2001 DRAFTING REQUEST

Bill

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Received	d: 12/06/2000				Received By: shoveme			
Wanted: As time permits					Identical to LRB:			
For: Bor	nnie Ladwig (6	08) 266-9171			By/Representing:	Janine		
This file	may be shown	to any legislato	r: NO		Drafter: shoveme			
May Co	ntact:				Addl. Drafters:			
Subject:	Munis -	miscellaneous			Extra Copies:			
Submit v	via email: NO							
Pre Tor	pic:	,						
No spec	ific pre topic gi	ven				,		
Topic:								
The auth	nority of certain	towns to becor	ne urban to	wns				
Instruc	tions:	·						
See Atta	ached. Redraft	1999 AB 127, I	_RB -1177/	1. Urban tow	ns bill.			
 Draftin	g History:							
Vers.	Drafted	Reviewed	Typed	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required	
/?	shoveme 12/11/2000	wjackson 12/21/2000					Local	
/1			martykr 12/22/20	00	lrb_docadmin 12/22/2000	lrb_docadn 09/05/2001		
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2001 DRAFTING REQUEST

Bill

Received. 12/06/2000					Received By: shoveme				
Wanted	: As time perm	its		٠.	Identical to LRB:				
For: Bonnie Ladwig (608) 266-9171					By/Representing: Janine				
This file	e may be shown	to any legislate	or: NO	•	Drafter: shover	· .			
May Co	ontact:			Alt. Drafters:					
Subject	: Munis ·	· miscellaneous	5		Extra Copies:				
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Instruc	ctions:		7744						
See Atta	ached. Redraft	1999 AB 127, 1	LRB -1177/	1. Urban tow	ns bill.				
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Draftin	g History:								
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
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2001 DRAFTING REQUEST

Bill

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Received: 12/06/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Janine

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject:

Munis - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

The authority of certain towns to become urban towns

Instructions:

See Attached. Redraft 1999 AB 127, LRB -1177/1. Urban towns bill.

Drafting History:

Vers.

Drafted

Reviewed

Proofed

Submitted

<u>Jacketed</u>

Required

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shoveme

1 WLj 12/21 4/2/

Typed

11 MES 12/11/00

FE Sent For:

<END>

Shovers, Marc

From:

Hale, Janine

Sent:

Tuesday, December 05, 2000 4:13 PM

To: Subject: Shovers, Marc Drafting request

Hi Marc,

Rep. Ladwig would like to request a re-draft of 1999 Assembly Bill 127 (LRB 1177/1) for the 2001-2002 session. This bill relates to the authority of certain towns to become urban towns.

If you could send me a confirmation of this request, I would appreciate it. If you have any questions, please feel free to

contact me.

Thank you, Janine

Janine Hale, Chief of Staff
Office of Representative Bonnie Ladwig
113 West, State Capitol
P.O. Box 8952
Madison, WI 53708
(608)266-9171
janine.hale@legis.state.wi.us

0001-7-007 1999-2000 LEGISLATURE |365 | | LRB-147771 MES:wlj**44444**000

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1999 ASSEMBLY BILL 127/

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February 16, 1999 – Introduced by Representatives LADWIG, KLUSMAN, AINSWORTH, SKINDRUD, WARD, ALBERS, FREESE, HANDRICK, F. LASEE, OWENS, PORTER and SERATTI, cosponsored by Senator Schultz. Referred to Committee on Rural Affairs and Forestry.

AN ACT to amend 60.61 (2) (intro.), 60.62 (1), 60.62 (2), 60.62 (3), 62.23 (7a) (a),

66.021 (2) (intro.), 66.024 (intro.), 66.025, 66.32 and 236.02 (5); and to create

60.10 (1) (g) and 60.225 of the statutes; relating to: the authority of certain

towns to become urban towns.

Analysis by the Legislative Reference Bureau

Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers that are related to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. For example, a town board exercising village powers may not create a tax incremental financing district, annex territory, exercise extraterritorial zoning jurisdiction over another town, or, in counties that have adopted a county zoning ordinance, enact a town zoning ordinance unless it is approved by the county board. If a town board exercises village powers, the town is still subject to annexation by a city or village and may be subject to extraterritorial zoning powers exercised by a city or village.

Subject to several conditions, this bill authorizes a town board that is authorized to exercise village powers to adopt a resolution declaring that the town is an urban town. Under certain circumstances and subject to several limitations, the bill allows a town board that has adopted such a resolution to exercise any statutory power that a village may exercise, including the power to create a housing authority for the elderly. Before the town board may adopt a resolution declaring that the town is an urban town, the town must leither: attempt, and fail, to

do one of the following

1990 / 2000 must

consolidate with a city or yillage and have attempted to incorporate as a city or village between 1988 and 1998 mattempt to consolidate with a city or village and attempt, and fail, to incorporate as a city or village within three years after commencing the procedures that are required to become an urban town. The town board may adopt a resolution declaring that the town is an urban town only after its attempts to consolidate or incorporate fail. Once the town board adopts an urban town resolution, the resolution may take effect only after the resolution is approved by the electors of the town in a referendum.

The bill also allows the board of an urban town to exercise certain zoning powers and to remove the town from coverage of county zoning ordinances, other than a county shorelands zoning ordinance, and exempts the town from being subject to certain city and village annexation and extraterritorial powers. If the town is a party to a cooperative boundary plan or agreement on the date that it becomes an urban town, the terms of the plan or agreement remain in effect until the expiration of the plan or agreement. Also under the bill, town residents may attempt to enact direct legislation. This bill does not extend constitutional or statutory home rule powers to urban towns, nor does it allow such towns to create a tax incremental financing district, to adopt a village form of government, to annex territory or to engage in extraterritorial zoning or plat approval.

The powers granted to urban towns in this bill apply only if certain conditions are met on the date on which the town board adopts the resolution. Some of the conditions that must be satisfied include the following:

- 1. The population of the town must be at least 7,500.
- 2. The equalized value of the town must exceed \$360,000,000 and must be at least \$40,000 on a per person basis.
- 3. The town must provide law enforcement, fire protection and emergency medical services 24 hours a day.
- 4. At least 30% of the town residents must receive water supply and sewage disposal services from one of several entities, such as a town sanitary district, a town utility district, a metropolitan sewerage district or another city, village or town.
 - 5. The town must adopt a comprehensive land use plan as part of a master plan.
 - 6. The town board must consist of five supervisors.

The bill also contains a sunset provision such that the provisions allowing the creation of an urban town remain in effect for only five years.

For further information see the *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:

SECTION 1. 60.10 (1) (g) of the statutes is created to read:

60.10 (1) (g) Approval of resolutions. Approve a resolution adopted by the town

board under s. 60.225(1).

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1	SECTION 2. 60.225 of the statutes is created to read:
2	60.225 Urban towns. (1) PROCESS, REQUIREMENTS. Subject to sub. (1m), if a
3	town board is authorized to exercise village powers under s. $60.10(2)(c)$, and subject
4	to sub. (2), a town board may adopt a resolution declaring its town to be an urban
5	town that is subject to this section if, on the date of adoption of the resolution, all of
6	the following conditions are satisfied:
7	(a) The population of the town is at least 7,500.
8	(b) The equalized value of the town exceeds all of the following amounts:
9	1. According to the most recent assessment, \$360,000,000.
10	2. On a per person basis, \$40,000 according to the most recent assessment.
11	(c) The town provides law enforcement services, 24 hours a day, by establishing
12	a town police department, by creating a joint police department with another city,
13)	village or town under s. 60.56 or by contracting with another person under s. 60.56.
14	(d) The town provides fire protection services, 24 hours a day, by establishing
15	a town fire department or by creating a joint fire department with another city,
16	village or town under s. 60.55 .
17	(e) The town provides emergency medical technician services, 24 hours a day,
18	by an emergency medical technician, as defined in s. 146.50 (1) (e). \checkmark
19	(f) The town board adopts a comprehensive land use plan as part of a master
20	plan under s. 62.23 (2) and (3) that is administered by a planner who is employed by
21	the town.
22	(g) At least 30% of the town residents receive water supply and sanitary sewage
23	disposal services from one of the following:
24	1. A town sanitary district created by the town under subch. IX.
25	2. A town utility district created under s. 66.07000

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1	3. A metropolitan sewerage district created under ss. 66.20/10/66.26/or under
2	ss. 66.88 to 66.916. 200. 21 to 200.65

- 4. A public utility created under s. 196.01 (5).
- 5. A town sanitary district created by another town under subch. IX.
- 6. A city or village.

- 7. A city-owned treatment works or village-owned treatment works in which the town has an interest under an intergovernmental cooperation agreement under s. Which 66.0301
 - (h) The town board consists of 5 supervisors.
- - 1. Instituted proceedings to incorporate the town as a city under s. 66.012/66.02-15
- 2. Instituted proceedings to incorporate the town as a city or village under ss. 66.018 + 66.019 = 66.013 = 6
- (b) Subject to par. (c), if a town board has not instituted one of the proceedings under par. (a) 1. or 2. between when and work the town board may proceed under sub. (1) only if the town board adopts a resolution declaring its intent to proceed under this paragraph and only if the town board, within a 3-year period beginning on the date of the adoption of the resolution declaring its intent to proceed under this paragraph, institutes proceedings under s. (6), 0,2,29 \(\sqrt{1} \) paragraph, institutes proceedings under s. (6), 0,2,29 \(\sqrt{1} \) or village and the town board institutes proceedings described under par. (a) 1. or 2.

(c) The town board may adopt a resolution under sub. (1) only if the town board
institutes the proceedings under par. (a) or under par. (b) and the proceedings do not
result in either a consolidation under s. 66,002 or the incorporation of the town as a
result in either a consolidation under s. 66.025 or the incorporation of the town as a city under s. 66.012 or as a city or village under ss. 66.013 to 66.019
(2) RATIFICATION. (a) If a town board adopts a resolution under sub. (1), the
town board shall call a referendum to approve the resolution adopted under sub. (1).
The referendum shall be called for that purpose at the next spring primary or election
or September primary or general election, or the town board may call and conduct
a special referendum under s. 8.55, to be held not sooner than 45 days after the
referendum is called by the town board. The town board shall call for a referendum
under this subsection not later than 90 days after the adoption of a resolution under
sub. (1). The referendum question shall be: "Do you approve the town board's
adoption of the resolution declaring the Town of [insert name of town] to be an
urban town?"
(b) A resolution adopted by a town board under sub. (1) may not take effect until
the resolution is approved in a referendum called for by the town board under par.
(a). If the referendum is approved by the electors of the town, the town clerk shall
certify that fact to the secretary of state. The secretary of state shall issue a
certificate of urban town status and shall record that status in a book kept for that
purpose.
(3) Powers. (a) A town that is subject to this section may exercise any statutory
power that a village may exercise, except as follows:
1. A town acting under this section does not have home rule powers under

article XI, section 3, of the constitution or under s. 61.34 (5).

1	2. A town acting under this section may not exercise extraterritorial zoning
2	powers under s. 62.23 (7a) or 66.82 , offensive industry regulation under s. $66.04/3$
(3)	extraterritorial plat approval under s. 236.10 or wetlands in shorelands zoning
4	authority under s. 61.351.
5 6	3. A town acting under this section may not exercise annexation of territory b 6.0219 b 6.0219 b 6.0213
7	4. A town acting under this section may not create a tax incremental financing
8	district under s. 66/46/ bb.1 05-1
9	 A town acting under this section may not adopt a village form of governance
10	by acting under ss. 61.19 to 61.325.
11	(b) 1. Except for a wetlands in shorelands zoning ordinance, no town may be
12	subject to any county zoning ordinance that is enacted by a county board after a town
13	board adopts a resolution under sub. (1) unless the town board approves the
14	ordinance or until the resolution adopted by the town board under sub. (1) is defeated
15	in a referendum that is held under sub. (2) .
16	2. If a town board adopts a resolution under sub. (1) and the resolution is
17	ratified under sub. (2), a town board may adopt a resolution revoking its approval of
18	any county zoning ordinance, other than a wetlands in shorelands zoning ordinance,
19	if the town board notifies the county board in writing at least 60 days before the
20	resolution revoking approval of a county zoning ordinance takes effect.
21	3. Beginning on the effective date of the resolution revoking town approval of
22	a county zoning ordinance, a town that is subject to this section may enact zoning
23	ordinances only under s. 62.23. (c) No town territory may be annexed by a city or village under s. 66,024, (b) 0 3-2-2 or 60,024 during the 3-year period described under sub. (1m) (b), during the period
24	(c) No town territory may be annexed by a city or village under s. 660000, 660000
25	or 600025 during the 3-year period described under sub. (1m) (b), during the period

- beginning after a town board adopts a resolution under sub. (1) and before a ratification vote under sub. (2) or at any time after the electors of the town approve such a resolution under sub. (2), unless the town board approves the proposed annexation or unless the land proposed to be annexed is less than 300 acres and at least 85% of the border of such land is contiguous to the annexing city or village.
- (d) No town may be subject to the extraterritorial zoning jurisdiction or extraterritorial plat approval jurisdiction of a city or village during the period beginning after a town board adopts a resolution under sub. (1) and before a ratification vote under sub. (2) or at any time after the electors of the town approve such a resolution under sub. (2).
- (e) 1. If a town is a party to a cooperative boundary plan under s. 66,0301 similar cooperative boundary agreement under s. 66,0301 on the date on which the town becomes an urban town, the terms of the plan or agreement, or any approved amendments to the plan or agreement, shall remain in effect until the expiration of the planning period that is specified in the plan or the expiration of the agreement.
- 2. A town may become a party to a cooperative boundary plan under s. 26,028 any time before the first day of the 24th month beginning after the effective date of this subdivision [revisor inserts date]. If a town becomes a party to such a plan under this subdivision, the terms of the plan, or any approved amendments to the plan, shall remain in effect until the expiration of the planning period that is specified in the plan.
- 3. Except as provided in this paragraph and in par. (c), the boundaries of an (6,0727) urban town may not be changed under s. 66002 or 660022 or by the acquisition or disposal of territory by any means, unless the town agrees to the change.

1	(4) SUNSET. This section does not apply on or after the first day of the 60th
2	month beginning after the effective date of this subsection [revisor inserts date].
3	SECTION 3. 60.61 (2) (intro.) of the statutes is amended to read:
4	60.61 (2) EXTENT OF AUTHORITY. (intro.) Subject to subs. (3) and (3m), if a town
(5)	is located in a county which has not enacted a county zoning ordinance under s. 59.69,
6	the town board of a town that is not subject to s. 60.225, by ordinance, may:
7	SECTION 4. 60.62 (1) of the statutes is amended to read:
8	60.62 (1) Subject to subs. (2), (3) and (4) and to s. 60.225 (3) (b) 3., if a town board
9	has been granted authority to exercise village powers under s. $60.10(2)(c)$, the board
10	may adopt enact zoning ordinances under s. 61.35.
11	SECTION 5. 60.62 (2) of the statutes is amended to read:
12	60.62 (2) If the county in which the town is located has enacted a zoning
13	ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
14	approval by the town meeting or by a referendum vote of the electors of the town held
15	at the time of any regular or special election, except that this subsection does not
16	apply if a town board revokes its approval of a county zoning ordinance under s.
17	60.225 (3) (b) 2. The question for the reperendum vote shall be file
18	SECTION 6. 60.62 (3) of the statutes is amended to read:
19	60.62 (3) In counties having a county zoning ordinance, no zoning ordinance
20	or amendment of a zoning ordinance may be adopted enacted under this section
21	unless it is approved by the county board, except that this subsection does not apply
22	if a town board revokes its approval of a county zoning ordinance under s. 60.225 (3)
23	(b) 2.
24	SECTION 7. 62.23 (7a) (a) of the statutes is amended to read:

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ASSEMBLY BILL 127

62.23 (7a) (a) Extraterritorial zoning jurisdiction means the unincorporated area, except as provided in s. 60.225 (3) (d), within 3 miles of the corporate limits of a first, second or third class city, or 1 1/2 miles of a fourth class city or a village. Wherever extraterritorial zoning jurisdictions overlap, the provisions of s. 186122 shall apply and any subsequent alteration of the corporate limits of the city by annexation, detachment or consolidation proceedings shall not affect the dividing (plain) 66.0105 line as initially determined under s. 66/42/ The governing body of the city shall specify by resolution the description of the area to be zoned within its extraterritorial zoning jurisdiction sufficiently accurate to determine its location and such area shall be contiguous to the city. The boundary line of such area shall follow government lot or survey section or fractional section lines or public roads, but need not extend to the limits of the extraterritorial zoning jurisdiction. Within 15 days of the adoption of the resolution the governing body shall declare its intention to prepare a comprehensive zoning ordinance for all or part of its extraterritorial zoning jurisdiction by the publication of the resolution in a newspaper having general circulation in the area proposed to be zoned, as a class 1 notice, under ch. 985. The city clerk shall mail a certified copy of the resolution and a scale map reasonably showing the boundaries of the extraterritorial jurisdiction to the clerk of the county in which the extraterritorial jurisdiction area is located and to the town clerk of each town, any part of which is included in such area.

SECTION 8. (intro.) of the statutes is amended to read: OTHER. 66.021627 METHODS OF ANNEXATION. (intro.) Subject to s. 44/0218 (7) and except 23

as provided in s. 60.225 (3) (c), territory contiguous to any city or village may be 2 (200) to the city or village 24

annexed thereto/in the following ways:

66/024 (intro.) of the statutes is amended to read:

Bainitiated by city or village

alternative to any other annexation procedure, and subject to s. 66.023 (7) and except as provided in s. 60.225 (3) (c), unincorporated territory which contains electors and is contiguous to a city or village may be annexed thereto in the manner hereafter) this section.

SECTION 10. 66. 125 of the statutes is amended to read:

B) owned by a city or Village (B) owned by a city of village.

Annexation of wwned territory. In addition to other methods 66,0307 provided by law and subject to ss. 59.692 (7) and 660028 (7) and except as provided in s. 60.225 (3) (c), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which uttaches the territory detached, and shall operate to attach the territory to the village or city upon the filing of the ordinance of a certified copies thereof in the office of the secretary of state, together with a copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of one copy to the department of administration, transportation, one copy to the department of natural resources, one copy to the Insert department of revenue and one copy to the department of public instruction 0.005

SECTION 11. 66/82 of the statutes is amended to read:

bb. 0105 Junsdiction of overlapping statute, including ss. 30.745, 62.23 (2) and (7a), 66.0415 and villages by statute, including ss. 30.745, 62.23 (2) and (7a), 66.050, 236.10 and 254.57, may not be exercised within the corporate limits of another city or village and may not be exercised within the corporate limits of a town during the period

Please Proof W/stats,

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beginning after the town board has adopted a resolution under s. 60.225 (1) and before a ratification vote under s. 60.225 (2) or at any time after the electors of the town approve such a resolution under s. 60.225 (2). Wherever these statutory extraterritorial powers overlap, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area.

SECTION 12. 236.02 (5) of the statutes is amended to read:

236.02 (5) "Extraterritorial plat approval jurisdiction" means the unincorporated area, except as provided in s. 60.225 (3) (d), within 3 miles of the corporate limits of a first, second or third class city, or 1 1/2 miles of a fourth class city or a village.

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Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county in which the annexed territory is located. Section 66.0217 (11) applies to annexations under this section.



DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1365/1dn MES:wlj:km

December 22, 2000

I advanced the references in created s. $60.225\,(1\text{m})$ (a) and (b) from "1988 to 1998" to "1990 to 2000." Is this OK?

Marc E. Shovers Senior Legislative Attorney Phone: (608) 266–0129

E-mail: marc.shovers@legis.state.wi.us



STEPHEN R. MILLER

State of Misconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION:

(608) 266-3561 (608) 264-6948

December 22, 2000

MEMORANDUM

To:

Representative Ladwig

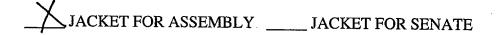
From:

Marc E. Shovers, Senior Legislative Attorney

Re:

LRB-1365 The authority of certain towns to become urban towns

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.



If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.