

2001 ASSEMBLY BILL 494

September 17, 2001 – Introduced by Representatives GUNDERSON, LADWIG, STARZYK, OWENS, GRONEMUS and ALBERS. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 66.0217 (2), 66.0217 (3) (intro.) and 66.0219 (intro.); and **to**
2 **create** 66.0217 (14) and 66.0219 (10) of the statutes; **relating to:** limiting the
3 authority of cities and villages to annex territory.

Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum. If the city or village submits the resolution and the proper supporting documents and if no petition of protest is filed with the court or if the petition is found by the court to be insufficient, the court shall order the referendum to be held. If the referendum passes in the town, the annexation occurs.

Under the first two of these current methods of annexation, no annexation proceeding in a county with a population of at least 50,000 is valid unless the person publishing a notice of annexation or the person who files the petition for direct annexation sends certain information, such as a legal description and a scale map

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of the territory proposed to be annexed, to the department of administration (DOA) within five days of the publishing of the notice or filing of the petition. Within 20 days after receipt of the information, DOA may mail to the clerks of the town and city or village that are involved with the proposed annexation a notice that states DOA's opinion that the annexation is against the public interest and that advises the clerks of the reasons for its decision.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to DOA review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum.

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory.

Under this bill, no city or village may annex any territory if none of the city's or village's territory is in the same county as the territory to be annexed. This change does not apply to city or village annexation of owned territory.

This bill first applies to any annexation that has not taken effect on the day that the bill takes effect.

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

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

1 **SECTION 1.** 66.0217 (2) of the statutes is amended to read:

2 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided
3 in sub. (14), if a petition for direct annexation signed by all of the electors residing
4 in the territory and the owners of all of the real property in the territory is filed with
5 the city or village clerk, and with the town clerk of the town or towns in which the
6 territory is located, together with a scale map and a legal description of the property
7 to be annexed, an annexation ordinance for the annexation of the territory may be
8 enacted by a two-thirds vote of the elected members of the governing body of the city

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1 or village without compliance with the notice requirements of sub. (4). In an
2 annexation under this subsection, subject to sub. (6), the person filing the petition
3 with the city or village clerk and the town clerk shall, within 5 days of the filing, mail
4 a copy of the scale map and a legal description of the territory to be annexed to the
5 department and the governing body shall review the advice of the department, if any,
6 before enacting the annexation ordinance.

7 **SECTION 2.** 66.0217 (3) (intro.) of the statutes is amended to read:

8 66.0217 (3) OTHER METHODS OF ANNEXATION. (intro.) Subject to s. 66.0307 (7),
9 and except as provided in sub. (14), territory contiguous to a city or village may be
10 annexed to the city or village in the following ways:

11 **SECTION 3.** 66.0217 (14) of the statutes is created to read:

12 66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY. No territory may be
13 annexed by a city or village under this section if no part of the city or village is located
14 in the same county as the territory that is subject to the proposed annexation.

15 **SECTION 4.** 66.0219 (intro.) of the statutes is amended to read:

16 **66.0219 Annexation by referendum initiated by city or village.** (intro.)
17 As a complete alternative to any other annexation procedure, and subject to s.
18 66.0307 (7) and except as provided in sub. (10), unincorporated territory which
19 contains electors and is contiguous to a city or village may be annexed to the city or
20 village under this section. The definitions in s. 66.0217 (1) apply to this section.

21 **SECTION 5.** 66.0219 (10) of the statutes is created to read:

22 66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. No territory may be
23 annexed by a city or village under this section if no part of the city or village is located
24 in the same county as the territory that is subject to the proposed annexation.

25 **SECTION 6. Initial applicability.**

