



2003 ASSEMBLY BILL 527

September 18, 2003 - Introduced by Representatives GUNDERSON, GOTTLIEB, BIES, GROTHMAN, HAHN, HINES, KESTELL, LADWIG, F. LASEE, LOEFFELHOLZ, LOTHIAN and PETROWSKI, cosponsored by Senators STEPP, A. LASEE and LAZICH. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to repeal** 59.692 (7), 66.0203 (10), 66.0213 (2) (b) and 66.0215 (7) (b); **to**
2 **renumber** 66.0213 (2) (a) and 66.0215 (7) (a); and **to amend** 59.692 (6m),
3 66.0217 (8) (a), 66.0219 (6) and 66.0223 of the statutes; **relating to:** the
4 effectiveness of county shoreland zoning ordinances in cities, villages, or towns
5 that annex county shoreland areas and enforcement of those ordinances.

Analysis by the Legislative Reference Bureau

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water.

Current law provides, with certain exceptions, that if a city, village, or town annexes a county shoreland area after a specified date and that area, before annexation, was subject to a county shoreland ordinance, then the county shoreland ordinance continues to be in effect and must be enforced by the annexing city, village, or town. This bill eliminates this requirement that the annexing city, village, or town continue to keep the ordinance in effect and enforce the ordinance.

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

6 **SECTION 1.** 59.692 (6m) of the statutes is amended to read:

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1 59.692 **(6m)** For an amendment to an ordinance enacted under this section that
2 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a),
3 the department may not proceed under sub. (6) ~~or (7) (b) or (e)~~, or otherwise review
4 the amendment, to determine whether the ordinance, as amended, fails to meet the
5 shoreland zoning standards.

6 **SECTION 2.** 59.692 (7) of the statutes is repealed.

7 **SECTION 3.** 66.0203 (10) of the statutes is repealed.

8 **SECTION 4.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

9 **SECTION 5.** 66.0213 (2) (b) of the statutes is repealed.

10 **SECTION 6.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

11 **SECTION 7.** 66.0215 (7) (b) of the statutes is repealed.

12 **SECTION 8.** 66.0217 (8) (a) of the statutes is amended to read:

13 66.0217 **(8)** (a) An ordinance for the annexation of the territory described in the
14 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
15 members of the governing body not less than 20 days after the publication of the
16 notice of intention to circulate the petition and not later than 120 days after the date
17 of filing with the city or village clerk of the petition for annexation or of the
18 referendum election if favorable to the annexation. If the annexation is subject to
19 sub. (6) the governing body shall first review the reasons given by the department
20 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~
21 ~~an An~~ ordinance under this subsection may temporarily designate the classification
22 of the annexed area for zoning purposes until the zoning ordinance is amended as
23 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a
24 temporary classification, the proposed classification shall be referred to and
25 recommended by the plan commission. The authority to make a temporary

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1 classification is not effective when the county ordinance prevails during litigation as
2 provided in s. 59.69 (7).

3 **SECTION 9.** 66.0219 (6) of the statutes is amended to read:

4 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim
5 zoning ordinance to become effective only upon approval of the annexation at the
6 referendum election may be enacted by the governing body of the city or village.
7 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the
8 classification of the annexed area for zoning purposes until the zoning ordinance is
9 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance
10 shall be referred to and recommended by the plan commission prior to introduction.
11 Authority to make a temporary classification is not effective when the county zoning
12 ordinance prevails during litigation as provided in s. 59.69 (7).

13 **SECTION 10.** 66.0223 of the statutes is amended to read:

14 **66.0223 Annexation of territory owned by a city or village.** In addition
15 to other methods provided by law and subject to ~~ss. 59.692 (7) and s.~~ s. 66.0307 (7),
16 territory owned by and lying near but not necessarily contiguous to a village or city
17 may be annexed to a village or city by ordinance enacted by the board of trustees of
18 the village or the common council of the city, provided that in the case of
19 noncontiguous territory the use of the territory by the city or village is not contrary
20 to any town or county zoning regulation. The ordinance shall contain the exact
21 description of the territory annexed and the names of the towns from which
22 detached, and attaches the territory to the village or city upon the filing of 7 certified
23 copies of the ordinance in the office of the secretary of state, together with 7 copies
24 of a plat showing the boundaries of the territory attached. Two copies of the
25 ordinance and plat shall be forwarded by the secretary of state to the department of

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1 transportation, one copy to the department of administration, one copy to the
2 department of natural resources, one copy to the department of revenue and one copy
3 to the department of public instruction. Within 10 days of filing the certified copies,
4 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
5 in which the annexed territory is located. Section 66.0217 (11) applies to annexations
6 under this section.

7 **SECTION 11. Initial applicability.**

8 (1) This act first applies to shoreland areas annexed on the effective date of this
9 subsection.

10 (END)