

**2003 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-SB87)**

Received: 03/06/2004

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Mary Panzer (608) 266-7513

By/Representing: Tad

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact: Rick Stadelman, WTA

Addl. Drafters:

Subject: Munis - miscellaneous  
Counties - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Panzer@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Limiting the authority of cities and villages to annex territory, specifying the boundaries for certain annexations

---

**Instructions:**

Based on SSA 1 (s0320/1) to SB 87, with changes. Require town board approval; approval by county board of the county where territory is located; require boundary agreement under ss. 66.0225, 66.0301, or 66.0307. No other limits on annexations. Prohibit towns from challenging a direct annexation by unanimous approval under s. 66.0217 (2).

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 03/06/2004	chanaman 03/07/2004		_____			

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/1			pgreensl _____ 03/08/2004 _____		Inorthro 03/08/2004	Inorthro 03/08/2004	
/2	mshovers 03/08/2004	wjackson 03/08/2004	rschluet _____ 03/08/2004 _____		Inorthro 03/08/2004	Inorthro 03/08/2004	
/3	mshovers 03/09/2004	wjackson 03/09/2004	rschluet _____ 03/09/2004 _____		lemery 03/09/2004	lemery 03/09/2004	

FE Sent For:

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/?	mshovers 03/06/2004	chanaman 03/07/2004					
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13 WJ 3/9

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			pgreensl 03/08/2004	_____	Inorthro 03/08/2004	Inorthro 03/08/2004	
/2	mshovers 03/08/2004	wjackson 03/08/2004	rschluet 03/08/2004	_____	Inorthro 03/08/2004	Inorthro 03/08/2004	

13 MES 3/9/03

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Limiting the authority of cities and villages to annex territory, specifying the boundaries for certain annexations

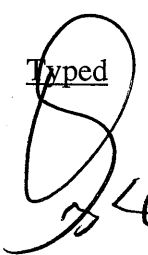
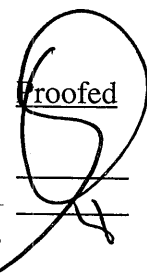
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Based on SSA 1 (s0320/1) to SB 87, with changes. Require town board approval; approval by county board of the county where territory is located; require boundary agreement under ss. 66.0225, 66.0301, or 66.0307. No other limits on annexations. Prohibit towns from challenging a direct annexation by unanimous approval under s. 66.0217 (2).

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1/?	mshovers 03/06/2004	chanaman 03/07/2004					
		1/2 Wlj 3/8					

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/1			pgreensl _____ 03/08/2004 _____		Inorthro 03/08/2004	Inorthro 03/08/2004	

12 MESS / 8/04

FE Sent For:

<END>

merc-  
Here are the  
strips back so you  
can incorporate the  
changes we discussed  
this morning.  
50438  
Thanks  
Tay  
6-2513

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Pre Topic:

No specific pre topic given

Topic:

Limiting the authority of cities and villages to annex territory, specifying the boundaries for certain annexations

Instructions: require

See Attached. Based on SSA 1 (s0320/1) to SB 87, with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/? mshovers

11 MES 3/6/04

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PS

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FE Sent For:

<END>

50438/1

ASSEMBLY  
SENATE SUBSTITUTE AMENDMENT 12

stamp  
RMNA

TO 2003 SENATE BILL 87

WANTED:  
MON.

January 28, 2004 - Offered by Senators A. LASEE and ELLIS.

gen

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; and requiring cities and villages to make payments to  
6 certain towns from which land is annexed.

**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 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 substitute amendment, ~~and subject to an exception,~~ 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 substitute amendment, in general and subject to the same exception, 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.~~

~~Under the exception created in the substitute amendment, an annexation that otherwise would be prohibited under the substitute amendment may proceed if the city or village, and the town, enter into a boundary agreement and, in the case of the annexation of town territory, the city or village agrees to pay to the town, for five years, an amount equal to the amount of property taxes that the town imposed on that territory in the year in which the annexation is final.~~

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

*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
- 5 in the territory is filed with the city or village clerk, and with the town clerk of the
- 6 town or towns in which the territory is located, together with a scale map and a legal

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

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

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

INS  
3-18

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

14 66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY. ~~(a)~~ Except as provided in  
15 ~~par. (a)~~ no territory may be annexed by a city or village under this section if no part  
16 of the city or village is located in the same county as the territory that is subject to  
17 the proposed annexation. <sup>INS 3-17</sup>

18 ~~(b) Except as provided in par. (c), no territory may be annexed by a city or village~~  
19 ~~under this section unless the entire annexation follows one or more of the following:~~

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

23 (c) Territory to which par. (a) or (b) applies may be annexed by a city or village  
24 if all of the following apply:

*add city clerk approval, add simple form (2/18/04) 66.0307, etc.*  
*to annexation*

~~1. The city or village, and the town, enter into a boundary agreement under s. 66.0307.~~

~~2. The city or village agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the year in which the annexation is final.~~

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

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

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

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

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

66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. (a) Except as provided in ~~par. (a)~~ no territory may be annexed by a city or village under this section if no part of the city or village is located in the same county as the territory that is subject to the proposed annexation. FNS 4-16

~~(b) Except as provided in par. (c), no territory may be annexed by a city or village under this section unless the entire annexation follows one or more of the following:~~

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

~~(c) Territory to which par. (a) or (b) applies may be annexed by a city or village if all of the following apply:~~

- ~~1. The city or village, and the town, enter into a boundary agreement under s. 66.0307.~~

1           2. The city or village agrees to pay annually to the town, for 5 years, an amount  
2 equal to the amount of property taxes that the town levied on the annexed territory,  
3 as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

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

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

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

66.0221 (3) ~~(a)~~ Except as provided in par. (c), no territory may be annexed by a city or village under this section if no part of the city or village is located in the same county as the territory that is subject to the proposed annexation.

INS 6-4

~~(b) Except as provided in par. (c), no territory may be annexed by a city or village under this section unless the entire annexation follows one or more of the following:~~

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

~~(c) Territory to which par. (a) or (b) applies may be annexed by a city or village if all of the following apply:~~

- ~~1. The city or village, and the town, enter into a boundary agreement under s. 66.0307.~~
- ~~2. The city or village agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the year in which the annexation is final.~~

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

66.0223 (1) Annexation of territory owned by a city or village. In addition to other methods provided by law and subject to sub. (2) and ss. 59.692 (7) and 66.0307 (7), 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

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

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

13 66.0223 (2) (a) Except as provided in par. (a), no territory may be annexed by  
14 a city or village under this section if no part of the city or village is located in the same  
15 county as the territory that is subject to the proposed annexation. *INS 7-15*

16 ~~(b) Except as provided in par. (c), no territory may be annexed by a city or village  
17 under this section unless the entire annexation follows one or more of the following:~~

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

21 ~~(c) Territory to which par. (a) or (b) applies may be annexed by a city or village  
22 if the city or village, and the town, enter into a boundary agreement under s. 66.0307.~~

23 **SECTION 10. Initial applicability.**



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0438/?ins  
MES.....

no 9

INS ANL

unless the town board and the county board in which the territory is located approve the annexation, and unless the city or village, and the town, enter into a boundary agreement. Also under this substitute amendment, no town may bring an action to challenge on any grounds a direct annexation by unanimous approval.

INS 3-12

SECTION 1. 66.0217 (11) (c) of the statutes is created to read:

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

no 9

INS 3-17

unless all of the following occur:

- (a) The town board adopts a resolution approving the proposed annexation.
- (b) The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.
- (c) The city or village, and the town, enter into a boundary agreement under

ss. 66.0225, 66.0301, or 66.0307.

INS 4-16

no 9

unless all of the following occur:

- (a) The town board adopts a resolution approving the proposed annexation.
- (b) The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.
- (c) The city or village, and the town, enter into a boundary agreement under

ss. 66.0225, 66.0301, or 66.0307.

INS 6-4

no 9

unless all of the following occur:



- (a) The town board adopts a resolution approving the proposed annexation.
- (b) The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.
- (c) The city or village, and the town, enter into a boundary agreement under <sup>sp.</sup> 66.0225, 66.0301, or 66.0307.

INS 7-15

<sup>wa</sup> unless all of the following occur:

- (a) The town board adopts a resolution approving the proposed annexation.
- (b) The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.
- (c) The city or village, and the town, enter into a boundary agreement under <sup>sp.</sup> 66.0225, 66.0301, or 66.0307.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0438/2  
MES:wlj:pg  
FMR

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 87

D-NOTE  
today

Refer

1 AN ACT<sup>4</sup> 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 (11) (c), 66.0217  
3 (14), 66.0219 (10), 66.0221 (3) and 66.0223 (2) of the statutes; relating to:  
4 limiting the authority of cities and villages to annex territory and specifying the  
5 boundaries 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,

*If the annexation is of city or village owned territory, the city or village and the town must enter into a boundary agreement. Also under the substitute amendment a city or village may avoid making payments to the town if*

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 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 substitute amendment, 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 unless the town board and the county board in which the territory is located approve the annexation, and ~~unless~~ the city or village, and the town, enter into a boundary agreement. Also under this substitute amendment, no town may bring an action to challenge on any grounds a direct annexation by unanimous approval.

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

INS  
ANL ✓

***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

5 in the territory is filed with the city or village clerk, and with the town clerk of the

6 town or towns in which the territory is located, together with a scale map and a legal

7 description of the property to be annexed, an annexation ordinance for the

8 annexation of the territory may be enacted by a two-thirds vote of the elected

9 members of the governing body of the city or village without compliance with the

10 notice requirements of sub. (4). In an annexation under this subsection, subject to

1 sub. (6), the person filing the petition with the city or village clerk and the town clerk  
2 shall, within 5 days of the filing, mail a copy of the scale map and a legal description  
3 of the territory to be annexed to the department and the governing body shall review  
4 the advice of the department, if any, before enacting the annexation ordinance.

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

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

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

10 66.0217 (11) (c) No action on any grounds, whether procedural or jurisdictional,  
11 to contest the validity of an annexation under sub. (2), may be brought by any town.

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

13 66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY. <sup>(a)</sup> No territory may be  
14 annexed by a city or village under this section if no part of the city or village is located  
15 in the same county as the territory that is subject to the proposed annexation unless  
16 all of the following occur:

17 1. ~~(a)~~ The town board adopts a resolution approving the proposed annexation.

18 2. ~~(b)~~ The county board of the county in which the territory is located adopts a  
19 resolution approving the proposed annexation.

20 ~~(b)~~ <sup>No payments under para(a) 30 must be made if</sup> The city or village, and the town, enter into a boundary agreement under  
21 s. 66.0225, 66.0301, or 66.0307.

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

23 **66.0219 Annexation by referendum initiated by city or village.** (intro.)  
24 As a complete alternative to any other annexation procedure, and subject to sub. (10)  
25 and s. 66.0307 (7), unincorporated territory which contains electors and is

JNS  
3-19

1 contiguous to a city or village may be annexed to the city or village under this section.  
2 The definitions in s. 66.0217 (1) apply to this section.

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

4 66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. <sup>(a)</sup> No territory may be  
5 annexed by a city or village under this section if no part of the city or village is located  
6 in the same county as the territory that is subject to the proposed annexation unless  
7 all of the following occur:

8 1. ~~(a)~~ The town board adopts a resolution approving the proposed annexation.

9 2. ~~(b)~~ The county board of the county in which the territory is located adopts a  
10 resolution approving the proposed annexation.

11 ~~(b)~~ <sup>No payments under para (a) must be made if</sup> The city or village, and the town, enter into a boundary agreement under  
12 s. 66.0225, 66.0301, or 66.0307.

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

14 66.0221 (1) Upon its own motion and subject to sub. (3) and s. 66.0307 (7), a  
15 city or village, by a two-thirds vote of the entire membership of its governing body,  
16 may enact an ordinance annexing territory which comprises a portion of a town or  
17 towns and which was completely surrounded by territory of the city or village on  
18 December 2, 1973. The ordinance shall include all surrounded town areas except  
19 those that are exempt by mutual agreement of all of the governing bodies involved.  
20 The annexation ordinance shall contain a legal description of the territory and the  
21 name of the town or towns from which the territory is detached. Upon enactment of  
22 the ordinance, the city or village clerk immediately shall file 6 certified copies of the  
23 ordinance in the office of the secretary of state, together with 6 copies of a scale map.  
24 The secretary of state shall forward 2 copies of the ordinance and scale map to the  
25 department of transportation, one copy to the department of natural resources, one

*INS*  
*4-10*

1 copy to the department of revenue and one copy to the department of administration.  
 2 This subsection does not apply if the town island was created only by the annexation  
 3 of a railroad right-of-way or drainage ditch. This subsection does not apply to land  
 4 owned by a town government which has existing town government buildings located  
 5 on the land. No town island may be annexed under this subsection if the island  
 6 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
 7 to annexations under this subsection. Except as provided in sub. (2), after  
 8 December 2, 1973, no city or village may, by annexation, create a town area which  
 9 is completely surrounded by the city or village.

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

11 66.0221 (3) <sup>(a)</sup> No territory may be annexed by a city or village under this section  
 12 if no part of the city or village is located in the same county as the territory that is  
 13 subject to the proposed annexation unless all of the following occur:

- 14 1. ~~The~~ The town board adopts a resolution approving the proposed annexation.
- 15 2. ~~The~~ The county board of the county in which the territory is located adopts a  
 16 resolution approving the proposed annexation.

17 (b) ~~The~~ <sup>No payments under para (a) must be made if</sup> The city or village, and the town, enter into a boundary agreement under  
 18 s. 66.0225, 66.0301, or 66.0307.

19 SECTION 9. 66.0223 of the statutes is renumbered 66.0223 (1) and amended to  
 20 read:

21 66.0223 (1) In addition to other methods provided by law and subject to sub.  
 22 (2) and ss. 59.692 (7) and 66.0307 (7), territory owned by and lying near but not  
 23 necessarily contiguous to a village or city may be annexed to a village or city by  
 24 ordinance enacted by the board of trustees of the village or the common council of the  
 25 city, provided that in the case of noncontiguous territory the use of the territory by

1 the city or village is not contrary to any town or county zoning regulation. The  
 2 ordinance shall contain the exact description of the territory annexed and the names  
 3 of the towns from which detached, and attaches the territory to the village or city  
 4 upon the filing of 7 certified copies of the ordinance in the office of the secretary of  
 5 state, together with 7 copies of a plat showing the boundaries of the territory  
 6 attached. Two copies of the ordinance and plat shall be forwarded by the secretary  
 7 of state to the department of transportation, one copy to the department of  
 8 administration, one copy to the department of natural resources, one copy to the  
 9 department of revenue and one copy to the department of public instruction. Within  
 10 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed  
 11 or delivered to the clerk of the county in which the annexed territory is located.  
 12 Section 66.0217 (11) applies to annexations under this section.

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

14 66.0223 (2) No territory may be annexed by a city or village under this section  
 15 if no part of the city or village is located in the same county as the territory that is  
 16 subject to the proposed annexation unless all of the following occur:

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

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

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

22 SECTION 11. Initial applicability.

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

25 (END)

*D-NOTE This version of the substitute amendment does not make any changes to s. 66.0223 (2), which relates to annexation of owned territory, as a boundary agreement is required. Is this OK? SKH MZJ*

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 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 substitute amendment, and subject to an exception, 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 substitute amendment, in general and subject to the same exception, 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.

Under the exception created in the substitute amendment, an annexation that otherwise would be prohibited under the substitute amendment ~~may proceed if the city or village, and the town, enter into a boundary agreement and~~ in the case of the annexation of town territory, the city or village agrees to pay to the town, for five years, an amount equal to the amount of property taxes that the town imposed on that territory in the year in which the annexation is final.

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

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

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

66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided in sub. (14), and subject to s. 66.0307 (7), if a petition for direct annexation 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 with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal

INA  
ANL



INS 3-19      INS 4-10      INS 5-16

1 ~~(1) The city or village, and the town, enter into a boundary agreement under s.~~

2 ~~66.0307.~~

*Subject to para (b)*

3 → ~~A 30 14~~ (1) The city or village agrees to pay annually to the town, for 5 years, an amount  
4 equal to the amount of property taxes that the town levied on the annexed territory,  
5 as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

6 ~~SECTION 4. 66.0219 (intro.) of the statutes is amended to read:~~

7 ~~**66.0219 Annexation by referendum initiated by city or village.** (intro.)~~

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

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

12 ~~SECTION 5. 66.0219 (10) of the statutes is created to read:~~

13 ~~66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. (a) Except as provided in~~  
14 ~~par. (c), no territory may be annexed by a city or village under this section if no part~~  
15 ~~of the city or village is located in the same county as the territory that is subject to~~  
16 ~~the proposed annexation.~~

17 ~~(b) Except as provided in par. (c), no territory may be annexed by a city or village~~  
18 ~~under this section unless the entire annexation follows one or more of the following:~~

- 19 ~~1. A natural boundary.~~
- 20 ~~2. The center line of a highway.~~
- 21 ~~3. A surveyor's section line that is no lower than a quarter-quarter section line.~~

22 ~~(c) Territory to which par. (a) or (b) applies may be annexed by a city or village~~  
23 ~~if all of the following apply:~~

- 24 ~~1. The city or village, and the town, enter into a boundary agreement under s.~~  
25 ~~66.0307.~~

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0438/2dn  
MES:wlj:pg

Mar 8, 2004

This version of the substitute amendment does not make any changes to s. 66.0223 (2), which relates to annexation of owned territory, so a boundary agreement is still required. Is this OK?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0438/2

MES:wlj:pg

3

RME

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 87

today  
1pm

Wegen

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 (11) (c), 66.0217  
3 (14), 66.0219 (10), 66.0221 (3) and 66.0223 (2) of the statutes; **relating to:**  
4 limiting the authority of cities and villages to annex territory and specifying the  
5 boundaries for certain annexations.

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***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,



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

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

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

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

13 66.0217 (11) (c) No action on any grounds, whether procedural or jurisdictional,  
14 to contest the validity of an annexation under sub. (2), may be brought by any town.

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

16 66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY. No territory may be  
17 annexed by a city or village under this section if no part of the city or village is located  
18 in the same county as the territory that is subject to the proposed annexation unless  
19 all of the following occur:

- 20 1. The town board adopts a resolution approving the proposed annexation.
- 21 2. The county board of the county in which the territory is located adopts a
- 22 resolution approving the proposed annexation. ] → Move to after 4-4.

23 (a) ~~is~~ subject to ~~payment~~ the city or village agrees to pay annually to the town, for  
24 5 years, an amount equal to the amount of property taxes that the town levied on the

\* Ed. Lts. ✓  
NOTE  
Switch positions of (a) & (b)  
Please make  
INS 3-22  
Not

↓ (b)  
No territory may be

1 annexed territory, as shown by the tax roll under s. 70.65, in the year in which the  
2 annexation is final.

3 ~~20(b)~~ No payments under ~~par. (a)~~ <sup>subd 10</sup> must be made if the city or village, and the  
4 town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

5 INSERT FROM 3-16 to 3-22

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

6 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

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

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

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

12 **66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY.** ~~(a)~~ 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 unless  
15 all of the following occur:

- 16 1. The town board adopts a resolution approving the proposed annexation.
- 17 2. The county board of the county in which the territory is located adopts a  
18 resolution approving the proposed annexation.

19 ~~(a)~~ <sup>Not</sup> ~~Subject to par. (a)~~ the city or village agrees to pay annually to the town, for  
20 5 years, an amount equal to the amount of property taxes that the town levied on the  
21 annexed territory, as shown by the tax roll under s. 70.65, in the year in which the  
22 annexation is final.

23 2. ~~(b)~~ No payments under ~~par. (a)~~ <sup>subd 1</sup> must be made if the city or village, and the  
24 town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

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

SWITCH \*  
w/ par. (a)

f (b)

FNS  
4-18

\*  
21 w/  
par. (a)

subd 1

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

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

23k  
 SW  
 24  
 PA  
 25

66.0221 (3) ~~(2)~~ <sup>¶ (b)</sup> No territory may be annexed by a city or village under this  
 section if no part of the city or village is located in the same county as the territory  
 that is subject to the proposed annexation unless all of the following occur:

INSERT FROM  
 6-4 to 6-9

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

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

INA  
6-4  
Switch  
w/pari  
Move  
to  
5-23

(a) ~~Subject to par. (b)~~ the city or village agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

~~2005~~ No payments under ~~par. (a)~~ <sup>subdol</sup> must be made if the city or village, and the town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

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

66.0223 (1) In addition to other methods provided by law and subject to sub. (2) and ss. 59.692 (7) and 66.0307 (7), 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 detached, and attaches the territory to the village or city upon the filing of 7 certified copies of the ordinance in the office of the secretary of state, together with 7 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 transportation, one copy to the department of administration, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of public instruction. Within



1 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed  
2 or delivered to the clerk of the county in which the annexed territory is located.  
3 Section 66.0217 (11) applies to annexations under this section.

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

5 66.0223 (2) No territory may be annexed by a city or village under this section  
6 if no part of the city or village is located in the same county as the territory that is  
7 subject to the proposed annexation unless all of the following occur:

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

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

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

13 **SECTION 11. Initial applicability.**

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

16 (END)

INS 3-22

INS 4-18

INS  
6-4

No 11

Except as provided in subdo 207

no territory may be annexed by a  
city or village under this section  
unless

~~INS AND~~

~~unless the city or village~~