



## 1995 SENATE BILL 585

February 28, 1996 - Introduced by Senators WELCH and BUETTNER, cosponsored by Representatives PORTER, OLSEN, HANDRICK, POWERS, BOCK and BALDWIN. Referred to Committee on Transportation, Agriculture and Local Affairs.

1     **AN ACT to amend** 20.866 (2) (tL), 20.866 (2) (tx), 23.09 (19), 23.094 (1), 30.275 (4)  
2           (d), 30.77 (1) (intro.), 30.77 (3) (am) 2., 30.77 (3) (am) 4., 30.77 (3) (aw) 1., 30.77  
3           (3) (d), 30.77 (3) (e) 1. (intro.), 30.78 (1g) (b), 30.78 (1g) (c), 30.79 (1) (a), 30.79  
4           (1) (b) 2., 30.81 (1m) (b), 30.81 (1m) (d), 30.81 (3), 31.385 (1), 31.385 (2) (c) 2.,  
5           31.385 (3), 60.77 (5) (h), 66.119 (1) (a), 66.119 (2) (a), 66.119 (3) (c), 66.119 (3) (d),  
6           66.119 (3) (e), 66.12 (1) (a), 66.12 (1) (b), 66.12 (2), 66.12 (3) (b), 115.375 (2) (a)  
7           2., 165.85 (2) (d), 814.63 (2) and 814.63 (4); and **to create** 30.77 (3) (am) 1m.,  
8           30.77 (3) (am) 3m., 30.77 (3) (am) 3r., 30.78 (1g) (am), 30.78 (3) (am), 30.81 (1m)  
9           (am), 30.81 (1m) (cm), 30.81 (1m) (cr) and 60.782 of the statutes; **relating to:**  
10          town sanitary districts having the powers of public inland lake protection and  
11          rehabilitation districts and making appropriations.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, towns, villages and cities (municipalities) and public inland lake protection and rehabilitation districts (lake districts) may enact boating ordinances that are not contrary to state law. An ordinance is valid only if all of the municipalities having jurisdiction on the waters of the lake have enacted an identical ordinance or if at least 50% of these municipalities together have at least 60% of the footage of shoreline on the lake within their boundaries and they have enacted an identical ordinance. In addition, a lake district may enact and enforce ordinances that are applicable to a lake that is entirely within its boundaries if each municipality having jurisdiction on the lake adopts a resolution authorizing the lake district to

do so or if at least 50% of these municipalities together have at least 60% of the footage of shoreline of the lake within their boundaries and they adopt resolutions authorizing the lake district to do so.

This bill allows town sanitary districts to enact boating ordinances under the same conditions as lake districts.

This bill grants town sanitary districts many of the powers of lake districts. These powers include:

1. The power to enact ordinances governing the operation of seaplanes and snowmobiles on a lake entirely within the boundaries of the sanitary district.

2. The power to receive state funding for local water safety patrols, for stream bank protection and urban green space under the stewardship program, and for dam improvements.

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.** 20.866 (2) (tL) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           20.866 (2) (tL) *Natural resources; segregated revenue supported dam maintenance, repair, modification, abandonment and removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns, town sanitary districts and public inland lake protection and rehabilitation districts in conducting dam maintenance, repair, modification, abandonment and removal under s. 31.385. The state may contract public debt in an amount not to exceed \$4,000,000 for this purpose.

10           **SECTION 2.** 20.866 (2) (tx) of the statutes is amended to read:

11           20.866 (2) (tx) *Natural resources; dam maintenance, repair, modification, abandonment and removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns, town sanitary districts and public inland lake protection and

1 rehabilitation districts in conducting dam maintenance, repair, modification, aban-  
2 donment and removal under s. 31.385. The state may contract public debt in an  
3 amount not to exceed \$5,500,000 for this purpose.

4 **SECTION 3.** 23.09 (19) of the statutes is amended to read:

5 23.09 (19) (a) In this subsection, “local governmental unit” means a city, village,  
6 town, county, town sanitary district or public inland lake protection and rehabilita-  
7 tion district.

8 **SECTION 4.** 23.094 (1) of the statutes is amended to read:

9 23.094 (1) DEFINITION. In this section, “political subdivision” means city, vil-  
10 lage, town, county, town sanitary district or public inland lake protection and rehabi-  
11 litation district.

12 **SECTION 5.** 30.275 (4) (d) of the statutes is amended to read:

13 30.275 (4) (d) Provide grants to municipalities, town sanitary districts and pub-  
14 lic inland lake protection and rehabilitation districts to undertake any of the activi-  
15 ties under pars. (a) to (c).

16 **SECTION 6.** 30.77 (1) (intro.) of the statutes is amended to read:

17 30.77 (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. (intro.) Sections 30.50 to  
18 30.71 shall be uniform in operation throughout the state. No municipality or public  
19 inland lake protection and rehabilitation district or town sanitary district may:

20 **SECTION 7.** 30.77 (3) (am) 1m. of the statutes is created to read:

21 30.77 (3) (am) 1m. A town sanitary district may, in the interest of public health,  
22 safety or welfare, including the public’s interest in preserving the state’s natural re-  
23 sources, enact and enforce ordinances applicable to a lake entirely within its bound-  
24 aries if no public inland lake protection and rehabilitation district has in effect any  
25 ordinances enacted under subd. 1. for the lake and any one of the following occurs:

1           a. Each town, village and city having jurisdiction over the lake adopts a resolu-  
2           tion authorizing the town sanitary district to do so.

3           b. At least 50% of the towns, villages and cities having jurisdiction over the lake  
4           adopt resolutions authorizing the town sanitary district to enact and enforce ordi-  
5           nances, and at least 60% of the footage of shoreline of the lake is within the bound-  
6           aries of these towns, villages and cities.

7           **SECTION 8.** 30.77 (3) (am) 2. of the statutes, as affected by 1995 Wisconsin Act  
8           .... (Senate Bill 252), is amended to read:

9           30.77 (3) (am) 2. An ordinance enacted under subd. 1. or 1m. may not be con-  
10          trary to or inconsistent with this chapter and shall relate to the equipment, use or  
11          operation of boats or to an activity regulated by ss. 30.60 to 30.71.

12          **SECTION 9.** 30.77 (3) (am) 3m. of the statutes is created to read:

13          30.77 (3) (am) 3m. If a town sanitary district enacts an ordinance under this  
14          paragraph, the sanitary district ordinance supersedes all conflicting provisions of a  
15          town, village or city ordinance enacted under par. (a) that are applicable to the lake.

16          **SECTION 10.** 30.77 (3) (am) 3r. of the statutes is created to read:

17          30.77 (3) (am) 3r. If a public inland lake protection and rehabilitation district  
18          is created for an inland lake after a town sanitary district has enacted ordinances  
19          under subd. 1m. for the lake, any ordinances enacted by the lake district supersede  
20          all of the following:

21               a. Any conflicting provisions of a town, village or city ordinance enacted under  
22               par. (a) that are applicable to the lake.

23               b. Any conflicting provisions of a town sanitary district ordinance enacted un-  
24               der subd. 1m. that are applicable to the lake.

1           **SECTION 11.** 30.77 (3) (am) 4. of the statutes, as affected by 1995 Wisconsin Act  
2 .... (Senate Bill 252), is amended to read:

3           30.77 (3) (am) 4. If a town, village or city proposes to rescind a resolution that  
4 it adopted under subd. 1. or 1m., and if the rescision will result in less than 50% of the  
5 towns, villages or cities with jurisdiction over the lake still having in effect resolu-  
6 tions adopted under subd. 1. or 1m. or will result in less than 60% of the footage of  
7 shoreline of the lake being within the boundaries of the towns, villages and cities  
8 with resolutions still in effect, the town, village or city proposing to rescind the reso-  
9 lution shall hold a hearing on the rescision at least 30 days before the rescision will take  
10 effect and shall give notice as required under par. (aw) 2. If, after holding the hear-  
11 ing, the town, village or city rescinds the resolution that it adopted under subd. 1. or  
12 1m., the lake district ordinances or the sanitary district ordinances are void.

13           **SECTION 12.** 30.77 (3) (aw) 1. of the statutes, as created by 1995 Wisconsin Act  
14 .... (Senate Bill 252), is amended to read:

15           30.77 (3) (aw) 1. If one or more towns, villages or cities propose to enact an ordi-  
16 nance for an inland lake under par. (ac) 2. or a lake district or sanitary district pro-  
17 poses to enact an ordinance for an inland lake under par. (am) 1. b. or 1m. b., it shall  
18 hold a public hearing on the proposed ordinance at least 30 days before its enactment.

19           **SECTION 13.** 30.77 (3) (d) of the statutes, as affected by 1995 Wisconsin Act ....  
20 (Senate Bill 252), is amended to read:

21           30.77 (3) (d) Ordinances pertaining to the equipment, use or operation of boats  
22 on inland lakes shall be subject to advisory review by the department as provided  
23 under this paragraph. Proposed ordinances subject to review under this paragraph  
24 shall be submitted by the local town, village or city clerk or by a the public inland lake  
25 protection and rehabilitation district or town sanitary district to the department at

1 least 60 days prior to final action thereon by the town, village ~~or~~, city or district gov-  
2 erning body. Advisory reports regarding town, village ~~or~~, city ~~or~~, lake district or sani-  
3 tary district ordinances that regulate the equipment, use or operation of boats on in-  
4 land lakes shall be based on consideration of the effect of the ordinance on the state  
5 from the standpoint of uniformity and enforcement and the effect of the ordinance  
6 on an affected town, village, city ~~or~~, lake district or sanitary district in view of perti-  
7 nent local conditions. Advisory reports shall state in what regard such ordinances  
8 are considered consistent or inconsistent with this chapter as to public health, safety  
9 or welfare, including the public's interest in preserving the state's natural resources,  
10 and shall be accompanied by suggested changes, if any. No later than 20 days after  
11 receipt by the department of proposed ordinances, the department shall advise the  
12 town, village, city ~~or~~, lake district or sanitary district in writing as to the results of  
13 its advisory review under this paragraph. The department shall address the results  
14 sent to a town, village or city to its clerk.

15 **SECTION 14.** 30.77 (3) (e) 1. (intro.) of the statutes is amended to read:

16 30.77 (3) (e) 1. (intro.) A municipality ~~or~~, a public inland lake protection and  
17 rehabilitation district or a town sanitary district that has in effect an ordinance un-  
18 der par. (am) may charge boat operators reasonable fees for any of the following:

19 **SECTION 15.** 30.78 (1g) (am) of the statutes is created to read:

20 30.78 (1g) (am) A town sanitary district, after public hearing, may enact and  
21 enforce local ordinances applicable to a lake entirely within its boundaries if each  
22 town, village and city having jurisdiction on the lake adopts a resolution authorizing  
23 the sanitary district to do so and if no lake district has in effect ordinances enacted  
24 under par. (a) for the lake.

25 **SECTION 16.** 30.78 (1g) (b) of the statutes is amended to read:

1           30.78 (1g) (b) Ordinances authorized under par. (a) or (am) are limited to the  
2 type of ordinances authorized under sub. (1) (a) to (c).

3           **SECTION 17.** 30.78 (1g) (c) of the statutes is amended to read:

4           30.78 (1g) (c) If any town, village or city having jurisdiction on ~~the a~~ lake re-  
5 scinds ~~the a~~ resolution adopted under par. (a) or (am) authorizing ~~the a~~ public inland  
6 lake protection and rehabilitation district or town sanitary district to enact and en-  
7 force ordinances under this paragraph, the lake district ordinances are void.

8           **SECTION 18.** 30.78 (3) (am) of the statutes is created to read:

9           30.78 (3) (am) 1. If a town sanitary district enacts an ordinance under sub. (1g),  
10 the sanitary district ordinance supersedes all conflicting provisions of a town, village  
11 or city ordinance enacted under sub. (1) that are applicable to that lake.

12           2. If a public inland lake protection and rehabilitation district is created for an  
13 inland lake after a town sanitary district has enacted ordinances under sub. (1g) (am)  
14 for the lake, any ordinances enacted by the lake district supersede all of the follow-  
15 ing:

16           a. Any conflicting provisions of a town, village or city ordinance enacted under  
17 sub. (1) that are applicable to the lake.

18           b. Any conflicting provisions of a town sanitary district ordinance enacted un-  
19 der sub. (1g) (am) that are applicable to the lake.

20           **SECTION 19.** 30.79 (1) (a) of the statutes is amended to read:

21           30.79 (1) (a) "Local governmental unit" means a municipality ~~or~~, a public in-  
22 land lake protection and rehabilitation district or a town sanitary district.

23           **SECTION 20.** 30.79 (1) (b) 2. of the statutes is amended to read:

24           30.79 (1) (b) 2. A unit created by a public inland lake protection and rehabilita-  
25 tion district, by a town sanitary district or by a number of local governmental units

1 riparian to a single lake, at least one of which is a lake district or a sanitary district,  
2 for the purposes specified in subd. 1.

3 **SECTION 21.** 30.81 (1m) (am) of the statutes is created to read:

4 30.81 **(1m)** (am) A town sanitary district, in the interest of public health or safe-  
5 ty, may enact and enforce ordinances applicable to a lake entirely within its bound-  
6 aries if each town, village and city having jurisdiction on the lake adopts a resolution  
7 authorizing the sanitary district to do so and if no lake district has in effect ordi-  
8 nances enacted under par. (a) for the lake.

9 **SECTION 22.** 30.81 (1m) (b) of the statutes is amended to read:

10 30.81 **(1m)** (b) An ordinance enacted under par. (a) or (am) must be consistent  
11 with this chapter and must relate to the use or operation of boats and other craft, in-  
12 cluding snowmobiles and other motor vehicles, on icebound inland lakes.

13 **SECTION 23.** 30.81 (1m) (cm) of the statutes is created to read:

14 30.81 **(1m)** (cm) If a town sanitary district enacts an ordinance under this sub-  
15 section, the sanitary district ordinance supersedes all conflicting provisions of a  
16 town, village or city ordinance enacted under sub. (1) that are applicable to the lake.

17 **SECTION 24.** 30.81 (1m) (cr) of the statutes is created to read:

18 30.81 **(1m)** (cr) If a public inland lake protection and rehabilitation district is  
19 created for an inland lake after a town sanitary district has enacted ordinances un-  
20 der this subsection for the lake, any ordinances enacted by the lake district supersede  
21 all of the following:

22 1. Any conflicting provisions of a town, village or city ordinance enacted under  
23 sub. (1) that are applicable to the lake.

24 2. Any conflicting provisions of a town sanitary district ordinance enacted un-  
25 der par. (am) that are applicable to the lake.



1           **SECTION 25.** 30.81 (1m) (d) of the statutes is amended to read:

2           30.81 **(1m)** (d) If a town, village or city having jurisdiction on ~~the a~~ lake rescinds  
3 the resolution authorizing ~~the a~~ public inland lake protection and rehabilitation dis-  
4 trict or town sanitary district to enact and enforce ordinances under this ~~paragraph~~  
5 subsection, the lake district ordinances are void.

6           **SECTION 26.** 30.81 (3) of the statutes is amended to read:

7           30.81 **(3)** LIABILITY OF LOCAL GOVERNMENT. All traffic on icebound, inland waters  
8 shall be at the risk of the traveler. An ordinance by any municipality or any public  
9 inland lake protection and rehabilitation district or town sanitary district that is en-  
10 acted under this section permitting traffic on icebound inland waters shall not ren-  
11 der the municipality or lake or sanitary district enacting the ordinance liable for any  
12 accident to those engaged in permitted traffic while the ordinance is in effect.

13           **SECTION 27.** 31.385 (1) of the statutes is amended to read:

14           31.385 **(1)** The department shall promulgate the rules necessary to administer  
15 a financial assistance program for municipalities ~~and,~~ public inland lake protection  
16 and rehabilitation districts and town sanitary districts for dam maintenance, repair,  
17 modification, abandonment and removal.

18           **SECTION 28.** 31.385 (2) (c) 2. of the statutes is amended to read:

19           31.385 **(2)** (c) 2. The municipality ~~or,~~ public inland lake protection and rehabi-  
20 litation district or town sanitary district has received directives from the department  
21 or is under order by the department to maintain, repair, modify, abandon or remove  
22 a dam on August 9, 1989.

23           **SECTION 29.** 31.385 (3) of the statutes is amended to read:

24           31.385 **(3)** The department shall provide municipalities ~~and,~~ public inland lake  
25 protection and rehabilitation districts and town sanitary districts with technical

1 assistance in conducting dam maintenance, repair, modification, abandonment and  
2 removal. The department shall coordinate the financial assistance program under  
3 this section with other related state and federal programs.

4 **SECTION 30.** 60.77 (5) (h) of the statutes is amended to read:

5 60.77 (5) (h) Lease or acquire, including by condemnation, any real property  
6 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)  
7 or 30.275 (4) or this subchapter and lease or acquire any personal property that may  
8 be needed for the purposes of this subchapter.

9 **SECTION 31.** 60.782 of the statutes is created to read:

10 **60.782 Power to act as a public inland lake protection and rehabilita-**  
11 **tion district. (1)** A town sanitary district that has all or part of a public inland lake  
12 within its boundaries for which a public inland lake protection and rehabilitation  
13 district is not in effect may do any of the following that is authorized by the commis-  
14 sion:

15 (a) Create, operate and maintain a water safety patrol unit, as defined in s.  
16 30.79 (1) (b) 2.

17 (b) Undertake projects to enhance the recreational uses of the public inland  
18 lake, including recreational boating facilities, as defined in s. 30.92 (1) (c).

19 (c) Appropriate money for the conservation of natural resources or for payment  
20 to a bona fide nonprofit organization for the conservation of natural resources within  
21 the district or beneficial to the district.

22 **(2)** The commissioners of a town sanitary district that has the powers of a pub-  
23 lic inland lake protection and rehabilitation district under sub. (1) shall possess the  
24 powers of the board of commissioners of a public inland lake protection and rehabi-  
25 litation district that are authorized by resolution of the town sanitary district.

1           **SECTION 32.** 66.119 (1) (a) of the statutes is amended to read:

2           66.119 (1) (a) The governing body of any county, town, city, village, town sani-  
3 tary district or public inland lake protection and rehabilitation district may by ordi-  
4 nance adopt and authorize the use of a citation to be issued for violations of ordi-  
5 nances, including ordinances for which a statutory counterpart exists.

6           **SECTION 33.** 66.119 (2) (a) of the statutes is amended to read:

7           66.119 (2) (a) Citations authorized under this section may be issued by law en-  
8 forcement officers of the county, town, city, village, town sanitary district or public  
9 inland lake protection and rehabilitation district. In addition, the governing body  
10 of a county, town, city, village, town sanitary district or public inland lake protection  
11 and rehabilitation district may designate by ordinance or resolution other county,  
12 town, city, village, town sanitary district or public inland lake protection and rehabi-  
13 litation district officials who may issue citations with respect to ordinances which are  
14 directly related to the official responsibilities of the officials. Officials granted the  
15 authority to issue citations may delegate, with the approval of the governing body,  
16 the authority to employes. Authority delegated to an official or employe shall be re-  
17 voked in the same manner by which it is conferred.

18           **SECTION 34.** 66.119 (3) (c) of the statutes is amended to read:

19           66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
20 in court, the citation may serve as the initial pleading and the violator shall be con-  
21 sidered to have tendered a plea of no contest and submitted to a forfeiture, the penal-  
22 ty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1) and  
23 any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding  
24 the amount of the deposit. The court may either accept the plea of no contest and  
25 enter judgment accordingly or reject the plea. If the court finds the violation meets

1 the conditions in s. 800.093 (1), the court may summon the alleged violator into court  
2 to determine if restitution shall be ordered under s. 800.093. If the court accepts the  
3 plea of no contest, the defendant may move within 10 days after the date set for the  
4 appearance to withdraw the plea of no contest, open the judgment and enter a plea  
5 of not guilty if the defendant shows to the satisfaction of the court that the failure  
6 to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea  
7 of no contest is accepted and not subsequently changed to a plea of not guilty, no costs  
8 or fees may be taxed against the violator, but a penalty assessment, a jail assessment  
9 and, if applicable, a domestic abuse assessment shall be assessed. If the court rejects  
10 the plea of no contest, an action for collection of the forfeiture, penalty assessment,  
11 jail assessment and any applicable domestic abuse assessment may be commenced.  
12 A city, village, town sanitary district or public inland lake protection and rehabilita-  
13 tion district may commence action under s. 66.12 (1) and a county or town may com-  
14 mence action under s. 778.10. The citation may be used as the complaint in the action  
15 for the collection of the forfeiture, penalty assessment, jail assessment and any appli-  
16 cable domestic abuse assessment.

17 **SECTION 35.** 66.119 (3) (d) of the statutes is amended to read:

18 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
19 appear in court at the time specified in the citation, the court may issue a summons  
20 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
21 no contest and enter judgment accordingly if service was completed as provided un-  
22 der par. (e) or the county, town, city, village, town sanitary district or public inland  
23 lake protection and rehabilitation district may commence an action for collection of  
24 the forfeiture, penalty assessment and jail assessment and any applicable domestic  
25 abuse assessment. A city, village, town sanitary district or public inland lake protec-

1 tion and rehabilitation district may commence action under s. 66.12 (1) and a county  
2 or town may commence action under s. 778.10. The citation may be used as the com-  
3 plaint in the action for the collection of the forfeiture, penalty assessment and jail  
4 assessment and any applicable domestic abuse assessment. If the court considers  
5 the nonappearance to be a plea of no contest and enters judgment accordingly, the  
6 court shall promptly mail a copy or notice of the judgment to the defendant. The judg-  
7 ment shall allow the defendant not less than 20 days from the date of the judgment  
8 to pay any forfeiture, penalty assessment and jail assessment and any applicable do-  
9 mestic abuse assessment imposed. If the defendant moves to open the judgment  
10 within 6 months after the court appearance date fixed in the citation, and shows to  
11 the satisfaction of the court that the failure to appear was due to mistake, inadver-  
12 tence, surprise or excusable neglect, the court shall reopen the judgment, accept a  
13 not guilty plea and set a trial date.

14 **SECTION 36.** 66.119 (3) (e) of the statutes is amended to read:

15 66.119 (3) (e) A judgment may be entered under par. (d) if the summons or cita-  
16 tion was served as provided under s. 968.04 (3) (b) 2. or by personal service by a  
17 county, town, city, village, town sanitary district or public inland lake protection and  
18 rehabilitation district employe.

19 **SECTION 37.** 66.12 (1) (a) of the statutes is amended to read:

20 66.12 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,  
21 village, town sanitary district or public inland lake protection and rehabilitation dis-  
22 trict is a civil action. All forfeitures and penalties imposed by any ordinance or bylaw  
23 of the city, village, town sanitary district or public inland lake protection and rehabi-  
24 litation district, except as provided in ss. 345.20 to 345.53, may be collected in an ac-  
25 tion in the name of the city or village before the municipal court or in an action in the

1 name of the city, village, town sanitary district or public inland lake protection and  
2 rehabilitation district before a court of record. If the action is in municipal court, the  
3 procedures under ch. 800 apply and the procedures under this section do not apply.  
4 If the action is in a court of record, it shall be commenced by warrant or summons  
5 under s. 968.04 or, if applicable, by citation under s. 778.25 or 778.26. A law enforce-  
6 ment officer may arrest the offender in all cases without warrant under s. 968.07.  
7 The affidavit where the action is commenced by warrant may be the complaint. The  
8 affidavit or complaint shall be sufficient if it alleges that the defendant has violated  
9 an ordinance or bylaw, specifying the ordinance or bylaw by section, chapter, title or  
10 otherwise with sufficient plainness to identify the ordinance or bylaw. The judge  
11 may release a defendant without bail or may permit him or her to execute an unse-  
12 cured appearance bond upon arrest. In arrests without a warrant or summons a  
13 statement on the records of the court of the offense charged shall stand as the com-  
14 plaint unless the court directs that formal complaint be issued. In all actions under  
15 this paragraph the defendant's plea shall be guilty, not guilty or no contest and shall  
16 be entered as not guilty on failure to plead, which plea of not guilty shall put all mat-  
17 ters in the case at issue, any other provision of law notwithstanding.

18 **SECTION 38.** 66.12 (1) (b) of the statutes is amended to read:

19 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
20 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
21 or all violations under those ordinances, and may designate the manner in which the  
22 stipulation is to be made and fix the penalty to be paid. When a person charged with  
23 a violation for which stipulation of guilt or no contest is authorized makes a timely  
24 stipulation and pays the required penalty and pays the penalty assessment imposed  
25 by s. 165.87, the jail assessment imposed by s. 302.46 (1) and any applicable domestic

1 abuse assessment imposed by s. 973.055 (1) to the designated official, the person  
2 need not appear in court and no witness fees or other additional costs may be taxed  
3 unless the local ordinance so provides. A court appearance is required for a violation  
4 of a local ordinance in conformity with s. 346.63 (1). The official receiving the penal-  
5 ties shall remit all moneys collected to the treasurer of the city, village, town sanitary  
6 district or public inland lake protection and rehabilitation district in whose behalf  
7 the sum was paid, except that all jail assessments shall be remitted to the county  
8 treasurer, within 20 days after its receipt by him or her; and in case of any failure  
9 in the payment, the treasurer may collect the payment of the officer by action, in the  
10 name of the office, and upon the official bond of the officer, with interest at the rate  
11 of 12% per year from the time when it should have been paid. In the case of the penal-  
12 ty assessment imposed by s. 165.87, the driver improvement surcharge imposed by  
13 s. 346.655 (1) and any applicable domestic abuse assessment imposed by s. 973.055  
14 (1), the treasurer of the city, village, town sanitary district or public inland lake  
15 protection and rehabilitation district shall remit to the state treasurer the sum re-  
16 quired by law to be paid on the actions so entered during the preceding month on or  
17 before the first day of the next succeeding month. The governing body of the city, vil-  
18 lage, town sanitary district or public inland lake protection and rehabilitation dis-  
19 trict shall by ordinance designate the official to receive the penalties and the terms  
20 under which the official shall qualify.

21 **SECTION 39.** 66.12 (2) of the statutes is amended to read:

22 66.12 (2) APPEALS. Appeals in actions in courts of record to recover forfeitures  
23 and penalties imposed by any ordinance or bylaw of a city, village, town sanitary dis-  
24 trict or public inland lake protection and rehabilitation district may be taken either  
25 by the defendant or by the city, village, town sanitary district or public inland lake

1 protection and rehabilitation district. Appeals from circuit court in actions to recover  
2 forfeitures for ordinances enacted under ch. 349 shall be to the court of appeals. An  
3 appeal by the defendant shall include a bond to the city, village, town sanitary dis-  
4 trict or public inland lake protection and rehabilitation district with surety, to be ap-  
5 proved by the judge, conditioned that if judgment is affirmed in whole or in part the  
6 defendant will pay the judgment and all costs and damages awarded against the de-  
7 fendant on the appeal. If the judgment is affirmed in whole or in part, execution may  
8 issue against both the defendant and the surety.

9 **SECTION 40.** 66.12 (3) (b) of the statutes is amended to read:

10 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any ordi-  
11 nance or bylaw of any city, village, town, town sanitary district or public inland lake  
12 protection and rehabilitation district shall be paid into the city, village, town, town  
13 sanitary district or public inland lake protection and rehabilitation district treasury  
14 for the use of the city, village, town, town sanitary district or public inland lake  
15 protection and rehabilitation district, except as otherwise provided in par. (c), sub.  
16 (1) (b) and s. 165.87. The judge shall report and pay into the treasury, quarterly, or  
17 at more frequent intervals if so required, all moneys collected belonging to the city,  
18 village, town, town sanitary district or public inland lake protection and rehabilita-  
19 tion district, which report shall be certified and filed in the office of the treasurer; and  
20 the judge shall be entitled to duplicate receipts for such moneys, one of which he or  
21 she shall file with the city, village or town clerk or with the town sanitary district or  
22 the public inland lake protection and rehabilitation district.

23 **SECTION 41.** 115.375 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
24 27, is amended to read:



