

2007 ASSEMBLY BILL 582

November 19, 2007 – Introduced by Representatives GOTTLIEB, LEMAHIEU, HIXSON, HINTZ, TURNER, HAHN, LOTHIAN, MUSSER, SHERIDAN, BIES, PARISI, STEINBRINK, ROTH, KERKMAN, MURTHA, OWENS, BALLWEG, NEWCOMER, A. OTT, VOS, HONADEL, STRACHOTA, PETROWSKI and MURSAU, cosponsored by Senators LASSA, ROESSLER, LEHMAN, SCHULTZ, OLSEN, KEDZIE, GROTHMAN, BRESKE, PLALE, ERPENBACH and COWLES. Referred to Committee on State Affairs.

1 **AN ACT to amend** 59.10 (1) (b), 59.14 (1), 60.77 (5) (c), 60.77 (5m), 60.80 (1)
 2 (intro.), 61.50 (1), 61.50 (1m), 62.11 (4) (a) and 62.23 (7a) (b); and **to create** 59.14
 3 (1m), 60.77 (5s), 60.80 (5), 61.50 (3) and 62.11 (4) (c) of the statutes; **relating**
 4 **to:** changing the requirements for the publication of certain actions taken by
 5 certain local governments.

Analysis by the Legislative Reference Bureau

Generally under current law, the complete text of an ordinance that is enacted by a city, village, town, county, or town sanitary district (local governmental unit) must be published in a local newspaper. If no newspaper exists in a village, however, the ordinance may be posted in at least three public places in the village. Towns may also post ordinances in the same manner.

Under this bill, a local governmental unit may continue to publish the complete text of an enacted ordinance, or the local governmental unit may publish a notice of the ordinance in a local newspaper. The notice must contain at least all of the following information:

1. The number and title of the ordinance.
2. The enactment date of the ordinance.
3. A summary of the ordinance, which shall be a brief, precise, and plain-language description that can be easily understood.
4. Information about where the full text of the ordinance may be obtained.

The bill makes no change to current law regarding the posting of ordinances in villages or towns.

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For further information see the *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.** 59.10 (1) (b) of the statutes is amended to read:

2 59.10 **(1)** (b) *Terms.* The term of office of supervisors is 2 years. A board may
3 determine whether the terms shall be concurrent or staggered. Supervisors shall be
4 elected at the election to be held on the first Tuesday in April next preceding the
5 expiration of their respective terms and shall take office on the 3rd Tuesday in April
6 following their election. If the board determines that supervisors shall serve
7 staggered terms, the board shall, by ordinance, provide for a division of supervisors
8 into 2 classes, one class to be elected for one-half of a full term and the other class
9 for a full term and thereafter the supervisors shall be elected for a full term. The
10 board shall publish the ordinance as a class 1 notice, under ch. 985, or as a notice,
11 as described under s. 59.14 (1m) (b). before publication of the notice of the election
12 at which supervisors are to be elected.

13 **SECTION 2.** 59.14 (1) of the statutes is amended to read:

14 59.14 **(1)** Whenever a board enacts an ordinance under this chapter the clerk
15 shall immediately publish it the ordinance either in its entirety, as a class 1 notice,
16 under ch. 985, or as a notice, as described under sub. (1m) (b); and the clerk shall
17 procure and distribute copies of the ordinance to the several town clerks, who shall
18 file it in their respective offices.

19 **SECTION 3.** 59.14 (1m) of the statutes is created to read:

20 59.14 **(1m)** (a) In this subsection, “summary” means a brief, precise, and
21 plain-language description that can be easily understood.

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1 (b) A notice of an ordinance that may be published under this subsection shall
2 be published as a class 1 notice under ch. 985 and shall contain at least all of the
3 following:

- 4 1. The number and title of the ordinance.
- 5 2. The date of enactment.
- 6 3. A summary of the subject matter and main points of the ordinance.
- 7 4. Information as to where the full text of the ordinance may be obtained,
8 including the phone number of the county clerk, a street address where the full text
9 of the ordinance may be viewed, and a Web site, if any, at which the ordinance may
10 be accessed.

11 **SECTION 4.** 60.77 (5) (c) of the statutes is amended to read:

12 60.77 (5) (c) Issue rules or orders, which shall be published either in their
13 entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s)
14 (b).

15 **SECTION 5.** 60.77 (5m) of the statutes is amended to read:

16 60.77 (5m) AUTHORITY TO ENACT ORDINANCES. The commission may enact and
17 enforce ordinances to implement the powers listed under sub. (5). The ordinances
18 shall be published either in their entirety, as a class 1 notice under ch. 985, or as a
19 notice, as described under sub. (5s) (b).

20 **SECTION 6.** 60.77 (5s) of the statutes is created to read:

21 60.77 (5s) REQUIREMENTS FOR NOTICE. (a) In this subsection, “summary” has
22 the meaning given in s. 59.14 (1m) (a).

23 (b) A notice of an ordinance, rule, or order that may be published under this
24 subsection shall be published as a class 1 notice under ch. 985 and shall contain at
25 least all of the following:

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- 1 1. The number and title of the ordinance, rule, or order.
- 2 2. The date of enactment.
- 3 3. A summary of the subject matter and main points of the ordinance, rule, or
- 4 order.
- 5 4. Information as to where the full text of the ordinance, rule, or order may be
- 6 obtained, including the phone number of the commission's secretary, a street address
- 7 where the full text of the ordinance, rule, or order may be viewed, and a Web site, if
- 8 any, at which the ordinance, rule, or order may be accessed.

9 **SECTION 7.** 60.80 (1) (intro.) of the statutes is amended to read:

10 **60.80 (1) GENERAL REQUIREMENT.** (intro.) The town clerk shall publish either

11 in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub.

12 (5) (b), or post in at least 3 places in the town likely to give notice to the public, the

13 following, within 30 days after passage or adoption:

14 **SECTION 8.** 60.80 (5) of the statutes is created to read:

15 **60.80 (5) REQUIREMENTS FOR NOTICE.** (a) In this subsection, “summary” has the

16 meaning given in s. 59.14 (1m) (a).

17 (b) A notice of a resolution, motion, ordinance, or action that may be published

18 under this subsection shall be published as a class 1 notice under ch. 985 and shall

19 contain at least all of the following:

- 20 1. The number and title of the resolution, motion, ordinance, or action.
- 21 2. The date of enactment.
- 22 3. A summary of the subject matter and main points of the resolution, motion,
- 23 ordinance, or action.
- 24 4. Information as to where the full text of the resolution, motion, ordinance, or
- 25 action may be obtained, including the phone number of the town clerk, a street

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1 address where the full text of the resolution, motion, ordinance, or action may be
2 viewed, and a Web site, if any, at which the resolution, motion, ordinance, or action
3 may be accessed.

4 **SECTION 9.** 61.50 (1) of the statutes is amended to read:

5 **61.50 (1) PUBLICATION OF NOTICE OF ORDINANCES.** Every contract, conveyance,
6 commission, license or other written instrument shall be executed on the part of the
7 village by the president and clerk, sealed with corporate seal, and in pursuance only
8 of authority therefor from the village board. All ordinances and bylaws shall be
9 signed by the president and countersigned by the clerk; and, if any penalty or
10 forfeiture is thereby imposed, the ordinance or bylaw shall be published either in its
11 entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (3)
12 (b), and shall take effect on the day after its the publication or a later date if expressly
13 prescribed. If there is no newspaper published in the village, the village board may
14 in lieu of newspaper publication have copies of said the ordinances and bylaws posted
15 in at least 3 public places in said village, and proof thereof filed and recorded by the
16 village clerk, and the same shall take effect the day after the proof of posting has been
17 filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

18 **SECTION 10.** 61.50 (1m) of the statutes is amended to read:

19 **61.50 (1m) INDETERMINATE PUBLICATION.** When any village ordinance is
20 required by law to be published without express designation therein as to class of
21 notice, it the ordinance shall be published either in its entirety, as a class 1 notice
22 under ch. 985, or as a notice, as described under sub. (3) (b).

23 **SECTION 11.** 61.50 (3) of the statutes is created to read:

24 **61.50 (3) REQUIREMENTS FOR NOTICE.** (a) In this subsection, “summary” has the
25 meaning given in s. 59.14 (1m) (a).

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1 (b) A notice of an ordinance or bylaw that may be published under this
2 subsection shall be published as a class 1 notice under ch. 985 and shall contain at
3 least all of the following:

4 1. The number and title of the ordinance or bylaw.

5 2. The date of enactment.

6 3. A summary of the subject matter and main points of the ordinance or bylaw.

7 4. Information as to where the full text of the ordinance or bylaw may be
8 obtained, including the phone number of the village clerk, a street address where the
9 full text of the ordinance or bylaw may be viewed, and a Web site, if any, at which the
10 ordinance or bylaw may be accessed.

11 **SECTION 12.** 62.11 (4) (a) of the statutes is amended to read:

12 62.11 (4) (a) Proceedings of the council shall be published in the newspaper
13 designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the
14 purpose of publication shall include the substance of every official action taken by
15 the governing body. Except as provided in this subsection ~~all ordinances~~ every
16 ordinance shall be published either in its entirety, as a class 1 notice, under ch. 985,
17 or as a notice, as described under par. (c) 2., within 15 days of passage, and shall take
18 effect on the day after its the publication or at a later date if expressly prescribed.

19 **SECTION 13.** 62.11 (4) (c) of the statutes is created to read:

20 62.11 (4) (c) 1. In this paragraph, “summary” has the meaning given in s. 59.14
21 (1m) (a).

22 2. A notice of an ordinance that may be published under this paragraph shall
23 be published as a class 1 notice under ch. 985 and shall contain at least all of the
24 following:

25 a. The number and title of the ordinance.

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- 1 b. The date of enactment.
- 2 c. A summary of the subject matter and main points of the ordinance.
- 3 d. Information as to where the full text of the ordinance may be obtained,
- 4 including the phone number of the city clerk, a street address where the full text of
- 5 the ordinance may be viewed, and a Web site, if any, at which the ordinance may be
- 6 accessed.

7 **SECTION 14.** 62.23 (7a) (b) of the statutes is amended to read:

8 62.23 (7a) (b) The governing body may enact, without referring the matter to

9 the plan commission, an interim zoning ordinance to preserve existing zoning or uses

10 in all or part of the extraterritorial zoning jurisdiction while the comprehensive

11 zoning plan is being prepared. Such ordinance may be enacted as is an ordinary

12 ordinance but shall be effective for no longer than 2 years after its enactment, unless

13 extended as provided in this paragraph. Within 15 days of its passage, the governing

14 body of the city shall publish the ordinance in a newspaper having general

15 circulation in the area proposed to be zoned as a class 1 notice, under ch. 985, or as

16 a notice, as described under s. 62.11 (4) (c) 2., and the city clerk shall mail a certified

17 copy of the ordinance to the clerk of the county in which the extraterritorial

18 jurisdiction is located and to the clerk of each town affected by the interim zoning

19 ordinance and shall file a copy of the ordinance with the city plan commission. The

20 governing body of the city may extend the interim zoning ordinance for no longer

21 than one year, upon the recommendation of the joint extraterritorial zoning

22 committee established under par. (c). No other interim zoning ordinance shall be

23 enacted affecting the same area or part thereof until 2 years after the date of the

24 expiration of the interim zoning ordinance or the one year extension thereof. While

25 the interim zoning ordinance is in effect, the governing body of the city may amend

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SECTION 14

1 the districts and regulations of the ordinance according to the procedure set forth in

2 par. (f).

3 (END)