2015 SENATE BILL 313

October 14, 2015 − Introduced by Senators OLSEN, LASSA and ERPENBACH, cosponsored by Representatives KRUG, KITCHENS, KAHL, R. BROOKS, MURSAU, T. LARSON, SANFELIPPO, PETERSEN, KNO DL, M EYERS, JARCHOW, ALLEN and QUINN. Referred to Committee on Elections and Local Government.

AN ACT to amend 59.69 (5) (b), 59.69 (5) (e) 2. and 59.69 (5) (e) 6.; and to create 59.69 (5) (g) of the statutes; relating to: the method used by a county clerk to notify town clerks of certain county zoning actions.

Analysis by the Legislative Reference Bureau

Under current law, when a county enacts or amends certain zoning ordinances a county clerk is required to send to town clerks, by registered mail, copies of the enacted ordinances or amendments.

Also under current law, if a petition to amend a zoning ordinance is made to a county board and the county is required to notice a public hearing on the proposed amendment, the county clerk is required to send to affected town clerks, by registered mail, a copy of the notice.

Under this bill, in general, a county clerk is required to send copies of ordinances or amendments, or notices (collectively, materials), to town clerks by certified mail. Also under the bill, a county clerk may send such materials to a town clerk by electronic mail (e-mail), if the county clerk includes with the e-mail a request that the town clerk promptly confirm receipt of the e-mail by return e-mail. If the town clerk does not send the requested e-mail confirmation within five business days, the county clerk must submit the materials to the town clerk by certified mail.
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:

SECTION 1. 59.69 (5) (b) of the statutes is amended to read:

59.69 (5) (b) When the draft of the ordinance, recommended for enactment by the zoning agency, is received by the board, it may enact the ordinance as submitted, or reject it, or return it to the agency with such recommendations as the board may see fit to make. In the event of such return subsequent procedure by the agency shall be as if the agency were acting under the original directions. When enacted, duplicate copies of the ordinance shall be submitted by the clerk by registered mail to each town clerk, under par. (g), for consideration by the town board.

SECTION 2. 59.69 (5) (e) 2. of the statutes is amended to read:

59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public hearing on the petition. Notice of the time and place of the hearing shall be given by publication in the county of a class 2 notice, under ch. 985. If an amendment to an ordinance, as described in the petition, has the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the zoning agency. A copy of the notice shall be mailed by registered mail submitted by the clerk under par. (g) to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area.
SECTION 3. 59.69 (5) (e) 6. of the statutes is amended to read:

59.69 (5) (e) 6. If an amendatory ordinance makes only the change sought in
the petition and if the petition was not disapproved prior to, at or within 10 days
under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public
hearing by the town board of the town affected in the case of an ordinance relating
to the location of district boundaries or by the town boards of a majority of the towns
affected in the case of all other amendatory ordinances, it shall become effective on
passage. The county clerk shall record in the clerk’s office the date on which the
ordinance becomes effective and notify the town clerk of all towns affected by the
ordinance of the effective date and also insert the effective date in the proceedings
of the county board. Any The county clerk shall submit a copy of any other
amendatory ordinance when enacted shall within 7 days thereafter be submitted in
duplicate by the county clerk by registered mail, under par. (g), within 7 days of its
enactment, to the town clerk of each town in which lands affected by the ordinance
are located. If after 40 days from the date of the enactment a majority of the towns
have not filed certified copies of resolutions disapproving the amendment with the
county clerk, or if, within a shorter time a majority of the towns in which the
ordinance is in effect have filed certified copies of resolutions approving the
amendment with the county clerk, the amendment shall be in effect in all of the
towns affected by the ordinance. Any The county clerk shall submit under par. (g),
within 7 days of its enactment, any ordinance relating to the location of boundaries
of districts shall within 7 days after enactment by the county board be transmitted
by the county clerk by registered mail only to the town clerk of the town in which the
lands affected by the change are located. Such an ordinance shall become
effective 40 days after enactment of the ordinance by the county board unless such
town board prior to such date files a certified copy of a resolution disapproving of the
ordinance with the county clerk. If such town board approves the ordinance, the
ordinance shall become effective upon the filing of the resolution of the town board
approving the ordinance with the county clerk. The clerk shall record in the clerk’s
office the date on which the ordinance becomes effective and notify the town clerk of
all towns affected by such ordinance of such effective date and also make such report
to the county board, which report shall be printed in the proceedings of the county
board.

**SECTION 4.** 59.69 (5) (g) of the statutes is created to read:

59.69 (5) (g) 1. Except as provided in subd. 2., when a county clerk is required
to submit materials to a town clerk as described in pars. (b) and (e) 2. and 6., the
county clerk shall submit the materials by certified mail.

2. A county clerk may submit to a town clerk by electronic mail the materials
described in subd. 1. if the county clerk includes with the electronic mail a request
that the town clerk promptly confirm receipt of the materials by return electronic
mail. If the county clerk does not receive such confirmation within 5 business days,
the county clerk shall submit the materials to the town clerk by certified mail.

**SECTION 5. Initial applicability.**

(1) This act first applies to materials submitted by a county clerk to a town clerk
on the effective date of this subsection.