LRB-1744

2003 DRAFTING REQUEST

Bill

Received: **01/24/2003**

Received By: **mshovers**

Wanted: **Soon**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **Tom**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - zoning**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Berceau@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Creating a procedure for cities and villages to annex town peninsulas

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Instructions:

See Attached. Redraft 2001 AB 816, LRB -3561/2

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers 01/24/2003	kfollett 02/12/2003 kfollett 02/13/2003		_____ _____ _____ _____			S&L
/1			jfrantze 02/14/2003	_____ _____	amentkow 02/14/2003	amentkow 02/27/2003	

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AA intro.

<END>

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Rep Berceau's office

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/?	mshovers	/1 kjf	2/14	Self 2/14			

/1 MES 1/24/03

FE Sent For:

<END>

Shovers, Marc

From: Powell, Thomas
Sent: Thursday, January 23, 2003 2:47 PM
To: Shovers, Marc
Subject: re-drafts

Marc,
Terese would like to have two of our old bills from last session re-drafted: AB866 and AB816.
No changes are required.
Thanks much,

Tom Powell
Research Assistant to Rep. Terese Berceau

-1744/1

2001 – 2002 LEGISLATURE

LRB-3561/2

MES:rs&cjs:pg

RMNR

2003

2001 ASSEMBLY BILL 816

February 18, 2002 – Introduced by Representatives BERCEAU, URBAN, HUBER, SHILLING, RYBA, RICHARDS, POCAN and MILLER, cosponsored by Senator RISSER. Referred to Committee on Urban and Local Affairs.

regen

AN ACT *to create* 66.0218 of the statutes; **relating to:** creating a procedure for cities and villages to annex town peninsulas.

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 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.

This bill creates a new method for a city or village to annex a town peninsula, which is defined under the bill as town territory, the boundary of which is not completely surrounded by a city or village but is contiguous to one or more cities or villages for at least 75% of its length, excluding areas that border on water, or on land whose condition prohibits development, except that the excluded areas of the border may not exceed 33% of the length of the boundary of the territory that is sought to be annexed.

Under the bill, a city or village may enact an annexation ordinance if the annexing city or village is contiguous to more than 50% of the peninsula's length, if the annexing city or village is capable of providing public services to the territory in the peninsula at a level that at least equals the level of service that is being provided by the town, and if the annexation will reduce any existing problems of duplicative public services being provided in the same area by multiple local governments. The bill defines "public services" to include police and fire protection services; sewer and water treatment; building, health, and fire prevention inspections; planning; and public works services.

Upon enactment of the annexation ordinance, the city or village clerk is required to forward to the secretary of state copies of the ordinance, a scale map, and the plat of the city or village, including the annexed territory, and the secretary of state is required to forward copies of the ordinance, scale map, and plat to a number of state agencies.

An ordinance enacted under the bill takes effect on the first day of the second month beginning after enactment.

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.** 66.0218 of the statutes is created to read:

2 **66.0218 Direct annexation of town peninsulas. (1)** DEFINITIONS. In this
3 section:

4 (a) "Legal description" has the meaning given in s. 66.0217 (1) (c).

5 (b) "Members–elect" has the meaning given in s. 59.001 (2m).

6 (c) "Municipality" means a city, village, or town.

7 (d) "Peninsula" means town territory, the boundary of which is not completely
8 surrounded by a city or village but which is contiguous to one or more cities or villages
9 for at least 75% of its length, excluding areas that border on water, or on land whose
10 condition prohibits development, except that such excluded areas of the border may
11 not exceed 33% of the length of the boundary of the territory that is sought to be
12 annexed.

13 (e) "Public services" includes police and fire protection; sewer and water
14 treatment; stormwater treatment; building, health, and fire prevention inspections;
15 planning; and public works services.

16 (f) "Scale map" has the meaning given in s. 66.0217 (1) (g).

17 **(2)** CITY, VILLAGE ORDINANCES. (a) *Enactment.* The governing body of a city or
18 village may, by a two–thirds vote of its members–elect, enact an ordinance to annex
19 a contiguous peninsula if all of the following apply:

20 1. The annexing city or village is contiguous to more than 50% of the peninsula's
21 length.

22 2. The annexing city or village is capable of providing public services to the
23 territory in the peninsula at a level that at least equals the level of service that is
24 being provided by the town.

3. The annexation of the peninsula will reduce any existing problems of duplicative public services being provided within the same area by more than one municipality.

(b) *Requirements.* The annexation ordinance shall contain a legal description of the territory annexed and the name of the town from which the territory is annexed. Upon enactment of the ordinance under par. (a), the city or village clerk shall file with the secretary of state 8 certified copies of the ordinance, 8 copies of a scale map, and 8 copies of a plat which shows the boundaries of the city or village, including the annexed territory.

(c) *Secretary of state.* Not later than 10 days after receiving the ordinance, scale map, and plat, the secretary of state shall forward 2 copies of the ordinance, scale map, and plat to the department of transportation, one copy to the department of administration, one copy to the department of natural resources, one copy to the department of revenue, one copy to the department of public instruction, and one copy to the clerk of the town from which the territory was annexed.

(d) *Action to contest annexation.* Section 66.0217 (11) applies to annexations under this section.

(3) EFFECTIVENESS OF ANNEXATION ORDINANCE. An ordinance enacted under sub. (2) takes effect on the first day of the 2nd month beginning after enactment.

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, March 09, 2004 4:32 PM
To: Powell, Thomas
Subject: LRB-1744/1 (attached as requested)

03-1744/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
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lynn.emery@legis.state.wi.us