

CHAPTER 565

AN ACT to repeal 81.43 and 140.45 (6); to amend 6.32 (1), 10.43 (5), 61.25 (2), 61.32, 66.03 (2) (b) and (5), 66.035, 66.068 (4), 70.47 (1) and (2), 74.03 (3), (7) (b), (8) (c) and (g) and (9) (h) and 74.031 (4), (9), (11) (h) and (12) (c); and to create 66.051 (4), 66.436 and 66.604 of the statutes, relating to city and village government so as to eliminate inconsistencies and surplusage and to clarify existing statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 6.32 (1) of the statutes is amended to read:

6.32(1) Except as otherwise provided, there shall be 3 inspectors, 2 clerks of election and 2 ballot clerks at each poll at every election held under the provisions of this title, each of whom shall be a qualified elector in the election precinct, except for election boards serving more than one precinct pursuant to s. 6.045, and said electors shall be able to read and write the English language understandingly and not a candidate to be voted for at such election. Provided, that at polls where voting machines are used ballot clerks shall not be employed. Not more than 2 of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, shall be members of the same political party, but each one of said officers shall be a member of one of the 2 political parties which cast the largest vote in the precinct at the last preceding general election, the party which cast the largest vote being entitled to 2 inspectors, one clerk and one ballot clerk, and the party receiving the next largest vote being entitled to the remainder of said officers. The basis for such division shall be the vote of each party for its presidential elector receiving the largest vote, or for its candidate for governor *in a nonpresidential election year*, at the last preceding general election.

SECTION 2. 10.43 (5) of the statutes is amended to read:

10.43 (5) Not more than 20 nor less than 5 days before the election, the city clerk shall cause the ordinance or resolution submitted to the voters to be printed in at least 2, but not to exceed 4, daily newspapers published in the city, or, if there * * * *is* but one daily newspaper published in said city, then in such daily newspaper and in one or more other daily or weekly newspapers of general circulation therein, or, if there * * * *is* no daily newspaper published in such city, then in one or more daily or weekly newspapers of general circulation therein. *The ordinance or resolution need not be printed on the ballot in its entirety, but a concise statement of the nature thereof shall be printed thereon, together with a question permitting the elector to indicate approval or disapproval of its adoption.*

SECTION 3. 61.25 (2) of the statutes is amended to read:

61.25 (2) To transmit to the county clerk, within 10 days after election *or appointment* and qualification, a certified statement of the name and term for which elected *or appointed*, of the president, clerk, treasurer, supervisor and assessor; and to the clerk of the circuit court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every justice of the peace, *chief of police*, marshal or constable of the village.

SECTION 4. 61.32 of the statutes is amended to read:

61.32 The trustees of each village shall constitute a board designated the "Village Board of" (name of village) in which shall be vested all the powers of the village not specifically given some other officer. * * * A majority of the members-elect shall constitute a quorum, * * * but a less number may adjourn from time to time. The president shall preside at all meetings when present. In his absence the board may select another trustee to preside. Regular meetings shall be held at such time as may be prescribed by their bylaws. Special meetings may be called by any 2 trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof in the manner directed by the bylaws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, and if there * * * is a newspaper published in any village, the board shall cause the proceedings to be published therein in such manner as the board directs. If there is no newspaper published in the village, the board may cause the proceedings to be published in a newspaper having general circulation in the village, posted in several public places or publicized in some other fashion, in such manner as the board directs. Nothing herein shall be construed as requiring the republication of any proceeding, ordinance or other matter or thing which has already been published according to law, nor shall anything herein be construed to relieve any village from publishing any proceeding, ordinance or other matter or thing required by law to be published. Notwithstanding the provisions of s. 331.25 (2) the fee for any such publication shall not exceed the rates specified in s. 331.25 (1). The board * * * has power to preserve order at its meetings, compel attendance of trustees and punish nonattendance and it shall be judge of the election and qualification of its members. The president and board of trustees of any village, whether operating under general or special law, may by a three-fourths vote of all the members of the village board determine that an annual salary be paid the president and trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

SECTION 4m. 66.03 (2) (b) of the statutes is amended to read:

66.03 (2) (b) When the transfer of territory from one municipality to another results from the incorporation of a new city or village, the proportion of the assets and liabilities assigned to such city or village shall be based on the average assessed valuation for the preceding 5 years of the property transferred in proportion to the average assessed valuation for the preceding 5 years of all the taxable property of the entire municipality from which said territory is taken, according to the assessment rolls of such municipality for said years. In any such case the certification by the clerk of the municipality from which territory was transferred shall include the assessed value of the real and personal property within the territory transferred for each of the last 5 years. *The preceding 5 years shall include the assessment rolls for the 5 calendar years prior to the incorporation.*

SECTION 5. 66.03 (5) of the statutes is amended to read:

66.03 (5) The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall for the purpose of this section,

continue to exist as the governing body of such municipality until there has been an apportionment of assets by agreement of the interested municipalities or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities, or an order of the circuit court shall become final, a copy of such apportionment agreement, or of such order, certified to by the clerks of the interested municipalities, shall be filed with the state department of taxation, the conservation commission, the state highway commission, the state superintendent of public instruction, the director of budget and accounts, and with any other officer, board, commission or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality, or with any other entity from which payment would have become due if such dissolved municipality from which such territory was transferred had continued in existence. Thereafter payments of income taxes under s. 71.14, of occupational taxes on intoxicating liquor under s. 139.28, of forest crop taxes under s. 77.05, of public utility taxes under s. 76.28, of highway state aids under s. 20.420, of state aids for school purposes under ss. * * * ~~40.53 to 40.71~~, and all payments of every kind whatsoever due from a board, commission, officer or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.

SECTION 6. 66.035 of the statutes is amended to read:

66.035 The governing body of any city or village may authorize the preparation of a code, *or part thereof*, of general ordinances of such city or village. Such code, *or part thereof*, may be adopted by an ordinance referring thereto and may be published in book or pamphlet form and such publication shall be sufficient even though the ordinances contained therein were not published in accordance with ss. 61.50 (1) and 62.11 (4) (a). A copy of such code, *or part thereof*, shall be permanently on file and open to public inspection in the office of the clerk after its adoption and for a period of not less than 2 weeks before its adoption.

SECTION 7. 66.051 (4) of the statutes is created to read:

66.051 (4) Nothing in this section shall be construed to preclude cities and villages from prohibiting conduct which is the same or similar to that prohibited by chs. 941 to 947.

SECTION 8. 66.068 (4) of the statutes is amended to read:

66.068 (4) It may be provided * * * that departmental expenditures be audited by such commission, and if approved by the president and secretary of the commission, be paid by the city or village clerk and treasurer * * * *as provided by s. 66.042*; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement and operation of the utility as shall be designated. Where in any municipality water mains have been installed or extended and the cost thereof has been in some instances assessed against the abutting owners and in other instances paid by the municipality or any utility

therein, it may be provided by the governing body of such municipality that all persons who paid any such assessment against any lot or parcel of land may be reimbursed the amount of such assessment regardless of when such assessment was made or paid. Such reimbursement may be made from such funds or earnings of said municipal utility or from such funds of the municipality as the governing body * * * determines.

SECTION 9. 66.436 of the statutes is created to read:

66.436 VILLAGES TO HAVE CERTAIN CITY POWERS. Villages shall have all of the powers of cities under ss. 66.43, 66.431 and 66.435.

SECTION 10. 66.604 of the statutes is created to read:

66.604 LIEN OF SPECIAL ASSESSMENT. A special assessment levied under any authority whatsoever shall be a lien on the property against which it is levied on behalf of the municipality levying the same or the owner of any certificate, bond or other document issued by the municipality, evidencing ownership of any interest in such special assessment, from the date of the levy, to the same extent as a lien for a tax levied upon real property and shall be accorded the same priorities provided in s. 66.54 (13).

SECTION 11. 70.47 (1) and (2) of the statutes are amended to read:

70.47 (1) The board of review shall meet annually on the second Monday of July, except in towns where the town board so determines it may meet on the last Monday of June. In towns and villages the board shall meet at the town or village hall *or some place designated by the town or village board*. If there is no such hall, it shall meet at the clerk's office, or in towns at the place where the last annual town meeting was held. In cities the board shall meet at the council chamber *or some place designated by the council* and in cities of the first class in some place designated by the tax commissioner of such cities. A majority shall constitute a quorum.

(2) Notice of the time and place of meeting shall be posted by the clerk in at least 3 public places in the taxation district *and on the door of the village hall, council chambers or city hall if the place of meeting has been otherwise designated*.

SECTION 12. 74.03 (3), (7) (b), (8) (c) and (g) and (9) (h) of the statutes are amended to read:

74.03 (3) The payment of special assessments * * * *levied for public improvements and benefits* may be made in 2 instalments, as provided in sub. (2), if authorized by a two-thirds vote of the town or village board or city council. * * * No other special assessments, *including service charges*, or taxes and assessments levied pursuant to chapter 88 and 89 shall be subject to payment in installments.

(7) (b) All interest collected by the county treasurer on special assessments levied * * * *for public improvements and benefits*, which are held in trust for collection, shall be paid over to the respective town, city or village treasurer.

(8) (c) He shall pay to the treasurer of the political subdivision levying the same all collections on special assessments levied * * * *for public improvements and benefits* which are held in trust for collection.

(g) The county board of any county may authorize and direct its county treasurer to settle in full for all taxes, or special assessments, or both, within one month after the return of such taxes and special assessments pursuant to s. 74.17. Such settlements shall be made with interest for special assessments levied * * * *for public improvements and benefits*

and for taxes and assessments levied pursuant to chs. 88 and 89. Settlements for all other taxes and special assessments shall be made without interest.

(9) (h) All collections during the preceding calendar month on special assessments * * * *for public improvements and benefits* which are held in trust for collection and drainage taxes and assessments authorized by chs. 88 and 89 shall be paid to the proper treasurers on the twentieth day of each month. All such collection on taxes and assessments levied pursuant to s. 27.065 shall be retained by the county treasurer.

SECTION 13. 74.031 (4), (9), (11) (h) and (12) (c) of the statutes are amended to read:

74.031 (4) Such ordinance may permit the payment of special improvement assessments levied * * * *for public improvements and benefits*, in the same number of instalments and on the same conditions authorized for general real estate taxes. No other special assessments, or taxes and assessments levied pursuant to chs. 88 and 89, shall be subject to instalment payment.

(9) The city, village or town treasurer shall retain the tax roll and make collections thereon to and including July 31. On or before August 15 he shall return the tax roll to the county treasurer * * * as provided by s. 74.17. The county board of any county may authorize and direct its county treasurer to settle in full for all taxes, or special assessments, or both, within one month after the return of such taxes and special assessments to the county. Such settlements shall be made with interest for special assessments levied * * * *for public improvements and benefits* and for taxes and assessments levied pursuant to chs. 88 and 89. Settlements for all other taxes and special assessments shall be made without interest.

(11) (h) All collections during the preceding calendar month on special assessments * * * *for public improvements and benefits*, which are held in trust for collection, and drainage taxes and assessments authorized by chs. 88 and 89 shall be paid to the proper treasurers on the twentieth day of each month. All such collections on taxes and assessments levied pursuant to s. 27.065 shall be retained by the county treasurer.

(12) (c) All interest collected by the county treasurer on special assessments levied * * * *for public improvements and benefits*, which are held in trust for collection, shall be paid over to the respective city, village or town treasurer.

SECTION 14. 81.43 of the statutes is repealed.

SECTION 15. 140.45(6) of the statutes is repealed.

Approved October 26, 1959.