

Under this bill, all such documents that must currently be sent by registered mail must be sent by certified mail.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 59.69 (5) (b) of the statutes is amended to read:

2           59.69 (5) (b) When the draft of the ordinance, recommended for enactment by  
3 the zoning agency, is received by the board, it may enact the ordinance as submitted,  
4 or reject it, or return it to the agency with such recommendations as the board may  
5 see fit to make. In the event of such return subsequent procedure by the agency shall  
6 be as if the agency were acting under the original directions. When enacted,  
7 duplicate copies of the ordinance shall be submitted by the clerk by registered  
8 certified mail to each town clerk for consideration by the town board.

9           **SECTION 2.** 59.69 (5) (e) 2. of the statutes is amended to read:

10          59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public  
11 hearing on the petition. Notice of the time and place of the hearing shall be given  
12 by publication in the county of a class 2 notice, under ch. 985. A copy of the notice  
13 shall be mailed by registered certified mail to the town clerk of each town affected  
14 by the proposed amendment at least 10 days prior to the date of such hearing. If the  
15 petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am)  
16 1. b., the agency shall mail a copy of the notice to the owner or operator of the airport  
17 bordered by the airport affected area.

18          **SECTION 3.** 59.69 (5) (e) 6. of the statutes is amended to read:

19          59.69 (5) (e) 6. If an amendatory ordinance makes only the change sought in  
20 the petition and if the petition was not disapproved prior to, at or within 10 days  
21 under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public

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1 hearing by the town board of the town affected in the case of an ordinance relating  
2 to the location of district boundaries or by the town boards of a majority of the towns  
3 affected in the case of all other amendatory ordinances, it shall become effective on  
4 passage. The county clerk shall record in the clerk's office the date on which the  
5 ordinance becomes effective and notify the town clerk of all towns affected by the  
6 ordinance of the effective date and also insert the effective date in the proceedings  
7 of the county board. Any other amendatory ordinance when enacted shall within 7  
8 days thereafter be submitted in duplicate by the county clerk by ~~registered~~ certified  
9 mail to the town clerk of each town in which lands affected by the ordinance are  
10 located. If after 40 days from the date of the enactment a majority of the towns have  
11 not filed certified copies of resolutions disapproving the amendment with the county  
12 clerk, or if, within a shorter time a majority of the towns in which the ordinance is  
13 in effect have filed certified copies of resolutions approving the amendment with the  
14 county clerk, the amendment shall be in effect in all of the towns affected by the  
15 ordinance. Any ordinance relating to the location of boundaries of districts shall  
16 within 7 days after enactment by the county board be transmitted by the county clerk  
17 by ~~registered~~ certified mail only to the town clerk of the town in which the lands  
18 affected by the change are located and shall become effective 40 days after enactment  
19 of the ordinance by the county board unless such town board prior to such date files  
20 a certified copy of a resolution disapproving of the ordinance with the county clerk.  
21 If such town board approves the ordinance, the ordinance shall become effective upon  
22 the filing of the resolution of the town board approving the ordinance with the county  
23 clerk. The clerk shall record in the clerk's office the date on which the ordinance  
24 becomes effective and notify the town clerk of all towns affected by such ordinance

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1 of such effective date and also make such report to the county board, which report  
2 shall be printed in the proceedings of the county board.

3 (END)