



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 317 [2003 Senate Bill 87]	Limiting Annexation Authority of Cities and Villages
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 317 prohibits a city or village from annexing any town territory unless the city or village agrees to pay 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. However, a city or village is not required to make payments to the town if the city or village, and the town, enter into one of the following types of boundary agreements:

- A boundary agreement under s. 66.0307, Stats., which permits the city or village, and the town, to determine boundary lines between themselves under a cooperative plan approved by the Department of Administration (DOA).
- A boundary agreement under s. 66.0225, Stats., which permits any two municipalities (cities, villages, and towns) whose boundaries are immediately adjacent at any point and who are parties to a court action testing the validity or invalidity of an annexation, incorporation, consolidation, or detachment to enter into a written stipulation determining a common boundary line.
- A boundary agreement under s. 66.0301, Stats., which generally allows a municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for “the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.”

The Act prohibits a city or village from annexing 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 each adopt a resolution approving the annexation. If the annexation is of city-owned or village-owned territory, the city or village, and the town, must also enter into one of the types of boundary agreements listed above.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

The Act prohibits a town from bringing an action on any grounds to contest the validity of a direct annexation by unanimous approval. Under this annexation method, the governing body of a city or village may, generally, annex property by a 2/3 vote of the body if the required petition, map, and legal description are filed with the city or village and all of the involved towns. This annexation method is subject to DOA review.

Effective Date: 2003 Act 317 takes effect on May 7, 2004 and first applies to any annexation that has not taken effect on this date.

Prepared by: Rachel E. Letzing, Staff Attorney

April 28, 2004

REL:rv