CHAPTER 33

PUBLIC INLAND WATERS

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Cross-reference: See also ch. NR 60, Wis. adm. code.

SUBCHAPTER I

INTENT; DEFINITIONS; AND DEPARTMENTAL POWERS

33.001 Findings and declaration of intent. (1) The legislature finds environmental values, wildlife, public rights in navigable waters, and the public welfare are threatened by the deterioration of public lakes; that the protection and rehabilitation of the public inland lakes of this state are in the best interest of the citizens of this state; that the public health and welfare will be benefited thereby; that the current state effort to abate water pollution will not undo the eutrophic and other deteriorated conditions of many lakes; that current efforts to protect and rehabilitate the water quality of the navigable waters in Dane County, which receive intense urban, recreational and agricultural usage, are seriously handicapped by the fact that numerous governmental bodies have jurisdiction over the management of the watersheds in Dane County; that lakes form an important basis of the state's recreation industry; that the increasing recreational usage of the waters of this state justifies state action to enhance and restore the potential of our inland lakes to satisfy the needs of the citizenry; and that the positive public duty of this state as trustee of waters requires affirmative steps to protect and enhance this resource and protect environmental values.

(2) In accordance with sub. (1), the legislature declares all the following:

(a) It is necessary to embark upon a program of lake protection and rehabilitation, to authorize a conjunctive state and local program of lake protection and rehabilitation to fulfill the positive duty of the state as trustee of navigable waters, and protect environmental values.

(b) A state effort of research, analysis, planning and financing, and a local effort undertaken by districts, the Dane County Lakes and Watershed Commission and the Southeastern Wisconsin Fox River Commission of Planning and Plan Implementation are necessary and desirable and that the districts should be formed by persons directly affected by the deteriorated condition of inland waters and willing to assist financially, or through other means, in remedying lake problems.

(c) State efforts are needed to aid and assist local efforts, to ensure that projects are undertaken only if they promote the public rights in navigable waters, environmental values and the public welfare.

(d) State efforts are needed to administer a program of financial aids to support protection and rehabilitation projects with benefits to all state citizens.

History: 1973 c. 301; 1985 a. 332; 1989 a. 159, 324, 359; 1995 a. 349; 1997 a. 27.

33.01 Definitions. In ss. 33.001 to 33.37:

(1c) "Capital costs" means the cost of acquiring equipment and other capital assets, including sewerage system capital costs, for a program undertaken under ss. 33.001 to 33.37.

(1g) "Costs of operation" means all costs of a program undertaken under ss. 33.001 to 33.37, except capital costs.

(2) "Department" means the department of natural resources.

(3) "District" means a public inland lake protection and rehabilitation district.

(4) "Lake rehabilitation" means the improvement or restoration of lakes from an undesirable or degraded condition to a for-

mer, less deteriorated condition or to a condition of greater usefulness.

(5) "Municipality" means any city, village or town.

(6) "Program" means measures to effect lake protection and rehabilitation, including surveys of sources of degradation, treatment of aquatic nuisances, securing cooperation of units of general purpose government to enact necessary ordinances, undertaking of projects as defined in sub. (7) and any other necessary measures.

(7) "Project" means activities or works such as are described in s. 33.15 (4) which are subject to the procedures of subch. III.

(8) "Public inland lake" or "lake" means a lake, reservoir or flowage within the boundaries of the state that is accessible to the public via contiguous public lands or easements giving public access. "Lake" also includes any lake, reservoir or flowage within the boundaries of the state that is under the jurisdiction of a restructured district.

(9) "Owner", "property owner" or "landowner" means:

(a) For the purpose of receiving notice under this chapter, a person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

(am) For the purpose of petitioning under this chapter, any of the following:

1. A person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

2. The spouse of a person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year if the spouse is referred to on that tax roll.

(ar) For the purpose of voting at meetings of the district, a person who is a U.S. citizen and 18 years of age or older and who meets any of the following requirements:

1. The person's name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

2. The person owns title to real property but the person's name does not appear as an owner of real property on the tax roll specified in subd. 1.

3. The person is the official representative, officer or employee who is authorized to vote on behalf of a trust, foundation, corporation, association or organization that owns real property in the district.

(b) For the purpose of holding office in the district, a person who is a U.S. citizen and 18 years of age or older and either:

1. Whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year; or

2. Who owns title to real property but whose name does not appear as an owner of real property on the tax roll specified in subd. 1.

(9g) "Restructured district" means a district for a lake that results from a conversion under s. 33.235 (1m), a formation under s. 33.235 (2) or a merger under s. 33.235 (3).

(9m) "Sewerage system capital costs" has the meaning given for capital costs in s. 200.21 (1).

(10) "Valuation" or "equalized full value" means the assessed value of the property adjusted to reflect full value as determined by the department of revenue under s. 70.57.

History: 1973 c. 301, 336; 1975 c. 197, 198, 422; 1977 c. 391; 1979 c. 299; 1989 a. 159, 324; 1991 a. 39; 1993 a. 167; 1995 a. 349; 1997 a. 27; 1999 a. 150 s. 672; 2023 a. 12.

33.02 Department; powers and duties. (1) RULES. (a) *Generally.* The department shall promulgate rules necessary to administer this chapter.

(b) *Financial aids.* These rules shall provide for the administration of financial aids to districts and shall prescribe data to be secured, methods of analysis and evaluation, duration of data gathering and other technical regulations for the efficient administration of the program and efficient intergovernmental organization.

(c) *Priorities for funding levels.* These rules shall establish priorities for different methods utilized in implementing lake protection and for lake rehabilitation based on cost-effectiveness and factors considered under s. 33.16 (4) especially s. 33.16 (4) (f).

(d) *Funding levels for different methods.* These rules shall establish differing levels for the share of state funds to be provided for financial assistance for implementation work depending on the methods to be utilized on the projects based on priorities established under par. (c).

(e) *Priorities when inadequate funds.* If the department does not have adequate appropriations to provide financial assistance under s. 33.16 for eligible projects, it shall establish priorities based on the type of project and methods to be utilized in implementing the projects and these priorities shall rank dredging, other than dredging to provide public access, as a low priority.

(f) *Dredging; sedimentation control.* These rules shall require that an application for financial assistance for the implementation of any project involving dredging include the identification of long-term controls which are being or will be undertaken to prevent sedimentation.

(g) *Algae abatement; nutrient control.* These rules shall require that an application for financial assistance for the implementation of any project involving algae or aquatic plant abatement programs include the identification of long-term controls which are being or will be undertaken to reduce or prevent nutrient pollution.

(h) *Guidelines for feasibility and implementation grants.* These rules shall establish guidelines for providing financial assistance for feasibility studies and implementation costs.

(2) STUDIES, INVENTORIES. The department shall undertake studies and inventories to assist the council in carrying out its duties.

(3) AIDS. The department shall administer a program of financial assistance to districts, using such funds as are appropriated by the legislature or made available from other sources.

(4) ASSISTANCE. The department shall assist districts seeking technical aid in any phase of lake protection or rehabilitation activity.

(5) CLEARINGHOUSE. The department shall serve as a clearinghouse for scientific data on lakes and information on accepted and experimental lake protection or rehabilitation techniques.

History: 1973 c. 301; 1975 c. 197; 1977 c. 26, 325; Stats. 1977 s. 33.02; 1979 c. 154; 1981 c. 317; 1985 a. 332 s. 251 (1).

33.03 Cooperation by state agencies. All departments and agencies of state government shall make available to the department such information and assistance as may be necessary to enable it to carry out its functions under this chapter.

History: 1973 c. 301; 1977 c. 26; Stats. 1977 s. 33.03.

SUBCHAPTER III

LAKE PROTECTION AND REHABILITATION PROJECTS

33.11 Goals. The primary goal of activity under this chapter shall be to improve or protect the quality of public inland lakes.

In addition, compilation of basic scientific data on lakes of this state and assessment of experimental and innovative techniques of lake rehabilitation and protection shall be goals of the program. Districts may undertake protection and rehabilitation projects to achieve the purposes of such districts specified in s. 33.21. Projects may be undertaken in cooperation with the department, the University of Wisconsin System, and other government agencies, and public and private organizations. Projects shall be divided into study, planning and implementation phases.

History: 1973 c. 301; 1975 c. 197.

33.12 Scope. Any proposed activity by a district which does not involve an application for state aids or an application for a ch. 30 permit is exempt from subch. III. If a proposed activity by a district involves an application for state aids, subch. III applies. If a proposed activity by a district involves an application for a ch. 30 permit, subch. III shall apply only if the department determines that the activity requiring the permit is an integral part of a lake rehabilitation project.

History: 1973 c. 301.

33.13 Feasibility study. (1) Feasibility study work done through government agencies and public or private organizations shall include gathering data on the lake, drainage basin, sources of pollution or nutrients or other information necessary to determine the causes of degradation and remedial courses of action to prevent continued degradation or to determine potential causes of degradation and preventive courses of action. The department shall prescribe data to be secured, methods of analysis and evaluation, and duration of data-gathering to be used in feasibility studies.

(2) (a) The district may contract for feasibility study work with the lowest responsible bidder who submits a bid in the manner the district commissioners prescribe.

(b) In order to receive financial assistance for feasibility study work the district shall obtain the advice and approval of the department before entering a contract for feasibility study work and the department shall be made a party to the contract.

(3) Data gathered shall be forwarded to the department, which shall analyze it on an interdisciplinary basis.

(4) The department shall formulate suggested alternative methods, including cost estimates, of protecting or rehabilitating the water quality of the lake or portions thereof. Alternative protection schemes shall include steps necessary to maintain the water quality of the lake. Alternative rehabilitative schemes shall include steps necessary to abate continued degradation of the lake following implementation of a given rehabilitative plan.

History: 1973 c. 301; 1975 c. 197; 1981 c. 317.

33.14 Plan preparation and adoption. (1) PROPOSED PLAN. If specific lake protection and rehabilitation measures developed under s. 33.13 appear feasible and if financial assistance under s. 33.16 is sought, then the commissioners of the district shall develop a proposed plan based upon the recommendations of the department and the formulated alternatives or upon other technically valid bases.

(2) SUBMISSION OF PROPOSED PLAN. Prior to adopting a plan by formal resolution under s. 33.15, the commissioners shall:

(a) Forward a copy of the proposed plan to the department;

(b) Refer the proposed plan to the appropriate county land conservation committee and to the appropriate regional planning agency for the area, if any, for review and comment within 60 days of receipt; and

(c) Make application for any required permits and file an application for financial aid.

(3) DEPARTMENT REVIEW. Within 21 days after receipt of the proposed plan and applications the department shall advise the district if additional information is needed to conduct its technical and environmental review of the proposal. If an environmental impact statement is required, the department shall complete its environmental impact review before taking final action on the proposed plan.

(3m) NOTICE; HEARING. The department shall schedule a hearing on the proposed plan or follow the notice procedures under s. 31.06 (1).

(4) CONSIDERATIONS AT HEARING. If a hearing is conducted, the department shall consider the following:

(a) Compliance with s. 1.11;

(b) The issuance of permits which have been applied for;

(c) Whether the implementation of the plan is likely to cause long-range environmental pollution as defined in s. 299.01 (4);

(d) Comments made by the reviewing county land conservation committee and regional planning agency, if any; and

(e) Such other subjects as the department by rule deems necessary for making the order required by sub. (5).

(5) APPROVAL. Within 60 days following the hearing, the department shall by order either approve, approve with modification or disapprove the plan. The department shall concurrently rule on all permit applications.

History: 1973 c. 301; 1975 c. 197; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20, 317; 1981 c. 346 s. 38; 1995 a. 227, 349.

33.15 Implementation. (1) No plan developed under this subchapter which involves financial assistance under s. 33.16 may be formally adopted for implementation by the district until the department approves the plans or whatever modifications it finds appropriate. If the department modifies an application by order, it shall clearly explain reasons why the modifications are being made.

(2) Following receipt of the department's order, the district may adopt the approved plan by resolution, in which case it shall forward a copy of the resolution and plan to the department.

(3) The district may then carry out the adopted plan of implementation.

(4) Implementation work may consist of any work in the lake or its watershed which will protect or enhance the opportunities for public enjoyment of the lake.

History: 1973 c. 301; 1975 c. 197; 1981 c. 20.

33.16 Financial assistance program. (1) Feasibility work contracted under s. 33.13 (2) (b) is eligible for financial assistance subject to guidelines established by rule by the department for funding feasibility studies. Receipt of financial assistance for feasibility work does not guarantee financial assistance for implementation costs and the department may not make this type of commitment for future financial assistance.

(3) A district desiring financial assistance shall apply to the department on forms provided by it and prescribing the information to be submitted.

(4) The department shall review all applications for financial assistance under this section. In the course of review of applications for financial assistance for implementation work the department shall consider, without limitation because of enumeration, the following factors where appropriate:

(a) Whether the citizens of the state will reasonably benefit from any improvements made or information obtained, and the degree of benefit;

(b) Whether sufficient long- and short-term benefits will be derived from the project, in relation to its cost;

(c) Whether the project is financially viable, given the re-

sources of the district and the possibility of financial and nonmonetary aid;

(d) Whether adequate steps have been or will be taken to ensure that the improved conditions resulting from the project will be sustained by adequate controls over potential sources of lake degradation including, where appropriate, control of sediments as suggested by the county land conservation committee;

(e) Whether experimental techniques involving a high risk of failure are being undertaken;

(f) Whether contamination from deleterious substances emitted by residential, municipal or industrial sources, sedimentation, siltation and nutrient fertilization from uncontrolled agricultural sources or septic tanks, groundwater, municipal and industrial wastes and other drainage sources, and any other sources responsible for lake degradation, are or will be substantially eliminated as a source of lake degradation, in order that any lake rehabilitated under this chapter may be protected or maintained in its protected or rehabilitated state;

(g) Whether the project involves dredging and, if it does, the expected useful duration of the proposed dredging, whether other techniques are available to provide relief from the problem to be solved by dredging and whether long-term controls are or will be undertaken to prevent sedimentation; and

(h) Whether the project involves algae or aquatic plant abatement programs and, if it does, whether long-term controls are or will be undertaken to reduce or prevent nutrient pollution.

(5) The department may not approve any application for financial assistance for the implementation of any project which involves dredging if the expected useful duration of the dredging is less than 50 years. The department may not approve any application for financial assistance for the implementation of any project which involves dredging if the state funding provided by the department under the financial assistance program would provide more than 50 percent of the funding necessary for dredging other than dredging to provide public access. The department may not approve any application for financial assistance for the implementation of dredging if the amount of the financial assistance to be provided for dredging for a single project exceeds 10 percent of the funds available for all projects in the biennium. The department may not approve any application for financial assistance for the implementation of dredging unless no other reasonable alternative is available to provide relief from the problem to be solved by dredging.

(6) The department shall act upon each application for financial assistance within 60 days following plan approval and issuance of permits unless lack of adequate funding or the need to invoke a priority system dictates a delay in determination. Plan disapproval, delay in funding or other action not approving the application shall be explained by the department to the district in writing.

(7) (a) *District share.* The department may not grant financial assistance for implementation work in an amount which reduces a district's share of the project cost to less than 10 percent, except that up to 100 percent funding may be allowed on high-risk experimental projects where eventual results are highly uncertain.

(b) *Grant limit.* No grant for financial assistance under this section may exceed 25 percent of state funds available in the biennium.

(c) *Dredging limit.* No grant for financial assistance under this section may provide for funding for dredging in an amount which exceeds 10 percent of the funds available in the biennium.

(d) *Renewal.* The department may not renew a grant for financial assistance under this section in future bienniums unless the council finds that a special situation exists and recommends renewal of the grant.

(e) *North-south split.* The department shall grant financial assistance under this section so that not less than 25 percent of the moneys granted in any fiscal year are granted to districts north of a line running east-west across the state and commencing at the southernmost point on the southern boundary of the city of Stevens Point, except that this subsection does not preclude the full utilization of available funds if all applications north of this line aggregate less than 25 percent of the annual appropriations.

(f) *Level of funding; priorities.* The department shall grant financial assistance under this section with the appropriate level of state funding based upon rules promulgated under s. 33.02 (1) (d). The department may deny financial assistance under this section based upon priorities promulgated by rule under s. 33.02 (1) (e).

(8) The department may evaluate or contract with the University of Wisconsin System to evaluate projects receiving financial assistance under this section.

History: 1973 c. 301; 1975 c. 197; 1981 c. 20, 317; 1981 c. 346 s. 38; 1981 c. 391; 1987 a. 27.

33.17 Unfunded application to continue. (1) Aid applications approved but unfunded because of a lack of funds remain eligible for future funding, subject to updating as the department may require. A lack of funding under this subchapter does not preclude a district from implementing all or part of an approved plan with funding from any other source but these projects are not eligible for retroactive financial assistance.

(2) The department shall return rejected applications to the district with a concise statement of the reasons for rejection.

History: 1973 c. 301; 1975 c. 197; 1981 c. 20.

33.18 Use of tax incremental financing prohibited. A district may not apply for or utilize tax incremental financing to fund an inland lake protection and rehabilitation program or project.

History: 1981 c. 317.

SUBCHAPTER IV

PUBLIC INLAND LAKE PROTECTION AND REHABILITATION DISTRICTS

33.21 Public inland lake protection and rehabilitation districts; purposes. Districts may be created for the purpose of undertaking a program of lake protection and rehabilitation of a lake or parts thereof within the district.

History: 1973 c. 301; 1995 a. 349.

A district may rehabilitate part of a lake only if the entire lake lies within the district. Kaiser v. City of Mauston, 99 Wis. 2d 345, 299 N.W.2d 259 (Ct. App. 1980).

33.22 District; powers. (1) Any district organized under this chapter may select a name for the district, sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold, maintain or dispose of property, disburse money, contract debt and do any other acts necessary to carry out a program of lake protection and rehabilitation. All contracts in excess of $2,500 for the performance of any work or the purchase of any materials shall be let by the commissioners to the lowest responsible bidder in the manner they prescribe.

(2) The district may require that a contracting party give adequate security to assure performance of the contract and to pay all damages which may arise from inadequate performance.

(2m) Any district may create, operate and maintain a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

(3) (a) 1. Except as provided in par. (b) 1., any district organized under this chapter may have the powers of a town sanitary district under ss. 60.77 and 60.78, other than the power under s. 60.77 (6) (b), that are authorized by resolution of the board of the town having the largest portion by valuation of the district.

2. The board of commissioners of a district that has the powers of a sanitary district under subd. 1. shall possess the powers of town sanitary district commissioners under s. 60.77 that are authorized by resolution of the town board that adopts the resolution under subd. 1.

(b) 1. Beginning on April 9, 1994, any district organized under this chapter may assume the powers of a town sanitary district under ss. 60.77 and 60.78, other than the power under s. 60.77 (6) (b), that are authorized by resolution by the annual meeting of the district.

2. The board of commissioners of a district that assumes the powers of a sanitary district under subd. 1. shall possess the powers of town sanitary district commissioners that are authorized by resolution by the annual meeting of the district.

(4) Districts shall not exercise the town sanitary district powers authorized under sub. (3) within the boundaries of an incorporated municipality unless the governing body of the municipality consents. In addition, districts shall not exercise town sanitary district powers in any territory included in an existing town sanitary district except by contract under s. 66.0301 or unless the sanitary district merges under s. 33.235 (3).

(4m) A district may undertake projects to enhance the recreational uses of a lake within its jurisdiction, including recreational boating facilities as defined under s. 30.92 (1) (c).

(4r) If authorized by an annual meeting of a district, the district may appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the district or beneficial to the district.

(5) Nothing in this chapter shall limit the authority of the department to establish town sanitary districts under s. 60.72.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 532 s. 36; 1989 a. 159; 1991 a. 316; 1993 a. 167; 1995 a. 349; 1999 a. 150 s. 672.

A low bidder under this section who is apparently a "responsible" bidder has standing to seek a permanent injunction against the award of a contract to any other bidder. Aqua-Tech, Inc. v. Como Lake Protection & Rehabilitation District, 71 Wis. 2d 541, 239 N.W.2d 25 (1976).

33.23 Municipalities may establish district. (1) The governing body of a municipality may by resolution establish a district if the municipality encompasses within its boundaries all the frontage of the public inland lake within this state. Except as provided under sub. (3), the governing body of the municipality which establishes the district shall perform the function of the board of commissioners. For purposes of this subsection, "district" does not include a restructured district.

(2) Establishment of districts by towns under this section shall conform to the procedures of ss. 33.25 and 33.26 except that the town clerk shall perform the functions of the county clerk and the town board shall perform the functions of the county board and in addition shall hold the hearing.

(3) Districts established by municipalities under this section may adopt the form of governance provided under s. 33.28 by petition to the governing body of the municipality. Upon presentation of a petition conforming to the requirements of s. 8.40 requesting the change and signed by at least 20 percent of the property owners within the district, the governing body of the municipality shall provide for the necessary election of commissioners. The election shall be held by secret ballot at the next annual or special meeting, whichever occurs first, of the district and the change becomes effective at that time unless a challenge to the results of that election is initiated in circuit court within 14 days after the election. The court shall stay the change pending the decision on the challenge.

History: 1973 c. 301; 1975 c. 197; 1977 c. 141, 391; 1981 c. 18, 229; 1989 a. 159, 192, 359; 1995 a. 349.

33.235 Restructured districts; conversion and merger of town sanitary districts. (1) In this section:

(a) "Lake" means a lake, reservoir or flowage within the boundaries of the state.

(b) "Lake district" means a public inland lake protection and rehabilitation district that does not include a restructured district.

(1m) A town board by resolution may convert a town sanitary district which encompasses all the frontage of a lake within its boundaries into a restructured district. The town sanitary district commissioners shall serve as the initial board of commissioners until the first annual meeting of the restructured district, at which time the commissioners shall be selected under s. 33.28. Conversion shall not affect any preexisting rights or liabilities of the town sanitary district. All such rights or liabilities shall be assumed automatically by the restructured district.

(2) The commissioners of a town sanitary district that does not encompass all the frontage of a lake within its boundaries may, with approval of the town board, petition under s. 33.25 for the formation of a restructured district to include the territory of the existing sanitary district and any additional frontage on the lake that is deemed appropriate by the commissioners. The commissioners may sign the petition for the landowners in the sanitary district. If necessary to meet the requirements of s. 33.25, signatures of owners of land lying outside the sanitary district shall be obtained. Formation of a restructured district that includes such additional territory shall not affect any preexisting rights or liabilities of the town sanitary district, and all these rights and liabilities shall be assumed automatically by the restructured district. The method by which these rights and liabilities are apportioned within the restructured district shall be determined by the county board, and set out in the order issued under s. 33.26 (3) forming the restructured district.

(3) A town sanitary district having boundaries coterminous or contiguous to a lake district may merge into the lake district. Merger is effected by approval of an identical merger resolution by a two-thirds vote of the commissioners of the town sanitary district and the lake district, followed by ratification by a majority of those voting at an annual or special meeting of the lake district and a majority of those voting in a referendum of the town sanitary district under s. 60.785 (2). Merger may not become effective unless the town board which created the sanitary district approves the merger. The commissioners of the town sanitary district and the district shall act jointly until the next annual or special meeting, whichever occurs first, of the restructured district at which time the board of the restructured district shall be created subject to the requirements under s. 33.28. Merger does not affect the preexisting rights or liabilities of the town sanitary district or the lake district. All these rights and liabilities are assumed automatically by the restructured district, but the method of discharging these rights or obligations shall be set out in the merger resolution.

(4) Any restructured district shall have all powers granted to districts under this chapter and to town sanitary districts under ch. 60, except the taxation power under s. 60.77 (6) (b). Such powers shall be exercised using the procedures and methods set out in this chapter.

History: 1975 c. 197; 1979 c. 299; 1983 a. 532 s. 36; 1989 a. 159; 1995 a. 349.

33.24 County board may establish district. (1) Notwithstanding s. 33.01 (3), in this section, "district" does not include a restructured district.

(2) The county board of any county may establish districts within the county if the conditions stated in s. 33.26 are found to exist. Before a district that includes any portion of a city or village may be formed under authority of this section, the city council or village board must have previously approved the inclusion of its territory within the boundaries of a proposed district.

History: 1973 c. 301; 1995 a. 349.

33.25 Petition. (1) WHO TO MAKE. (a) Before a county board may establish a district under s. 33.235 or 33.24, a petition requesting establishment shall be filed with the county clerk, addressed to the board and signed by persons constituting 51 percent of the landowners or the owners of 51 percent of the lands within the proposed district. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign such petition. A city council or village or town board may by resolution represent persons owning lands within the proposed district who are within its jurisdiction, and sign for all such landowners.

(b) For a landowner that is a trust, foundation, corporation, association or organization, a petition under par. (a) shall be signed by an official representative, officer or employee who is authorized to do so by that landowner.

(2) CONTENTS. The petition shall set forth:

(a) The proposed name of the district;

(b) The necessity for the proposed district;

(c) That the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district and that the lands to be included therein will be benefited by such establishment; and

(d) The boundaries of the territory to be included in the proposed district.

(3) VERIFICATION, PLAT. The petition shall be verified by one of the petitioners, and shall be accompanied by a plat or sketch indicating the approximate area and boundaries of the district.

(4) PRESUMPTION. Every petition is presumed to have been signed by the persons whose signatures appear thereon, until proved otherwise.

(5) WITHDRAWING FROM PETITION. Any landowner who is considered to have signed the petition under sub. (1) may withdraw from the petition if the landowner files a written notice of the withdrawal with the county clerk at least 10 days before the date of the hearing under s. 33.26.

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

The requirements for a verification under sub. (3) are that it is made under oath and carries the jurat of a notary public. Every person giving the oath is considered to have been lawfully sworn. Use of the word "certify" rather than "verify" is irrelevant. Nielsen v. Waukesha County Board of Supervisors, 178 Wis. 2d 498, 504 N.W.2d 621 (Ct. App. 1993).

33.26 Hearings, time, notice, boundaries, approval, limitations. (1) Upon receipt of the petition the county board shall arrange a hearing to be held not later than 30 days from the date of presentation of the petition, and shall appoint a committee to conduct the hearing. At the hearing all interested persons may offer objections, criticisms or suggestions as to the necessity of the proposed district as outlined and to the question of whether their property will be benefited by the establishment of such district. Any person wishing to object to the organization of such district may, before the date set for the hearing, file objections to the formation of such district with the county clerk.

(2) Notice announcing the hearing and stating the boundaries of the proposed district shall be published in a paper of general circulation in the county in which the proposed district is located as a class 1 notice, under ch. 985, and shall be mailed or emailed by the county board to the last-known address or email address of each landowner within the proposed district. The notice required under this subsection may be provided by email only to landowners who have agreed to receive notice via email.

(3) The committee shall report to the county board within 3 months after the date of the hearing. Within 6 months after the date of the hearing, the board shall issue its order under this subsection. If the board finds, after consideration of the committee's report and any other evidence submitted to the board, that the petition is signed by the requisite owners as provided in s. 33.25, that the proposed district is necessary, that the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district, and that the property to be included in the district will be benefited by the establishment of the proposed district, the board, by order, shall declare its findings, shall establish the boundaries and shall declare the district organized and give it a corporate name by which it shall be known. Thereupon the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out this chapter. If the board does not so find, the board, by order, shall declare its findings and deny the petition.

(5) The department shall be notified in writing of the hearing for the creation of the district at the time the hearing date is set.

(6) In establishing the district, the county board may change the boundaries from those originally proposed. However, lands not originally proposed for inclusion may not be included until a public hearing is held under this section.

(7) Any person aggrieved by the action of the board may petition the circuit court for judicial review. A verified petition shall be presented to the court not more than 30 days after the decision of the board, and shall specify the grounds upon which the appeal is based.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275; 2023 a. 62.

Although not specified, the right to review under sub. (7) is by statutory certiorari. Donaldson v. Board of Commissioners, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

33.265 Notice, filing and recording requirements. If a district is created or its boundaries altered, the board of commissioners shall record the authorizing document, including a legal description of the boundary, with the register of deeds in each county where the district is situated, and file the document and legal description with the department of natural resources and the department of revenue.

History: 1981 c. 20; 1993 a. 301.

33.27 Initial district board of commissioners. (1) The county board shall, at the time of making the order establishing a district, appoint 3 owners of property within the district, at least one of whom is a resident of the district, to serve as commissioners until the first annual meeting of the district, and shall also make the appointment required under s. 33.28 (2).

(1m) If no resident is willing to serve as required under sub. (1), the residency requirement shall be waived for the initial district board of commissioners.

(2) Within 30 days following the county board's order establishing the district, the governing body of the town, city or village having the largest portion by valuation within the district shall appoint one of its members to the district board under s. 33.28 (2).

(3) At any time following the making of the order establishing a district, but no later than 60 days following the expiration of time for appeal to the circuit court, or, if appealed, no later than 60 days following the final judgment in any appeal, the district board shall hold an organizational meeting, shall select officers to serve until the first annual meeting, and may commence conducting the affairs of the district.

(4) The board may make an initial assessment of all taxable

property within the district to raise funds to pay organizational costs and operate the district until the receipt of the tax voted by the first annual meeting. The manner of making the assessment shall be within the discretion of the board.

History: 1973 c. 301; 1975 c. 197; 1979 c. 299; 1993 a. 167.

33.28 District board of commissioners. (1) Management of the affairs of the district shall be delegated to a board of commissioners.

(2) Except as provided in sub. (2m) (c), the board of commissioners shall consist of all of the following:

(a) One person appointed by the county board who is a member of the county land conservation committee or who is nominated by the county land conservation committee and appointed by the county board.

(b) One person who is appointed by the governing body of the town, village, or city within which the largest portion by valuation of the district lies. The person appointed under this paragraph shall be a resident of the district who owns property within the district if possible or shall be a member of the governing body of the town, village, or city within which the largest portion of the valuation of the district lies.

(c) Three electors or owners of property within the district elected by secret ballot by the qualified electors and property owners within the district, for staggered 3-year terms. At least one of the elected commissioners shall be a resident of the district.

(d) If the district includes a lake that is controlled by a dam, if the dam is not located in the town, village, or city within which the largest portion by valuation of the district lies, and if the governing body of the town, village, or city within which the largest portion by valuation of the district lies elects not to make an appointment under par. (b), as provided in sub. (2m) (c), one person who is appointed by the governing body of the town, village, or city within which the dam is located. The person appointed under this paragraph shall be a resident of the district who owns property within the district if possible or shall be a member of the governing body of the town, village, or city within which the dam is located.

(2m) (a) An annual meeting may permanently increase the number of members of the board of commissioners to be elected under sub. (2) (c) from 3 to 5.

(b) If no resident is willing to be elected as required under sub. (2) (c) for a given term, the residency requirement shall be waived until the end of that term.

(c) If the district includes a lake that is controlled by a dam and if the dam is not located in the town, village, or city within which the largest portion by valuation of the district lies, the governing body of the town, village, or city within which the largest portion by valuation of the district lies may elect not to make an appointment under sub. (2) (b).

(3) Three commissioners shall constitute a quorum for the transaction of business.

(4) The board shall select a chairperson, secretary and treasurer from among its members.

(5) Commissioners shall be paid actual and necessary expenses incurred while conducting business of the district, plus such compensation as may be established by the annual meeting.

(6) The board shall meet at least quarterly, and at other times on the call of the chairperson or the petition of 3 of the members.

(7) If a vacancy occurs in the membership of the board under sub. (2) (a) or (d), the appointing authority shall appoint a person to fill the vacancy. If a vacancy occurs in the membership of the board under sub. (2) (b) that is not a result of the appointing body electing not to make an appointment under sub. (2m) (c), the appointing authority shall appoint a person to fill the vacancy. If a vacancy occurs in the membership of the board under sub. (2) (c), the chairperson of the board shall appoint a person to fill the remainder of the unexpired term, subject to approval by a majority vote of the board.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1979 c. 299; 1981 c. 18, 346; 1989 a. 159, 359; 1991 a. 32; 1993 a. 167; 2015 a. 25, 140.

Sub. (2) (a) provides that the county representative upon a public inland lake protection and rehabilitation board is to be a person appointed by the county board. By operation of s. 59.17 (2) (c), the power of appointing the county representative to a public inland lake protection and rehabilitation district is therefore transferred from the county board to the county executive once the office of county executive is created, subject to confirmation by the board. OAG 2-09.

33.285 Property owning requirements. Any requirement under s. 33.27 (1) or 33.28 that a person own property within the district to be eligible for membership on the board of commissioners is satisfied if a person is an official representative, officer or employee of any trust, foundation, corporation, association or organization which is an owner of property within the district.

History: 1975 c. 197; 1979 c. 299.

33.29 Board of commissioners; officers; powers and duties. (1) The board shall be responsible for:

(a) Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shorelands and the drainage basin;

(b) Planning lake protection and rehabilitation projects;

(c) Contacting and attempting to secure the cooperation of officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the board as furthering the objectives of the district;

(d) Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefor;

(e) Maintaining liaison with those officials of state government involved in lake protection and rehabilitation, and providing the department with the names and addresses of the current commissioners;

(f) Scheduling the annual meeting of the district; and

(g) Preparing the proposed annual budget for presentation at the annual meeting of the district. The proposed annual budget shall include all of the following:

1. A list of all existing indebtedness and all anticipated revenue from all sources during the ensuing year.

2. A list of all proposed appropriations for each department, activity, and reserve account during the ensuing year.

3. The actual revenues and expenditures for the preceding year.

4. The actual revenues and expenditures for not less than the first 6 months of the current year.

5. The estimated revenues and expenditures for the balance of the current year.

6. For informational purposes by fund, all anticipated unexpended or unappropriated balances and surpluses.

(2) The board shall have control over the fiscal matters of the district, subject to the powers and directives of the annual or a special meeting. The board shall annually at the close of the fiscal year cause an audit to be made of the financial transactions of the district, which shall be submitted to the annual meeting.

(3) The board, immediately after each annual meeting, shall elect a chairperson, secretary and treasurer, whose duties shall be as follows:

(a) The chairperson shall preside at the annual meeting, at all special meetings and meetings of the board and at all public hearings held by the board.

(b) The secretary shall keep minutes of all meetings of the

board and hearings held by it. The secretary shall prepare and send the notices required for the annual meeting, any special meeting, and any meeting of the board.

(c) The treasurer shall receive and take charge of all moneys of the district, and pay out the same only on order of the board.

History: 1973 c. 301; 1989 a. 159, 359; 2003 a. 275; 2015 a. 197 s. 51.

33.30 Annual meeting of district. (1) Every district shall have an annual meeting. Each annual meeting shall be scheduled during the time period between May 22 and September 8 unless scheduled outside those dates by majority vote of the previous annual meeting.

(2) (a) The annual meeting shall be preceded by written notice mailed or emailed at least 14 days in advance of the meeting to all electors within the district whose address or email address is known or can be ascertained with reasonable diligence, to all owners of property within the district at the owner's email address or address as listed in the tax roll, and to the department. The district board of commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending written notice to electors residing within the district. The notice required under this paragraph may be provided by email only to electors and owners of property who have agreed to receive notice via email.

(b) No absentee ballots or proxies are permitted at the annual meeting.

(2m) The notice of the annual meeting under sub. (2) shall include all of the following:

(a) The proposed annual budget required under s. 33.29 (1) (g).

(b) A list of each item proposed for consideration at the annual meeting in addition to the proposed annual budget.

(c) A list of any items proposed for consideration at the annual meeting by persons eligible to vote at the annual meeting if all of the following conditions are met:

1. The item relates to an issue that is within the district's authority.

2. Each item is submitted by a petition to the board at least 30 days before the annual meeting.

3. The petition is signed by persons who are eligible to vote at the annual meeting.

4. The number of persons signing the petition equals or exceeds 20 percent of the number of parcels located in the district that are subject to the property tax.

(3) At the annual meeting, electors and property owners who attend the meeting shall do all of the following:

(a) Elect by secret ballot one or more commissioners to fill vacancies occurring in the elected membership of the district board.

(b) Approve a budget for the coming year. The electors and property owners may consider and vote on amendments to the budget before approving that budget. The budget shall separately identify the capital costs and the costs of operation of the district, shall conform with the applicable requirements under s. 33.29 (1) (g) and shall specify any item that has a cost to the district in excess of $10,000.

(4) At the annual meeting, electors and property owners may do any of the following:

(a) Vote by majority a tax upon all taxable property within the district. That portion of the tax that is for the costs of operation for the coming year may not exceed a rate of 2.5 mills of equalized valuation as determined by the department of revenue and reported to the district board. The tax shall be apportioned among the municipalities having property within the district on the basis of equalized full value, and a report shall be delivered by the treasurer, by November 1, by certified statement to the clerk of each municipality having property within the district for collection.

(b) Take up and consider such other business as comes before it.

(c) Establish compensation to be paid the district board commissioners.

(d) Create a nonlapsible fund to finance specifically identified capital costs and for maintenance of capital equipment.

(5) All of the following apply to an election under sub. (3) (a):

(a) Ballots shall be distributed only to qualified electors and property owners in attendance at the meeting. No ballots may be distributed after collection of the ballots commences.

(b) Ballots shall be counted immediately following the election and results read to those attending the meeting, including the total number of ballots cast and the number of votes each candidate received. Any candidate for the district board or his or her designee may be present to observe the counting of ballots.

(c) After the procedure under par. (b) is complete, any elector or candidate may request a recount. If a recount is requested, the secretary shall note the request in the meeting minutes. A recount requested under this paragraph shall be conducted following the same procedure as under par. (b). The recount results are final when one of the following applies:

1. If the total number of votes cast is fewer than 100, when 2 successive recounts yield identical results.

2. If the total number of votes cast is 100 or more, after one recount, unless a recount is requested under par. (d).

(d) If par. (c) 2. applies, the runner-up candidate may request another recount. If a recount is requested under this paragraph, the secretary shall note the request in the meeting minutes and the following process applies:

1. The ballots shall be enclosed in a container sealed with a tamper-evident seal.

2. The container of ballots shall be delivered, unopened, to the clerk of the most populous municipality in the district within 2 business days after the election.

3. The clerk under subd. 2. shall conduct a recount of the ballots within 2 weeks of receiving the ballots and shall immediately transmit the results of the recount to the secretary of the board. The clerk shall inform all candidates of the time and location of the recount at least 48 hours in advance. Any candidate for the district board or his or her designee may be present to observe the recount.

4. The clerk under subd. 2. may charge the actual cost of conducting the recount under subd. 3. to the district.

(e) No recount under this subsection may be requested after the meeting at which the election is held has been adjourned.

History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 c. 299; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349; 2003 a. 275, 327; 2019 a. 99; 2023 a. 62.

33.305 Special meetings of district. (1) The board of commissioners of a district may schedule a special meeting of the district at any time. The board of commissioners shall schedule a special meeting upon receipt of a petition signed by at least 10 percent of the electors and property owners in the district.

(2) Written notice of a special meeting shall be given to the same persons and in the same manner required under s. 33.30 (2) (a).

(3) At a special meeting, electors and property owners may take any action that is required or allowed to be taken at an annual meeting, except they may not do any of the following:

(a) Approve an annual budget but they may consider and vote on amendments to the annual budget.

(c) Consider the dissolution of the district or dissolve the district.

(d) Consider a matter that was resolved during another special meeting that was held since the previous annual meeting.

(4) No absentee ballots or proxies are permitted at a special meeting.

History: 1989 a. 159; 1995 a. 349; 2003 a. 275.

33.31 Power to finance. (1) Every district may borrow money and use any other financing method prescribed by law. In utilizing financing powers, the commission shall follow the procedures required by statute for the selected financing methods so far as they are applicable and not in conflict with this subchapter.

(2) Any district, when in temporary need, may borrow money under s. 67.12.

(3) The district shall levy an annual, irrepealable tax to pay the principal and interest of the indebtedness incurred under subs. (1) and (2) when they are due. The district shall levy this tax without limitation as to rate or amount on all taxable property within the district. The tax shall be reported in accordance with s. 33.30 (4) (a) and may not be included nor includable in the operations tax limit of s. 33.30 (4) (a).

(4) At an annual or special meeting, the district may not consider or approve any borrowing or any tax to pay the indebtedness incurred under sub. (1) or (2) unless the meeting notice under s. 33.30 (2) (a) or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 207; 1989 a. 159; 1993 a. 167; 2003 a. 275.

33.32 Special assessments and special charges. (1) Special assessments for the purpose of carrying out district protection and rehabilitation projects, or for other lake management or sanitary service activities undertaken by the district, may be levied by the commissioners as an exercise of the district's police powers in the following manner:

(a) Upon approval of plans for any work by the annual or by a special meeting of the district, the commissioners shall determine the entire cost to the district of the work to be done.

(b) The commissioners shall then apportion the special assessment within the district, other than state or federal lands, on a reasonable basis. In apportioning the special assessment, the commissioners shall examine each parcel and determine the benefits to each parcel from the project, considering such factors as size, proximity to the lake and present and potential use of the parcel, including applicable zoning regulations. After benefits to each parcel are determined, assessments shall be made in an aggregate amount equal to the cost to the district of the project. Such assessments shall be made in accordance with s. 66.0703, so far as it is applicable and not in conflict with this subchapter.

(c) The commissioners shall file in the office of the county clerk a report of the assessments made. Notice shall be given to each owner, mortgagee, lessee or other person having an interest in an affected parcel that the report is open for review at a specified place within the district for 30 days after the date of the notice and that on a day named therein, which shall not be more than 3 days after the expiration of the 30 days, the commissioners will hear objections that may be made to the report. Notice shall be by mail or email to each person whose post-office address or email address is known or can be ascertained with reasonable diligence, accompanied by a statement of the assessment, and shall also be published as a class 2 notice, under ch. 985, in a newspaper having general circulation within the district.

(d) At the time specified for hearing objections to the report, the commissioners shall hear parties interested who may appear for that purpose and may review, modify and correct the report as they deem just and at the conclusion of the hearing shall make a final determination of assessments. No assessment may be increased without additional notice to affected persons and provisions for hearing objections to such increases.

(e) When a final determination of assessments has been made, the secretary shall publish a class 1 notice, under ch. 985, within the district that a final determination has been made, and shall notify by mail or email each person entitled to notice under par. (c) of the amount assessed against the affected parcel.

(f) An owner, mortgagee, lessee or other person having an interest in any parcel affected by the determination who feels aggrieved thereby may, within 40 days after the date of mailing or emailing of notice, appeal therefrom to the circuit court of the county in which the district is located by causing a written notice of appeal to be served upon the secretary of the district. The secretary in case such appeal is taken shall make a brief statement of the proceedings had in the matter and shall transmit the same with all papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court.

(1m) The notices required under sub. (1) (c), (e), and (f) may be provided by email only to persons who have agreed to receive notices via email.

(2) The commissioners of any district may provide that special assessments levied may be paid in annual installments, not more than 10 in number, in the manner provided in s. 66.0715 (3).

(2m) Any delinquent special assessment or special charge that is collected under s. 66.0627 (4) or 66.0703 (13) shall be levied without limitation as to rate or amount on all taxable property within the district, shall be reported in accordance with s. 33.30 (4) (a) and shall not be included or includable in the operations tax limit of s. 33.30 (4) (a).

(3) (a) County and municipally owned real estate within a district shall be subject to special assessments.

(b) If a county or municipality fails to pay a special assessment levied by a district, the clerk of the district may certify this fact to the department of administration, and shall state the amount due. The department, at the time of making the next scheduled distribution under s. 79.035, shall deduct the amount claimed from the payment due the county or municipality, and shall forward it to the district.

(4) Outstanding unpaid assessments on privately owned lands shall be paid in full by any public body, including the state, which purchases such lands.

(5) Sewerage system service charges imposed by districts with town sanitary district powers shall be in conformance with s. 66.0821. Special charges may be imposed for other services identified in the annual budget adopted under s. 33.30 (3) (b). The special charges may not exceed the rate of $2.50 per $1,000 of assessed valuation. The special charges may be certified by the district secretary to the clerk of each municipality having property within the district for collection and settlement in the same manner as provided under ch. 74. The commissioners shall allocate the charges to the property served in a manner prescribed by them unless the manner is specified by a resolution of the annual or of a special meeting. Delinquent special charges shall be governed by s. 66.0627 (4).

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 27 s. 2202 (45); 1989 a. 159; 1991 a. 316; 1993 a. 167; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 30; 2003 a. 275; 2011 a. 32; 2023 a. 62.

33.33 Merger, attachment, detachment. (1) MERGER. Any district may be merged with a contiguous district by resolution passed by a four-fifths vote of all the members of each board

of commissioners. At the next annual or special meeting, whichever occurs first, the electors and property owners shall vote on whether to ratify the merger. If a majority of the electors and property owners present and voting in each district endorse the merger, it takes effect. Following ratification, the boards of commissioners of merging districts shall act jointly until the next annual or special meeting whichever occurs first, at which time the board of the merged district shall be conformed to the requirements specified in s. 33.28. The governing body of the county, town, village or city having the largest portion by valuation within the district shall make the appointments under s. 33.28 (2).

(2) ATTACHMENT. Contiguous territory may be attached to a district upon petition by the owner or motion of the commissioners.

(a) *Petition.* A petition by an owner, directed to the district and requesting attachment, may be accepted by majority vote of the commissioners, upon which the attachment shall become effective.

(b) *Motion.* If the commissioners by motion initiate attachment proceedings, they shall notify the owners of the territory contemplated for attachment and the county board. The county board shall schedule a hearing on the motion, using the procedure of s. 33.26 as far as is applicable. Following the hearing, the board shall make a finding on the necessity of attachment of territory, using the standards of s. 33.26 (3), and shall declare the territory to be either attached or not. Appeals of the board's decision shall be taken under s. 33.26 (7).

(3) DETACHMENT. Territory may be detached from the district following petition of the owner or motion of the commissioners. Proposals for detachment shall be considered by the commissioners, and territory may be detached upon a finding that such territory is not benefited by continued inclusion in the district. Appeals of the commissioners' decision may be taken under s. 33.26 (7).

History: 1973 c. 301; 1975 c. 197; 1981 c. 20; 1989 a. 159; 2003 a. 275.

It is not always necessary for the petitioner in a detachment proceeding to prove that there has been a change in circumstances since the district was created. The finding of benefit to property required under s. 33.26 (3) in forming a district is not the same as the finding that the property is not benefited as required under sub. (3) to detach a property from the district. The s. 33.26 (3) finding is general and predictive. Sub. (3) requires an individualized evaluation of property under present circumstances. Donaldson v. Board of Commissioners, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

Although not specified, the right to review under sub. (3) is by statutory certiorari. Donaldson v. Board of Commissioners, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

33.35 Dissolution of districts. A petition to dissolve an existing district created under this chapter may not be considered at an annual meeting of the district unless an elector within the district or a property owner within the district notifies the district board of commissioners in writing at least 90 days before the annual meeting that the elector or property owner intends to petition for dissolution at that annual meeting. The notice of the annual meeting must include a statement that a petition to dissolve the district will be considered. The district may be dissolved upon a two-thirds vote of the electors and property owners present at the annual meeting. The county board shall by order dissolve the district following receipt of the petition if the county board finds that one or more of the standards for the creation of a district under s. 33.26 (3) are not met. The order for dissolution shall be conditioned upon proper petition to the circuit court and appointment of a receiver to administer the winding up of the district under the supervision of the court and a final order of the court. The attorney general shall represent the state and shall be a party to every dissolution proceeding where state money is involved.

History: 1973 c. 301; 1989 a. 159.

33.36 Alteration of districts. (1) Whenever any territory that contains an entire district is incorporated as a city or village, consolidated with a city or village or annexed to a city or village, the district shall survive and shall be subject to s. 33.23.

(2) Whenever any territory containing less than an entire district is incorporated as a city or village, consolidated with a city or village or is annexed to a city or village, the district shall survive, and the district shall continue to operate under this chapter, subject to the following modifications:

(a) The district shall exercise only those powers granted under this chapter. Sanitary district powers shall not be exercised unless consent for such exercise is obtained in advance from the governing body of the city or village.

(b) The governing body of the city, village or town having the largest portion by valuation of the district within its jurisdiction shall make the appointment under s. 33.28.

(c) Ownership of any water or sewerage system shall be determined according to s. 60.79 (2) (d).

History: 1975 c. 197; 1983 a. 532 s. 36; 1989 a. 159.

33.37 Districts in more than one county. (1) Where the proposed district is in more than one county, the county board of the county within which the largest portion, by valuation, of the proposed district lies shall have jurisdiction under ss. 33.24 to 33.28.

(2) The county within which the largest portion, by valuation, of a district lies shall have jurisdiction on motions for attachment under s. 33.33 (2) (b) and on petitions for dissolution under s. 33.35.

History: 1977 c. 391.

SUBCHAPTER V

DANE COUNTY LAKES AND WATERSHED COMMISSION

33.41 Definitions. In this subchapter:

(1) "Board of commissioners" means the board of commissioners of the Dane County Lakes and Watershed Commission.

(1m) "Commission" means the Dane County Lakes and Watershed Commission created under s. 33.42.

(2) "County" means Dane County.

(3) "County board" means the county board of the county.

(5g) "Municipality" means any city, village or town.

History: 1989 a. 324.

33.42 Creation. There is created a Dane County Lakes and Watershed Commission as part of county government. The board of commissioners shall govern the commission.

History: 1989 a. 324.

33.44 Board of commissioners; composition. (1) The board of commissioners shall consist of the following persons, all of whom shall be residents of the county:

(a) The county executive of the county or his or her designee.

(b) The mayor of the city of Madison or his or her designee.

(c) Two members who are supervisors on the county board and who represent supervisory districts located entirely outside the city of Madison.

(d) Two members who are supervisors on the county board and who represent supervisory districts located entirely within the city of Madison.

(dm) One member who is a member of the Yahara Lakes Association.

(e) 1. Except as provided in subd. 2., one member who is not

a supervisor on the county board, who resides in the city of Madison and whose name is on a list of at least 2 nominees submitted to the county executive by the mayor of the city of Madison.

2. If the list of nominees required under this paragraph is not submitted at least 60 days before the term of the member appointed under this paragraph expires or at least 60 days before the county executive must fill a vacancy under this paragraph, the county executive shall appoint a member who is not a supervisor on the county board and who resides in the city of Madison.

(f) 1. Except as provided in subds. 2. and 3., one member who is not a supervisor on the county board, who resides outside the city of Madison and whose name is on a list of at least 2 nominees submitted to the county executive by the Dane County Towns Association.

2. For terms subsequent to the initial term, the person appointed under this paragraph must reside outside the city of Madison and the person's name must be on a list of at least 2 nominees submitted to the county executive by the Dane County Towns Association. Unless the person has served continuously as the member appointed under this paragraph for all previous terms, including the initial term, the person may not be a supervisor on the county board.

3. If the list of nominees required under this paragraph is not submitted at least 60 days before the term of the member appointed under this paragraph expires or at least 60 days before the county executive must fill a vacancy under this paragraph, the county executive shall appoint a member who resides outside the city of Madison and who either has served continuously as the member appointed under this paragraph for all previous terms, including the initial term, or who is not a supervisor on the county board.

(g) 1. Except as provided in subds. 2. and 3., one member who is not a supervisor on the county board, whose name is on a list of at least 2 nominees submitted to the county executive by a majority of the chief executives of the villages and cities, except the city of Madison, that are located at least partially in the county, and who is a resident of such a village or city.

2. For terms subsequent to the initial term, the person appointed under this paragraph must not be a supervisor on the county board. Unless the person has served continuously as the member appointed under this paragraph for all previous terms, including the initial term, the name of the person must be on a list submitted to the county executive by a majority of the chief executives of the villages and cities, except the city of Madison, that are located at least partially in the county, and the person must be a resident of such a village or city.

3. If the list of nominees, when required under this paragraph, is not submitted at least 60 days before the term of the member appointed under this paragraph expires or at least 60 days before the county executive must fill a vacancy under this paragraph, the county executive shall appoint a member who is not a supervisor on the county board and who either has served continuously as the member appointed under this paragraph for all previous terms, including the initial term, or who is a resident of a village or city, except the city of Madison, that is located at least partially within the county.

(2) The county executive shall appoint the members listed under sub. (1) (c) to (g) subject to confirmation by the county board.

(2g) In making the appointments under sub. (1) (c) and (d), the county executive shall appoint persons who will represent the diverse interests of the urban and rural communities in improving the water quality and the scenic and environmental value of the county surface waters and groundwaters.

(2m) The term of a member appointed under sub. (1) (c) to (g) begins on the 3rd Tuesday in April of the year in which the member is appointed and ends on the 3rd Tuesday in April in the 3rd year following the year in which the member is appointed.

(3) Six commissioners shall constitute a quorum for the transaction of business.

(5) Commissioners shall be paid actual and necessary expenses incurred while conducting business of the commission and shall be paid the same per diem as members of county board committees.

(6) (a) If a commissioner appointed under sub. (1) (c) or (d) is not reelected to be a supervisor on the county board during his or her term on the commission, he or she may continue to serve on the commission until the position is filled as provided in par. (b).

(b) Vacancies occurring during the term of any commissioner appointed under sub. (1) (c) to (g) shall be filled within 90 days in the manner provided in s. 17.27 (1n). A commissioner appointed to fill a vacancy may be reappointed for subsequent full terms.

(7) The board of commissioners shall meet at least quarterly, and at other times on the call of the chairperson or on the petition of 6 of the members.

(8) Any action by the board of commissioners requires the affirmative vote of the majority of members present and voting.

(9) The board of commissioners shall elect a chairperson, vice chairperson and secretary from its members each year, and these officers shall have the following duties:

(a) The chairperson shall preside at all meetings and all public hearings held by the board of commissioners.

(b) The vice chairperson shall preside at any meeting or any public hearing held by the board of commissioners at which the chairperson is unable to preside.

(c) The secretary shall keep minutes of all meetings of the board of commissioners and hearings held by it.

History: 1989 a. 324; 1999 a. 9; 2001 a. 103.

33.445 Board of commissioners; duties. (1) The board of commissioners shall initiate and coordinate surveys and research projects for the purpose of gathering data relating to the surface waters and groundwaters of the county.

(2) The board of commissioners shall maintain a liaison with agencies of the federal, state and local governments and other organizations that are involved in programs or projects designed to protect, rehabilitate and manage water resources.

(3) The board of commissioners shall develop a public information and education program on issues related to the surface waters and groundwaters of the county.

History: 1989 a. 324; 2003 a. 33.

33.45 Board of commissioners; powers. (1) The board of commissioners may develop and implement plans, projects or programs to do any or all of the following:

(a) Improve the water quality and the scenic, economic and environmental value of the surface waters and the groundwaters of the county.

(b) Protect or enhance the recreational use of the navigable waters of the county.

(c) Coordinate and integrate, for efficient and effective cost management, any county programs or projects for the waters of the county that relate to any of the following:

1. Surface water and groundwater quality.

2. The recreational use of and public access to navigable waters.

3. Water safety and boating regulations.

4. Algae and aquatic plant management.

(d) Reduce soil erosion and bring cropland soil erosion loss into conformance with s. 92.025.

(2) The board of commissioners may develop and propose to the county board programs or projects to make improvements to the navigable waters in the county including, but not limited to, constructing and maintaining public boat launching facilities, maintaining park or other open natural areas adjacent to the navigable waters, implementing shoreline maintenance requests, maintaining and improving locks and dredging waterways.

(3) The board of commissioners may create advisory committees as it considers necessary to apprise the board of commissioners of the information necessary to implement its duties and powers. The advisory committees may include, but are not limited to, representatives of the following: fishing groups; farmers; businesses; riparian and other real property owners; industry groups; public bodies; sailing clubs; boating clubs; environmentalists; scientists; conservationists; hunters; and water skiing, diving and other sports clubs.

(4) The board of commissioners may promulgate any rules necessary to implement the duties and powers granted to the board of commissioners.

History: 1989 a. 324.

33.455 Regulation proposed by board of commissioners. (1) ORDINANCES AND LOCAL REGULATIONS. The board of commissioners may propose to the county board the adoption, modification or rescission of any ordinance or local regulation relating to boating, recreation or safety upon the navigable waters of the county.

(2) MINIMUM STANDARDS. The board of commissioners may propose to the county board minimum standards for local regulations and ordinances for municipalities and the county to protect and rehabilitate the water quality of the surface waters and groundwaters of the county that relate to any of the following:

(a) The environmental control of land surfaces, which includes, but is not limited to, one or more of the following:

1. Erosion control.
2. Construction site control.
3. Zoning of shorelands, wetlands and floodplains.
4. Subdivision of land under ch. 236.
5. Environmental control of agricultural land.
6. Other conservation programs or projects that relate to the environmental control of land surfaces.

(b) The maintenance of property owned or maintained by a municipality, including public ways and shorelands.

(3) ADOPTION BY COUNTY BOARD. (a) Subject to the requirements under s. 281.33 (3m), the county board may adopt a minimum standard, an ordinance or a local regulation, or a modification to or rescission of an ordinance or a local regulation, as proposed by the board of commissioners under sub. (1) or (2).

(b) Notwithstanding s. 30.77 (3) (a), an ordinance, local regulation or minimum standard as adopted by the county board under this section shall apply to the county and to any municipality partially or totally within the county and shall supersede any less restrictive and conflicting provision of a minimum standard, ordinance or local regulation adopted by a municipality.

History: 1989 a. 324; 2013 a. 20.

33.457 Implementation plan. (1) The board of commissioners shall develop an implementation plan, with the advice of the Dane County Regional Planning Commission, and shall submit the plan to the presiding officers of each house of the legislature, the chairperson of the county board and the county executive of the county by July 1, 1992.

(2) The implementation plan shall include all of the following:

(a) Minimum standards for shoreland, floodplain and wetland zoning ordinances to control polluting activities.

(b) Storm drainage system plans that incorporate water quality protection measures to the maximum extent feasible.

(c) Minimum standards in urban areas for street sweeping, salt usage reduction, shoreline maintenance and leaf collection.

(d) Plans for bringing cropland soil erosion loss into conformance with the standards in s. 92.025.

(e) Barnyard and feedlot runoff and waste management control plans.

(f) Minimum standards for construction site erosion control ordinances. Minimum standards under this paragraph that are applicable to activities regulated under s. 281.33 (3) shall strictly conform with applicable uniform statewide standards established under s. 281.33 (3).

(g) Standards for algae and aquatic plant management.

(h) Proposals to finance the effectuation of the implementation plan.

(3) The implementation plan may include recommendations for any of the following:

(a) Dredging and maintenance of navigability of waterways.

(b) Operation of navigation locks and control of water levels and flow.

(c) Maintenance, protection and improvement of shorelines, banks and beds of navigable waters.

(cm) Protection of banks of nonnavigable streams, wetlands, groundwater recharge areas and other areas significant to environmental quality.

(d) Access to shoreline recreational areas and facilities.

(e) Water safety, navigational and boating regulations.

(f) Research activities and feasibility studies.

(4) Within 3 months after the implementation plan is developed and submitted under sub. (1), the department and the designated planning agency under s. 281.51 that covers the county shall evaluate the implementation plan to determine whether it is consistent with the criteria for water quality planning under s. 281.51 and whether the plan is adequate to:

(a) Protect and rehabilitate the water quality of the surface waters and the groundwaters of the county.

(b) Protect and enhance the recreational use of the navigable waters of the county.

(c) Increase water and boating safety on the navigable waters of the county.

History: 1989 a. 324; 1995 a. 227; 1997 a. 252; 2013 a. 20.

33.46 Budget proposals. (1) PROCEDURES. (a) Annually, the board of commissioners shall prepare a proposed budget for the commission's activities for plans, programs or projects under this subchapter as follows:

1. The budget shall list all anticipated revenue from all sources during the ensuing year and shall list all proposed appropriations for each activity and reserve account for the ensuing year. The budget shall also show actual revenues and expenditures for the preceding year, if applicable, actual revenue and expenditures for the current year and estimated revenues and expenditures for the balance of the current year. The budget shall also show for informational purposes by fund all anticipated unexpended or unappropriated balances and all surpluses.

2. A summary of the budget, a notice of the place where a copy of the budget is located for public inspection and a notice of the time and place for a public hearing on the budget shall be pub-

lished as a class 1 notice under ch. 985 in the county at least 15 days before the public hearing.

3. The summary required under subd. 2. shall include all of the following for the proposed budget, for the budget in effect and for the budget of the preceding year, if applicable:

a. All expenditures, by major expenditure category.

b. All revenues by major revenue source.

c. Any financing source and use not included under subd. 3. a. and b.

d. All beginning and year-end fund balances.

(b) Not less than 15 days after the publication of the summary of the budget and of the notices required under par. (a) 2., the board of commissioners shall hold a public hearing at the time and place specified in the notice. At the hearing, any resident or taxpayer of the county shall have the opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. At the hearing, the board of commissioners may adopt changes to the budget.

(c) After the public hearing, the board of commissioners shall submit the proposed budget to the county for incorporation in the county's budget to be subject to any review procedures that apply to the county budget under ss. 59.60 and 65.90.

(2) TAXES; SPECIAL ASSESSMENTS; SPECIAL CHARGES; FEES. As part of the commission's budget, the board of commissioners may propose that the county board levy or impose any of the following:

(a) A tax upon all taxable real property in the county for the costs of operation of the commission for each fiscal year.

(b) Special assessments or special charges under s. 33.47.

(c) Fees that the county is empowered to charge under ss. 30.77 (3) (e), 33.475 and 59.54 (2).

History: 1989 a. 324; 1995 a. 201.

33.47 Special assessments and special charges. (1) The county board may levy special assessments or special charges to implement programs or projects undertaken under this subchapter as an exercise of the county's police power.

(1m) The county board shall determine the boundaries of any area within which any special assessment or special charge will be levied.

(2) The county board shall determine the total amount of any special assessment or special charge to be levied.

(3) The board of commissioners shall make a recommendation to the county board regarding the manner in which any special assessment or a special charge to be levied will be apportioned to real property that is benefited within the area determined under sub. (1m).

(4) The county board shall apportion any special assessment or special charge it levies to real property within the county on a reasonable basis.

(5) Any special assessment or special charge levied shall be in accordance with ss. 66.0627 and 66.0703 to the extent that those sections are applicable to and not in conflict with this subsection.

(6) The county board may allow annual installment payments of special assessments, but not to exceed 10 in number.

(7) Real property located in the county that is owned by any county or a municipality is subject to special assessments and special charges. The procedure for collecting special assessments under s. 33.32 (3) (b) shall apply to collections of special assessments and special charges under this subsection.

(8) Outstanding unpaid assessments on privately owned real property shall be paid in full by any public body, including the state, that purchases the real property.

History: 1989 a. 324; 1999 a. 150.

33.475 Boating fees. Notwithstanding the prohibition in s. 30.77 (1) against ordinances and local regulations that exclude any boat from the free use of the waters of the state, and in addition to the powers granted the county under ss. 30.77 (3) (e) and 59.54 (2), the county may charge boat operators reasonable fees for the costs of providing other recreational boating services not specified in ss. 30.77 (3) (e) and 59.54 (2).

History: 1989 a. 324; 1993 a. 167; 1995 a. 201.

The delegation of authority to local governments to collect boater fees for miscellaneous "recreational boating services" under this section and s. 30.77 (3) (e) 1. c. is unconstitutional. 79 Atty. Gen. 185.

33.48 Continued expenditure level by county and municipalities. The county or a municipality within the county may not reduce in any fiscal year its expenditures relating to environmental control of land surfaces below the expenditures it made in the fiscal year ending in 1990 if the county or the municipality makes the expenditures for the purposes of protecting or rehabilitating the quality of the surface waters and the groundwaters of the county. These expenditures include, but are not limited to, spending for erosion control, for construction site control, for environmental control of agricultural land and for conservation programs or projects but do not include extraordinary or nonrecurring expenses for these purposes.

History: 1989 a. 324.

SUBCHAPTER VI

SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION

33.53 Definitions. In this subchapter:

(1) "Board of commissioners" means the board of commissioners of the commission.

(2) "Commission" means the Southeastern Wisconsin Fox River Commission created under s. 33.54.

(3) "Commissioner" means a member of the board of commissioners.

(5) "County board" means the county board of a river county.

(6) "Municipality" means any city, village or town.

(6m) "River county" means Kenosha County, Racine County or Waukesha County or any county in the Illinois Fox River basin that is designated by the commission under s. 33.57 (5).

(7) "River municipality" means any of the following municipalities that is located in a river county:

(a) The city of Waukesha.
(b) The town of Waukesha.
(c) The village of Waterford.
(d) The town of Waterford.
(e) The village of Big Bend.
(f) The town of Vernon.
(g) The town of Mukwonago.
(h) The village of Mukwonago.
(i) The village of Rochester.
(j) The town of Burlington.
(k) The city of Burlington.
(L) The town of Wheatland.
(m) The town of Salem.
(n) The village of Silver Lake.

(o) Any city, village, or town in a river county that is designated by the commission under s. 33.57 (5).

(8) "Surface waters" include surface water in drainage ditches.

History: 1997 a. 27; 2015 a. 226.

33.54 Creation, funding. There is created a Southeastern Wisconsin Fox River Commission for the Illinois Fox River basin. For the purposes of this subchapter, the Illinois Fox River basin extends from the northern boundary of the city of Waukesha downstream to the Wisconsin-Illinois border, except that the commission may extend this area by an affirmative vote of the majority of voting commissioners. The board of commissioners shall govern the commission. A county or river municipality may appropriate money to the commission. The commission, a river county or a river municipality may solicit gifts, grants, and other aid for the commission to enable the commission to perform the functions in this subchapter.

History: 1997 a. 27; 2015 a. 226.

33.55 Board of commissioners; composition. (1) The board of commissioners shall consist of the following persons, all of whom shall be residents of the river county:

(a) The county executive of Racine County or his or her designee.

(b) The county executive of Waukesha County or his or her designee.

(bg) The county executive of Kenosha County or his or her designee.

(br) The county executive of any county admitted to the commission under s. 33.53 (7) (o) or his or her designee.

(c) The mayor of the city of Waukesha or his or her designee.

(d) The town board chairperson of the town of Waukesha or his or her designee.

(e) The village president of the village of Waterford or his or her designee.

(f) The town board chairperson of the town of Waterford or his or her designee.

(g) The village president of the village of Big Bend or his or her designee.

(h) The town board chairperson of the town of Vernon or his or her designee.

(i) The town board chairperson of the town of Mukwonago or his or her designee.

(j) The village president of the village of Mukwonago or his or her designee.

(p) The village president of the village of Rochester or his or her designee.

(q) The town board chairperson of the town of Burlington or his or her designee.

(r) The mayor of the city of Burlington or his or her designee.

(s) The town board chairperson of the town of Wheatland or his or her designee.

(t) The town board chairperson of the town of Salem or his or her designee.

(u) The village president of the village of Silver Lake or his or her designee.

(v) The mayor, village president, or town board chairperson of any city, village, or town, respectively, designated as a river municipality by the commission under s. 33.53 (7) (o) or his or her designee.

(w) One nonvoting representative from the Southeastern Wisconsin Regional Planning Commission, who shall be appointed by the chairperson of the Southeastern Wisconsin Regional Planning Commission.

(x) One nonvoting representative from the department of natural resources, who shall be appointed by the secretary of natural resources.

(1m) If an elected official who is a member of the commission or his or her designee, if designated, is unable to attend a meeting of the commission, the elected official may authorize another resident of the river county to attend the meeting and exercise the duties of the member.

(2) (a) If a commissioner listed under sub. (1) (a) to (j) is an elected official, his or her term on the commission runs concurrently with his or her term in office. If the elected official resigns from the commission during his or her term in office, the elected official shall appoint a designee to take his or her place on the commission within 90 days of his or her resignation.

(b) If a commissioner listed under sub. (1) (a) to (v) is appointed to the commission by an elected official, as the designee of an elected official, his or her term on the commission begins and ends on dates determined by the appointing river county or river municipality. Vacancies occurring during the term of the designee of an elected official shall be filled within 90 days of the vacancy by another designee who is appointed by the elected official, or the elected official may become the commissioner. The river county or river municipality shall inform the board of commissioners in writing that a new designee is appointed no more than 90 days after the appointment.

(d) The term of a commissioner appointed under sub. (1) (w) or (x) begins and ends on dates determined by the appointing authority. Vacancies occurring during the term of the appointee shall be filled by the appointing authority within 90 days of the vacancy. The appointing authority shall inform the board of commissioners in writing that a new commissioner is appointed no more than 90 days after the appointment.

(3) A number equal to a majority of voting commissioners shall constitute a quorum for the transaction of business. If an elected official under sub. (1) (a) to (v) notifies the board of commissioners in writing that he or she will not participate in the commission and will not appoint a designee or authorize an alternate under sub. (1m), that person may not be included in the number of voting commissioners for purposes of determining the number that constitutes a quorum for the transaction of business.

(4) The board of commissioners shall meet at least quarterly, and at other times on the call of the chairperson or on the petition of 5 commissioners.

(5) Any action by the board of commissioners requires the affirmative vote of a majority of the members present and voting.

(6) Annually, the board of commissioners shall elect a chairperson, vice chairperson and secretary from its members, and these officers shall have the following duties:

(a) The chairperson shall preside at all meetings and all public hearings held by the board of commissioners.

(b) The vice chairperson shall preside at any meeting or any public hearing held by the board of commissioners at which the chairperson is unable to preside.

(c) The secretary shall keep minutes of all meetings of the board of commissioners and hearings held by it.

History: 1997 a. 27, 252; 2015 a. 226; 2017 a. 365.

33.56 Board of commissioners; duties. The board of commissioners shall do all of the following:

(1) Initiate and coordinate surveys and research projects for the purpose of gathering data relating to the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

(2) Maintain a liaison with agencies of the federal, state and local governments and other organizations that are involved in programs or projects designed to protect, rehabilitate and manage water resources.

(3) Develop a public information and education program on issues related to the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

History: 1997 a. 27; 2003 a. 33.

33.57 Board of commissioners; powers. The board of commissioners may do all of the following:

(1) Develop and implement plans, projects or programs to do any of the following:

(a) Improve the water quality and the scenic, economic and environmental value of the surface waters and the groundwaters of the Illinois Fox River basin that are located in a river municipality.

(b) Protect or enhance the recreational use of the navigable waters of the Illinois Fox River basin that are located in a river municipality.

(c) Coordinate and integrate, for efficient and effective cost management, any county programs or projects for the waters of the river county that relate to any of the following:

1. Surface water and groundwater quality of the Illinois Fox River basin that is located in a river municipality.

2. The recreational use of and public access to navigable waters of the Illinois Fox River basin that is located in a river municipality.

3. Water safety and boating regulations for the Illinois Fox River basin that is located in a river municipality.

(2) Develop and propose to the county board programs or projects to make improvements to the navigable waters in the Illinois Fox River basin that is located in a river municipality, including constructing and maintaining public boat launching facilities, maintaining park or other open natural areas adjacent to the navigable waters, implementing shoreline maintenance requests, maintaining and improving locks and dredging waterways.

(3) Create advisory committees as it considers necessary to apprise the board of commissioners of the information necessary to implement its duties and powers. The advisory committees may include representatives of the following: fishing groups; farmers; businesses; riparian and other real property owners; industry groups; public bodies; sailing clubs; boating clubs; environmentalists; scientists; conservationists; hunters; and water skiing, diving and other sports clubs.

(4) Adopt any rules necessary to implement the duties and powers granted to the board of commissioners.

(5) Designate as a river municipality or river county, by an affirmative vote of the majority of voting commissioners, a town, village, city, or county that requests through a resolution adopted by its governing body to be designated as being under the commission's jurisdiction.

History: 1997 a. 27; 2015 a. 226.

33.58 Regulation proposed by board of commissioners. (1) ORDINANCES AND LOCAL REGULATIONS. The board of commissioners may propose to the governing body of a river municipality the adoption, modification or rescission of any ordinance or local regulation relating to boating, recreation or safety upon the navigable waters of the Illinois Fox River basin that is located in a river municipality.

(2) MINIMUM STANDARDS. The board of commissioners may propose to the governing body of a river municipality minimum standards for local regulations and ordinances for municipalities to protect and rehabilitate the water quality of the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality.

History: 1997 a. 27.

33.59 Implementation plan. (1) The board of commissioners shall develop an implementation plan by April 1, 1998, and shall submit the plan to the department of natural resources, the county planning agency, the chairperson of the county board and the county executive of the river county by April 1, 1998.

(2) With regard to the Illinois Fox River basin that is located in a river municipality, the implementation plan shall include all of the following:

(a) A plan for, including the method of payment for, an engineering study to determine areas for selective dredging, including the dredging of selective shallow areas of the impoundment area in Waterford.

(b) A plan for clearing channels of fallen trees and other debris.

(c) A water use plan.

(d) A plan for operating the Waterford Dam with a winter drawdown level.

(e) A plan for streambank erosion protection.

(f) A plan for automating the Waterford Dam with upstream sensors.

(g) A plan for maintenance, protection and improvement of shorelines, banks and beds of navigable waters.

(h) A plan for access to shoreline recreational areas and facilities.

(i) Water safety, navigational and boating regulations.

(3) Within 3 months after the implementation plan is developed and submitted under sub. (1), the department and the designated planning agencies under s. 281.51 that cover each river county shall evaluate the implementation plan to determine whether it is consistent with the criteria for water quality planning under s. 281.51 and whether the plan is adequate to:

(a) Protect and rehabilitate the water quality of the surface waters and the groundwaters of the Illinois Fox River basin that are located in a river municipality.

(b) Protect and enhance the recreational use of the navigable waters of the Illinois Fox River basin that are located in a river municipality.

(c) Increase water and boating safety on the navigable waters of the Illinois Fox River basin that are located in a river municipality.

History: 1997 a. 27; 2015 a. 226.

33.60 Budget proposals. (1) (a) The commission's fiscal year shall commence July 1 of each year and end June 30 of the following year. Annually, the board of commissioners shall prepare a proposed budget for the commission's activities, plans, programs, or projects under this subchapter.

(b) The budget shall include all of the following elements:

1. A list of all anticipated revenue from all sources during the upcoming year.

2. A list of all proposed appropriations for each activity and reserve account for the upcoming year.

3. Actual revenues and expenditures for the preceding year, if applicable.

4. Actual revenue and expenditures for the current year.

5. Estimated revenues and expenditures for the balance of the current year.

6. A list, by fund, of all anticipated unexpended or unappropriated balances and all surpluses.

(c) The commission shall publish as a class 1 notice under ch.

985 in Racine County and in Waukesha County, at least 15 days before the public hearing, a summary of the budget, a notice of the place where a copy of the budget is located for public inspection and a notice of the time and place for a public hearing on the budget.

(d) The summary required under par. (c) shall include all of the following for the proposed budget, for the budget in effect and for the budget of the preceding year, if applicable:

1. All expenditures, by major expenditure category.

2. All revenues, by major revenue source.

3. Any financing source and use not included under subds. 1. and 2.

4. All beginning and year-end fund balances.

(2) Not less than 15 days after publication of the summary of the budget and of the notices required under sub. (1) (c), the board of commissioners shall hold a public hearing at the time and place specified in the notice. At the hearing, any resident or taxpayer of a river county shall have the opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. At the hearing, the board of commissioners may adopt changes to the budget.

(3) After the public hearing, the board of commissioners shall submit the proposed budget to Racine County, Waukesha County, and Kenosha County for incorporation into each river county's budget to be subject to any review procedures that apply to a county budget under ss. 59.60 and 65.90.

History: 1997 a. 27, 252; 2015 a. 226.