



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/2
MES:emw&wlj

2017 ASSEMBLY BILL 109

March 1, 2017 - Introduced by Representatives RIPP, JAGLER, KLEEFISCH, JACQUE, KERKMAN, NYGREN and TITTL, cosponsored by Senators OLSEN and NASS. Referred to Committee on Local Government.

1 **AN ACT** *to repeal* 60.23 (34) (b) 3.; and *to amend* 59.69 (3) (b), 60.23 (34) (b) 1.,
2 60.23 (34) (b) 2., 60.23 (34) (d), 60.62 (2) and 60.62 (6) (a) of the statutes;
3 **relating to:** modifying the requirements for certain towns to withdraw from
4 county zoning.

Analysis by the Legislative Reference Bureau

This bill makes a number of technical changes to the law authorizing towns located in a county with a population of at least 485,000 to withdraw from county zoning. The bill makes the following changes:

1. Changes some of the timing requirements related to when a town must notify a county of the town's intention to withdraw from county zoning.
2. No longer requires a town to send copies of its official map to the county clerk.

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:

5 **SECTION 1.** 59.69 (3) (b) of the statutes is amended to read:
6 59.69 (3) (b) The development plan shall include the master plan, if any, of any
7 city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any,

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1 of such city or village, that was adopted under s. 62.23 (6) in the county, without
2 change. In counties with a population of at least 485,000, the development plan shall
3 also include, and integrate, the master plan and the official map of a town ~~that was~~
4 ~~adopted under s. 60.62 (6) (a) or (b),~~ without change.

5 **SECTION 2.** 60.23 (34) (b) 1. of the statutes is amended to read:

6 60.23 (34) (b) 1. ~~Not later than 180 days before enacting an ordinance under~~
7 ~~par. (a), the~~ The town notifies the county clerk and one or more officials of every other
8 town in the county, in writing, of the town's intent to enact an ordinance under par.
9 (a). A town may not enact an ordinance under par. (a) unless it does so before
10 September 1 of a year during which the town may enact such an ordinance.

11 **SECTION 3.** 60.23 (34) (b) 2. of the statutes is amended to read:

12 60.23 (34) (b) 2. The town enacts a zoning ordinance under s. 60.62, and either
13 adopts, or certifies that it has adopted, a comprehensive plan under s. 66.1001, and
14 an official map under s. 62.23 (6), and the town sends certified copies of such
15 documents to the county clerk before November 1 of a year during which the town
16 may enact such an ordinance.

17 **SECTION 4.** 60.23 (34) (b) 3. of the statutes is repealed.

18 **SECTION 5.** 60.23 (34) (d) of the statutes is amended to read:

19 60.23 (34) (d) A zoning ordinance enacted under s. 60.62, and a comprehensive
20 plan enacted under s. 66.1001, and an official map established under s. 62.23 (6), that
21 are enacted in conjunction with an ordinance enacted under par. (a), shall all both
22 take effect on the first day of the 3rd month beginning after certified copies of the
23 documents are sent to the county clerk under par. (b) 2 date specified in the
24 ordinance, but not later than January 1 of the year following the year in which the
25 ordinance is enacted.

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1 **SECTION 6.** 60.62 (2) of the statutes is amended to read:

2 60.62 (2) If the county in which the town is located has a population of fewer
3 than 485,000 and has enacted a zoning ordinance under s. 59.69, the exercise of the
4 authority under sub. (1) is subject to approval by the town meeting or by a
5 referendum vote of the electors of the town held at the time of any regular or special
6 election. The question for the referendum vote shall be filed as provided in s. 8.37.

7 **SECTION 7.** 60.62 (6) (a) of the statutes is amended to read:

8 60.62 (6) (a) ~~Not later than 60 days before a town board that wishes to withdraw~~
9 ~~from county zoning and the county development plan may enact an ordinance~~ With
10 regard to a town board that wishes to withdraw from county zoning as described
11 under s. 60.23 (34), not later than November 1 of a year described under s. 60.23 (34)
12 (a), the town board shall enact a zoning ordinance under this section, an official map
13 under s. 62.23 (6), and a comprehensive plan under s. 66.1001.

14

(END)