

2003 SENATE BILL 87

April 2, 2003 – Introduced by Senator A. LASEE, cosponsored by Representatives AINSWORTH, BIES, FREESE, GRONEMUS, HINES, LADWIG, F. LASEE, M. LEHMAN, MUSSER, OTT, OWENS and KRAWCZYK. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

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

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.

Another method of annexation is direct annexation by unanimous approval. Under this method, the governing body of the city or village may, generally, annex

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property by a two-thirds vote of the body if all of the following are filed with the city or village clerk and the town clerk of all of the involved towns: 1) a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and signed by the owners of all of the involved towns; 2) a scale map; and 3) a legal description of the property to be annexed. Such an annexation, however, is subject to Department of Administration 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. Also under this bill, in general, no annexation of town territory may occur unless the entire annexation follows one or more of the following: 1) a surveyor's section line that is no lower than a quarter-quarter section line; 2) natural boundaries; or 3) the center line of a highway.

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
9 or village without compliance with the notice requirements of sub. (4). In an
10 annexation under this subsection, subject to sub. (6), the person filing the petition
11 with the city or village clerk and the town clerk shall, within 5 days of the filing, mail

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1 a copy of the scale map and a legal description of the territory to be annexed to the
2 department and the governing body shall review the advice of the department, if any,
3 before enacting the annexation ordinance.

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

5 66.0217 **(3)** OTHER METHODS OF ANNEXATION. (intro.) Subject to s. 66.0307 (7),
6 and except as provided in sub. (14), territory contiguous to a city or village may be
7 annexed to the city or village in the following ways:

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

9 66.0217 **(14)** LIMITATIONS ON ANNEXATION AUTHORITY. (a) No territory may be
10 annexed by a city or village under this section if no part of the city or village is located
11 in the same county as the territory that is subject to the proposed annexation.

12 (b) No territory may be annexed by a city or village under this section unless
13 the entire annexation follows one or more of the following:

- 14 1. A natural boundary.
- 15 2. The center line of a highway.
- 16 3. A surveyor's section line that is no lower than a quarter-quarter section line.

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

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

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

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1 66.0219 **(10)** LIMITATIONS ON ANNEXATION AUTHORITY. (a) No territory may be
2 annexed by a city or village under this section if no part of the city or village is located
3 in the same county as the territory that is subject to the proposed annexation.

4 (b) No territory may be annexed by a city or village under this section unless
5 the entire annexation follows one or more of the following:

6 1. A natural boundary.

7 2. The center line of a highway.

8 3. A surveyor's section line that is no lower than a quarter-quarter section line.

9 **SECTION 6.** 66.0221 (1) of the statutes is amended to read:

10 66.0221 **(1)** Upon its own motion and subject to sub. (3), a city or village, by a
11 two-thirds vote of the entire membership of its governing body, may enact an
12 ordinance annexing territory which comprises a portion of a town or towns and which
13 was completely surrounded by territory of the city or village on December 2, 1973.
14 The ordinance shall include all surrounded town areas except those that are exempt
15 by mutual agreement of all of the governing bodies involved. The annexation
16 ordinance shall contain a legal description of the territory and the name of the town
17 or towns from which the territory is detached. Upon enactment of the ordinance, the
18 city or village clerk immediately shall file 6 certified copies of the ordinance in the
19 office of the secretary of state, together with 6 copies of a scale map. The secretary
20 of state shall forward 2 copies of the ordinance and scale map to the department of
21 transportation, one copy to the department of natural resources, one copy to the
22 department of revenue and one copy to the department of administration. This
23 subsection does not apply if the town island was created only by the annexation of
24 a railroad right-of-way or drainage ditch. This subsection does not apply to land
25 owned by a town government which has existing town government buildings located

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1 on the land. No town island may be annexed under this subsection if the island
2 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies
3 to annexations under this subsection. Except as provided in sub. (2), after
4 December 2, 1973, no city or village may, by annexation, create a town area which
5 is completely surrounded by the city or village.

6 **SECTION 7.** 66.0221 (3) of the statutes is created to read:

7 66.0221 (3) (a) No territory may be annexed by a city or village under this
8 section if no part of the city or village is located in the same county as the territory
9 that is subject to the proposed annexation.

10 (b) No territory may be annexed by a city or village under this section unless
11 the entire annexation follows one or more of the following:

- 12 1. A natural boundary.
- 13 2. The center line of a highway.
- 14 3. A surveyor's section line that is no lower than a quarter-quarter section line.

15 **SECTION 8.** 66.0223 of the statutes is renumbered 66.0223 (1) and amended to
16 read:

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

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1 copies of the ordinance in the office of the secretary of state, together with 7 copies
2 of a plat showing the boundaries of the territory attached. Two copies of the
3 ordinance and plat shall be forwarded by the secretary of state to the department of
4 transportation, one copy to the department of administration, one copy to the
5 department of natural resources, one copy to the department of revenue and one copy
6 to the department of public instruction. Within 10 days of filing the certified copies,
7 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
8 in which the annexed territory is located. Section 66.0217 (11) applies to annexations
9 under this section.

10 **SECTION 9.** 66.0223 (2) of the statutes is created to read:

11 66.0223 (2) (a) No territory may be annexed by a city or village under this
12 section if no part of the city or village is located in the same county as the territory
13 that is subject to the proposed annexation.

14 (b) No territory may be annexed by a city or village under this section unless
15 the entire annexation follows one or more of the following:

- 16 1. A natural boundary.
- 17 2. The center line of a highway.
- 18 3. A surveyor's section line that is no lower than a quarter-quarter section line.

19 **SECTION 10. Initial applicability.**

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

22 (END)