

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 87**

AN ACT *to renumber and amend* 66.0223; *to amend* 66.0217 (2), 66.0217 (3) (intro.), 66.0219 (intro.) and 66.0221 (1); and *to create* 66.0217 (11) (c), 66.0217 (14), 66.0219 (10), 66.0221 (3) and 66.0223 (2) of the statutes; **relating to:** limiting the authority of cities and villages to annex territory and specifying the boundaries for certain annexations.

Analysis by the Legislative Reference Bureau

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), and subject to s. 66.0307 (7), if a petition for direct annexation signed
- 4 by all of the electors residing in the territory and the owners of all of the real property

1 in the territory is filed with the city or village clerk, and with the town clerk of the
2 town or towns in which the territory is located, together with a scale map and a legal
3 description of the property to be annexed, an annexation ordinance for the
4 annexation of the territory may be enacted by a two-thirds vote of the elected
5 members of the governing body of the city or village without compliance with the
6 notice requirements of sub. (4). In an annexation under this subsection, subject to
7 sub. (6), the person filing the petition with the city or village clerk and the town clerk
8 shall, within 5 days of the filing, mail a copy of the scale map and a legal description
9 of the territory to be annexed to the department and the governing body shall review
10 the advice of the department, if any, before enacting the annexation ordinance.

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

12 66.0217 **(3)** OTHER METHODS OF ANNEXATION. (intro.) Subject to s. 66.0307 (7),
13 and except as provided in sub. (14), territory contiguous to a city or village may be
14 annexed to the city or village in the following ways:

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

16 66.0217 **(11)** (c) No action on any grounds, whether procedural or jurisdictional,
17 to contest the validity of an annexation under sub. (2), may be brought by any town.

18 **SECTION 4.** 66.0217 (14) of the statutes is created to read:

19 66.0217 **(14)** LIMITATIONS ON ANNEXATION AUTHORITY. (a) 1. Except as provided
20 in subd. 2., no territory may be annexed by a city or village under this section unless
21 the city or village agrees to pay annually to the town, for 5 years, an amount equal
22 to the amount of property taxes that the town levied on the annexed territory, as
23 shown by the tax roll under s. 70.65, in the year in which the annexation is final.

24 2. No payments under subd. 1. must be made if the city or village, and the town,
25 enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

1 (b) No territory may be annexed by a city or village under this section if no part
2 of the city or village is located in the same county as the territory that is subject to
3 the proposed annexation unless all of the following occur:

4 1. The town board adopts a resolution approving the proposed annexation.

5 2. The county board of the county in which the territory is located adopts a
6 resolution approving the proposed annexation.

7 **SECTION 5.** 66.0219 (intro.) of the statutes is amended to read:

8 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

9 As a complete alternative to any other annexation procedure, and subject to sub. (10)
10 and s. 66.0307 (7), unincorporated territory which contains electors and is
11 contiguous to a city or village may be annexed to the city or village under this section.

12 The definitions in s. 66.0217 (1) apply to this section.

13 **SECTION 6.** 66.0219 (10) of the statutes is created to read:

14 **66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY.** (a) 1. Except as provided
15 in subd. 2., no territory may be annexed by a city or village under this section unless
16 the city or village agrees to pay annually to the town, for 5 years, an amount equal
17 to the amount of property taxes that the town levied on the annexed territory, as
18 shown by the tax roll under s. 70.65, in the year in which the annexation is final.

19 2. No payments under subd. 1. must be made if the city or village, and the town,
20 enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

21 (b) No territory may be annexed by a city or village under this section if no part
22 of the city or village is located in the same county as the territory that is subject to
23 the proposed annexation unless all of the following occur:

24 1. The town board adopts a resolution approving the proposed annexation.

1 2. The county board of the county in which the territory is located adopts a
2 resolution approving the proposed annexation.

3 **SECTION 7.** 66.0221 (1) of the statutes is amended to read:

4 66.0221 (1) Upon its own motion and subject to sub. (3) and s. 66.0307 (7), a
5 city or village, by a two-thirds vote of the entire membership of its governing body,
6 may enact an ordinance annexing territory which comprises a portion of a town or
7 towns and which was completely surrounded by territory of the city or village on
8 December 2, 1973. The ordinance shall include all surrounded town areas except
9 those that are exempt by mutual agreement of all of the governing bodies involved.
10 The annexation ordinance shall contain a legal description of the territory and the
11 name of the town or towns from which the territory is detached. Upon enactment of
12 the ordinance, the city or village clerk immediately shall file 6 certified copies of the
13 ordinance in the office of the secretary of state, together with 6 copies of a scale map.
14 The secretary of state shall forward 2 copies of the ordinance and scale map to the
15 department of transportation, one copy to the department of natural resources, one
16 copy to the department of revenue and one copy to the department of administration.
17 This subsection does not apply if the town island was created only by the annexation
18 of a railroad right-of-way or drainage ditch. This subsection does not apply to land
19 owned by a town government which has existing town government buildings located
20 on the land. No town island may be annexed under this subsection if the island
21 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies
22 to annexations under this subsection. Except as provided in sub. (2), after
23 December 2, 1973, no city or village may, by annexation, create a town area which
24 is completely surrounded by the city or village.

25 **SECTION 8.** 66.0221 (3) of the statutes is created to read:

1 66.0221 **(3)** (a) 1. Except as provided in subd. 2., no territory may be annexed
2 by a city or village under this section unless the city or village agrees to pay annually
3 to the town, for 5 years, an amount equal to the amount of property taxes that the
4 town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the
5 year in which the annexation is final.

6 2. No payments under subd. 1. must be made if the city or village, and the town,
7 enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

8 (b) No territory may be annexed by a city or village under this section if no part
9 of the city or village is located in the same county as the territory that is subject to
10 the proposed annexation unless all of the following occur:

11 1. The town board adopts a resolution approving the proposed annexation.

12 2. The county board of the county in which the territory is located adopts a
13 resolution approving the proposed annexation.

14 **SECTION 9.** 66.0223 of the statutes is renumbered 66.0223 (1) and amended to
15 read:

16 66.0223 **(1)** In addition to other methods provided by law and subject to sub.
17 (2) and ss. 59.692 (7) and 66.0307 (7), territory owned by and lying near but not
18 necessarily contiguous to a village or city may be annexed to a village or city by
19 ordinance enacted by the board of trustees of the village or the common council of the
20 city, provided that in the case of noncontiguous territory the use of the territory by
21 the city or village is not contrary to any town or county zoning regulation. The
22 ordinance shall contain the exact description of the territory annexed and the names
23 of the towns from which detached, and attaches the territory to the village or city
24 upon the filing of 7 certified copies of the ordinance in the office of the secretary of
25 state, together with 7 copies of a plat showing the boundaries of the territory

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.

8 **SECTION 10.** 66.0223 (2) of the statutes is created to read:

9 66.0223 (2) No territory may be annexed by a city or village under this section
10 if no part of the city or village is located in the same county as the territory that is
11 subject to the proposed annexation unless all of the following occur:

12 (a) The town board adopts a resolution approving the proposed annexation.

13 (b) The county board of the county in which the territory is located adopts a
14 resolution approving the proposed annexation.

15 (c) The city or village, and the town, enter into a boundary agreement under
16 s. 66.0225, 66.0301, or 66.0307.

17 **SECTION 11. Initial applicability.**

18 (1) This act first applies to any annexation that has not taken effect on the
19 effective date of this subsection.

20 (END)