

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB260)

Received: 02/23/2010

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing:

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - munis generally

Extra Copies: PJK, EVM

Submit via email: YES

Requester's email: Rep.Berceau@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Creating a procedure for cities and villages to annex unilaterally town peninsulas

Instructions:

See attached. Draft amendment based on 2001 AB 816 or 2005 LRB -2077/1

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>
/?							
/1	mshovers 02/23/2010	kfollett 02/23/2010	phenry 02/23/2010	_____	mbarman 02/23/2010	mbarman 02/23/2010	

FE Sent For:

<END>

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/?	mshovers	11kf	2/23	2/23			
11 MES		2/23/10	ph	ml/ph			

FE Sent For:

<END>

Shovers, Marc

From: Kahler, Pam
Sent: Tuesday, February 23, 2010 9:28 AM
To: Shovers, Marc
Subject: FW: request for amendments to AB 260 for today's floor session
Importance: High

Marc:

The second one is yours - I'm looking over the first one yet.

Pam

From: Rieselman, Brian
Sent: Tuesday, February 23, 2010 9:02 AM
To: Kahler, Pam
Subject: request for amendments to AB 260 for today's floor session
Importance: High

Hi Pam, Per my email message -- would it be possible to get these two amendments drafted asap?

Thank you,

Brian

Brian Rieselman
Research Assistant
Office of Representative Terese Berceau
Wisconsin Legislature
tel: (608) 266-3784

Amendmenst to AB 260, AN ACT to renumber 236.45 (3); and to create 236.45 (3) (b) of the statutes; relating to: extraterritorial plat approval on basis of land's use.

1. Allow cities to take into account land use when reviewing land divisions within their sewer service boundaries or within 1.5 miles of their corporate boundaries, whichever is greater. A city would have no *Wood v. Madison* land use controls beyond 1.5 miles or the sewer service limit. (A city currently has such powers extending to three miles from its borders. A village's power to deny a land division on the basis of concerns over its proposed use would be cut in half as well, from 1.5 to .75 miles or the sewer service boundary, whichever is greater.)
2. In return for this reduction in municipal powers, municipalities would be granted the ability to unilaterally annex town peninsulas, similar to 2001 AB 816. This latter change would be an important step toward greater efficiency in the delivery of local services in a time when such efficiency is sorely needed; however, secondly, it serves as a meaningful compromise to cities for agreeing to limit the present scope of their extraterritorial review authority as outlined above.

2005 BILL



INSTRUCTIONS

1 AN ACT *to create* 66.0218 of the statutes; **relating to:** creating a procedure for
2 cities and villages to annex town peninsulas.

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 if, in general, some of the city's or village's territory is in the same county as the territory to be annexed and the city or village agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory. 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 before a petition for incorporation as a city or village is filed with the court 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. An annexation by court order and referendum may be delayed, or voided, depending upon whether the petition for incorporation is filed fewer than 30 days before, or at least 30 days after, an incorporation petition is filed.

BILL

Under the first two of these current methods of annexation, no annexation proceeding in a county with a population of at least 50,000 is valid unless the person publishing a notice of annexation or the person who files the petition for direct annexation sends certain information, such as a legal description and a scale map of the territory proposed to be annexed, to the Department of Administration (DOA) within five days of the publishing of the notice or filing of the petition. Within 20 days after receipt of the information, DOA may mail to the clerks of the town and city or village that are involved with the proposed annexation a notice that states DOA's opinion that the annexation is against the public interest and that advises the clerks of the reasons for its decision.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval 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 the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to DOA 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.

This bill creates a new method for a city or village to annex a town peninsula, which is defined under the bill as town territory, the boundary of which is not completely surrounded by a city or village but is contiguous to one or more cities or villages for at least 75 percent of its length, excluding areas that border on water, or on land whose condition prohibits development, except that the excluded areas of the border may not exceed 33 percent of the length of the boundary of the territory that is sought to be annexed.

Under the bill, a city or village may enact an annexation ordinance if the annexing city or village is contiguous to more than 50 percent of the peninsula's length, if the annexing city or village is capable of providing public services to the territory in the peninsula at a level that at least equals the level of service that is being provided by the town, and if the annexation will reduce any existing problems of duplicative public services being provided in the same area by multiple local governments. The bill defines "public services" to include police and fire protection services; sewer and water treatment; storm water treatment; building, health, and fire prevention inspections; planning; and public works services.

Upon enactment of the annexation ordinance, the city or village clerk is required to forward to the secretary of state copies of the ordinance, a scale map, and the plat of the city or village, including the annexed territory, and the secretary of state is required to forward copies of the ordinance, scale map, and plat to a number of state agencies.

An ordinance enacted under the bill takes effect on the first day of the second month beginning after enactment.

BILL

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.** 66.0218 of the statutes is created to read:

2 **66.0218 Direct annexation of town peninsulas. (1) DEFINITIONS.** In this
3 section:

4 (a) “Legal description” has the meaning given in s. 66.0217 (1) (c).

5 (b) “Members–elect” has the meaning given in s. 59.001 (2m).

6 (c) “Municipality” means a city, village, or town.

7 (d) “Peninsula” means town territory, the boundary of which is not completely
8 surrounded by a city or village but is contiguous to one or more cities or villages for
9 at least 75 percent of its length, excluding areas that border on water, or on land
10 whose condition prohibits development, except that such excluded areas of the
11 border may not exceed 33 percent of the length of the boundary of the territory that
12 is sought to be annexed.

13 (e) “Public services” includes police and fire protection; sewer and water
14 treatment; storm water treatment; building, health, and fire prevention inspections;
15 planning; and public works services.

16 (f) “Scale map” has the meaning given in s. 66.0217 (1) (g).

17 **(2) CITY, VILLAGE ORDINANCES.** (a) *Enactment.* The governing body of a city or
18 village may, by a two–thirds vote of its members–elect, enact an ordinance to annex
19 a peninsula if all of the following apply:

20 1. The annexing city or village is contiguous to more than 50 percent of the
21 peninsula’s length.



RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 260

NOW

✓

1 At the locations indicated, amend the bill as follows:

2

1. Page 1, line_D2: after "use" insert "and creating a procedure for cities and villages to annex town peninsulas unilaterally".

4 2. Page 2, line 1: before that line insert:

5 "SECTION 1. 66.0218 of the statutes is created to read:

6 **66.0218 Direct annexation of town peninsulas.** (1) DEFINITIONS. In this
7 section:

8 (a) "Legal description" has the meaning given in s. 66.0217 (1) (c).

9 (b) "Members-elect" has the meaning given in s. 59.001 (2m).

10 (c) "Municipality" means a city, village, or town.

11 (d) "Peninsula" means town territory, the boundary of which is not completely
12 surrounded by a city or village but is contiguous to one or more cities or villages for

1 at least 75 percent of its length, excluding areas that border on water, or on land
2 whose condition prohibits development, except that such excluded areas of the
3 border may not exceed 33 percent of the length of the boundary of the territory that
4 is sought to be annexed.

5 (e) "Public services" includes police and fire protection; sewer and water
6 treatment; storm water treatment; building, health, and fire prevention inspections;
7 planning; and public works services.

8 (f) "Scale map" has the meaning given in s. 66.0217 (1) (g).

9 (2) CITY, VILLAGE ORDINANCES. (a) *Enactment*. The governing body of a city or
10 village may, by a two-thirds vote of its members-elect, enact an ordinance to annex
11 a peninsula if all of the following apply:

12 1. The annexing city or village is contiguous to more than 50 percent of the
13 peninsula's length.

14 2. The annexing city or village is capable of providing public services to the
15 territory in the peninsula at a level that at least equals the level of service that is
16 being provided by the town.

17 3. The annexation of the peninsula will reduce any existing problems of
18 duplicative public services being provided within the same area by more than one
19 municipality.

20 (b) *Requirements*. The annexation ordinance shall contain a legal description
21 of the territory annexed and the name of the town from which the territory is
22 annexed. Upon enactment of the ordinance under par. (a), the city or village clerk
23 shall file with the secretary of state 8 certified copies of the ordinance, 8 copies of a
24 scale map, and 8 copies of a plat that shows the boundaries of the city or village,
25 including the annexed territory.

1 (c) *Secretary of state*. Not later than 10 days after receiving the ordinance, scale
 2 map, and plat, the secretary of state shall forward 2 copies of the ordinance, scale
 3 map, and plat to the department of transportation, one copy to the department of
 4 administration, one copy to the department of natural resources, one copy to the
 5 department of revenue, one copy to the department of public instruction, and one
 6 copy to the clerk of the town from which the territory was annexed.

7 (d) *Action to contest annexation*. Section 66.0217 (11) [✓] / *as it applies to* applies to annexations
 8 under this section. [✓]

9 (3) EFFECTIVENESS OF ANNEXATION ORDINANCE. An ordinance enacted under sub.
 10 (2) [✓] takes effect on the first day of the 2nd month beginning after enactment.”

11 3. Page 2, line 1: [✓] delete “SECTION 1” and substitute “SECTION 1m”.

12 (END)

*↪ annexations
 under that section,*