



## 1995 ASSEMBLY BILL 1050

March 19, 1996 - Introduced by Representatives HANDRICK, PORTER, OLSEN, POWERS, BOCK, BALDWIN, JOHNSRUD, BRANCEL, OURADA, OTT, BOYLE and BRANDEMUEHL, cosponsored by Senators WELCH, BUETTNER and COWLES. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to renumber and amend** 30.77 (3) (ar), 31.385 (1), 33.235 (1) and 33.24;  
2     **to amend** 20.866 (2) (tL), 20.866 (2) (tx), 23.09 (19), 23.094 (1), 30.275 (4) (d),  
3     30.77 (1) (intro.), 30.77 (3) (am) 2., 30.77 (3) (am) 4., 30.77 (3) (aw) 1., 30.77 (3)  
4     (d), 30.77 (3) (e) 1. (intro.), 30.77 (3) (e) 1. b., 30.77 (3) (e) 1. c., 30.78 (1g) (b), 30.78  
5     (1g) (c), 30.79 (1) (a), 30.79 (1) (b) 2., 30.81 (1m) (b), 30.81 (1m) (d), 30.81 (3),  
6     30.92 (1) (b), 31.385 (2) (c) 2., 31.385 (3), 33.001 (2) (b), 33.01 (8), 33.14 (3), 33.21,  
7     33.22 (4), 33.23 (1), 33.23 (2), 33.235 (title), 33.235 (2), 33.235 (3), 33.235 (4),  
8     33.25 (1) (a), 33.30 (1), 33.305 (1), 66.119 (1) (a), 66.119 (2) (a), 66.119 (3) (c),  
9     66.119 (3) (d), 66.119 (3) (e), 66.12 (1) (a), 66.12 (1) (b), 66.12 (2), 66.12 (3) (b),  
10    115.375 (2) (a) 2., 165.85 (2) (d), 814.63 (2) and 814.63 (4); and **to create** 30.50  
11    (4q), 30.77 (3) (am) 1m., 30.77 (3) (am) 3m., 30.77 (3) (am) 3r., 30.78 (1g) (am),  
12    30.78 (3) (am), 30.81 (1m) (am), 30.81 (1m) (cm), 30.81 (1m) (cr), 31.385 (1d),  
13    33.01 (9g), 33.235 (1), 33.24 (1), 60.77 (5m), 60.782 and 115.375 (2) (a) 1m. of the  
14    statutes; **relating to:** certain town sanitary districts having the powers of  
15    public inland lake protection and rehabilitation districts, authority to enact  
16    ordinances by town sanitary districts, conversion of town sanitary districts into

1 public inland lake protection and rehabilitation districts on lakes without  
2 contiguous public lands or easements and making appropriations.

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***Analysis by the Legislative Reference Bureau***

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

This bill allows town sanitary districts to enact boating ordinances under the same conditions as lake districts, except that for town sanitary districts only 60% of the footage of shoreline must be within the sanitary district's boundaries.

The bill grants a town sanitary district that meets this 60% footage requirement many of the powers of a lake district. These powers include the power to receive state funding for local water safety patrols, for stream bank protection and urban green space under the stewardship program and for dam improvements.

The bill grants a town sanitary district that has an entire lake within its boundaries the power to enact ordinances governing the operation of seaplanes and snowmobiles on the lake.

The bill also grants town sanitary districts the general power to enact and enforce ordinances.

Under current law, lake districts may exist only for inland lakes that provide public access via contiguous public lands or easements. The bill allows public inland lake protection and rehabilitation districts that are formed from or that incorporate town sanitary districts to exist for inland lakes that do not provide such public access.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 20.866 (2) (tL) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

1           20.866 (2) (tL) *Natural resources; segregated revenue supported dam*  
2 *maintenance, repair, modification, abandonment and removal.* From the capital  
3 improvement fund, a sum sufficient for the department of natural resources to  
4 provide financial assistance to counties, cities, villages, towns, lake sanitary  
5 districts, as defined in s. 30.50 (4q), and public inland lake protection and  
6 rehabilitation districts in conducting dam maintenance, repair, modification,  
7 abandonment and removal under s. 31.385. The state may contract public debt in an  
8 amount not to exceed \$4,000,000 for this purpose.

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

10           20.866 (2) (tx) *Natural resources; dam maintenance, repair, modification,*  
11 *abandonment and removal.* From the capital improvement fund, a sum sufficient for  
12 the department of natural resources to provide financial assistance to counties,  
13 cities, villages, towns, lake sanitary districts, as defined in s. 30.50 (4q), and public  
14 inland lake protection and rehabilitation districts in conducting dam maintenance,  
15 repair, modification, abandonment and removal under s. 31.385. The state may  
16 contract public debt in an amount not to exceed \$5,500,000 for this purpose.

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

18           23.09 (19) (a) In this subsection, “local governmental unit” means a city, village,  
19 town, county, lake sanitary district, as defined in s. 30.50 (4q), or public inland lake  
20 protection and rehabilitation district.

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

22           23.094 (1) DEFINITION. In this section, “political subdivision” means city,  
23 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public  
24 inland lake protection and rehabilitation district.

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

1           30.275 (4) (d) Provide grants to municipalities, lake sanitary districts, as  
2 defined in s. 30.50 (4q), and public inland lake protection and rehabilitation  
3 districts to undertake any of the activities under pars. (a) to (c).

4           **SECTION 6.** 30.50 (4q) of the statutes is created to read:

5           30.50 (4q) “Lake sanitary district” means a town sanitary district that has  
6 within its boundaries at least 60% of the footage of shoreline of a public inland lake,  
7 as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation  
8 district is not in effect.

9           **SECTION 7.** 30.77 (1) (intro.) of the statutes is amended to read:

10           30.77 (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. (intro.) Sections 30.50 to  
11 30.71 shall be uniform in operation throughout the state. No municipality or public  
12 inland lake protection and rehabilitation district or town sanitary district may:

13           **SECTION 8.** 30.77 (3) (am) 1m. of the statutes is created to read:

14           30.77 (3) (am) 1m. A town sanitary district may, in the interest of public health,  
15 safety or welfare, including the public’s interest in preserving the state’s natural  
16 resources, enact and enforce ordinances applicable to a lake if at least 60% of the  
17 footage of shoreline of the lake is within its boundaries, if no public inland lake  
18 protection and rehabilitation district has in effect any ordinances enacted under  
19 subd. 1. for the lake and if any one of the following occurs:

20           a. Each town, village and city having jurisdiction over the lake adopts a  
21 resolution authorizing the town sanitary district to do so.

22           b. At least 50% of the towns, villages and cities having jurisdiction over the lake  
23 adopt resolutions authorizing the town sanitary district to enact and enforce  
24 ordinances, and at least 60% of the footage of shoreline of the lake is within the  
25 boundaries of these towns, villages and cities.

1           **SECTION 9.** 30.77 (3) (am) 2. of the statutes, as affected by 1995 Wisconsin Act  
2 152, is amended to read:

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

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

7           30.77 (3) (am) 3m. If a town sanitary district enacts an ordinance under this  
8 paragraph, the town sanitary district ordinance supersedes all conflicting provisions  
9 of a town, village or city ordinance enacted under par. (a) that are applicable to the  
10 lake.

11           **SECTION 11.** 30.77 (3) (am) 3r. of the statutes is created to read:

12           30.77 (3) (am) 3r. If a public inland lake protection and rehabilitation district  
13 is created for an inland lake after a town sanitary district has enacted ordinances  
14 under subd. 1m. for the lake, any ordinances enacted by the public inland lake  
15 protection and rehabilitation district supersede all of the following:

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

18           b. Any conflicting provisions of a town sanitary district ordinance enacted  
19 under subd. 1m. that are applicable to the lake.

20           **SECTION 12.** 30.77 (3) (am) 4. of the statutes, as affected by 1995 Wisconsin Act  
21 152, is amended to read:

22           30.77 (3) (am) 4. If a town, village or city proposes to rescind a resolution that  
23 it adopted under subd. 1. or 1m., and if the rescision will result in less than 50% of the  
24 towns, villages or cities with jurisdiction over the lake still having in effect  
25 resolutions adopted under subd. 1. or 1m. or will result in less than 60% of the footage

1 of shoreline of the lake being within the boundaries of the towns, villages and cities  
2 with resolutions still in effect, the town, village or city proposing to rescind the  
3 resolution shall hold a hearing on the rescision at least 30 days before the rescision will  
4 take effect and shall give notice as required under par. (aw) 2. If, after holding the  
5 hearing, the town, village or city rescinds the resolution that it adopted under subd.  
6 1. or 1m., the lake public inland lake protection and rehabilitation district  
7 ordinances or the town sanitary district ordinances are void.

8 **SECTION 13.** 30.77 (3) (ar) of the statutes, as created by 1995 Wisconsin Act 152,  
9 is renumbered 30.105 and amended to read:

10 **30.105** (title) **Determining footage of shoreline.** In determining footage  
11 of shoreline for purposes of pars. s. 30.50 (4q), 30.77 (3) (ac), (ae) and (am) and 60.782  
12 (2), towns, villages, cities and lake, public inland lake protection and rehabilitation  
13 districts and town sanitary districts shall measure by use of a map wheel on the U.S.  
14 geological survey 7 1/2 minute series map.

15 **SECTION 14.** 30.77 (3) (aw) 1. of the statutes, as created by 1995 Wisconsin Act  
16 152, is amended to read:

17 30.77 (3) (aw) 1. If one or more towns, villages or cities propose to enact an  
18 ordinance for an inland lake under par. (ac) 2. or a lake public inland lake protection  
19 and rehabilitation district or town sanitary district proposes to enact an ordinance  
20 for an inland lake under par. (am) 1. b. or 1m. b., it shall hold a public hearing on the  
21 proposed ordinance at least 30 days before its enactment.

22 **SECTION 15.** 30.77 (3) (d) of the statutes, as affected by 1995 Wisconsin Act 152,  
23 is amended to read:

24 30.77 (3) (d) Ordinances pertaining to the equipment, use or operation of boats  
25 on inland lakes shall be subject to advisory review by the department as provided

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

18 **SECTION 16.** 30.77 (3) (e) 1. (intro.) of the statutes is amended to read:

19 30.77 (3) (e) 1. (intro.) A municipality ~~or~~, a public inland lake protection and  
20 rehabilitation district or a town sanitary district that has in effect an ordinance  
21 under par. (am) may charge boat operators reasonable fees for any of the following:

22 **SECTION 17.** 30.77 (3) (e) 1. b. of the statutes is amended to read:

23 30.77 (3) (e) 1. b. The municipality's or ~~lake~~ district's costs for operating or  
24 maintaining a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

25 **SECTION 18.** 30.77 (3) (e) 1. c. of the statutes is amended to read:

1           30.77 **(3)** (e) 1. c. The municipality's or lake district's costs for providing other  
2 recreational boating services.

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

4           30.78 **(1g)** (am) A town sanitary district, after public hearing, may enact and  
5 enforce local ordinances applicable to a lake entirely within its boundaries if each  
6 town, village and city having jurisdiction on the lake adopts a resolution authorizing  
7 the town sanitary district to do so and if no public inland lake protection and  
8 rehabilitation district has in effect ordinances enacted under par. (a) for the lake.

9           **SECTION 20.** 30.78 (1g) (b) of the statutes is amended to read:

10          30.78 **(1g)** (b) Ordinances authorized under par. (a) or (am) are limited to the  
11 type of ordinances authorized under sub. (1) (a) to (c).

12          **SECTION 21.** 30.78 (1g) (c) of the statutes is amended to read:

13          30.78 **(1g)** (c) If any town, village or city having jurisdiction on ~~the~~ a lake  
14 rescinds ~~the~~ a resolution adopted under par. (a) or (am) authorizing ~~the~~ a public  
15 inland lake protection and rehabilitation district or town sanitary district to enact  
16 and enforce ordinances under this paragraph, the ~~lake~~ district ordinances are void.

17          **SECTION 22.** 30.78 (3) (am) of the statutes is created to read:

18          30.78 **(3)** (am) 1. If a town sanitary district enacts an ordinance under sub. (1g),  
19 the town sanitary district ordinance supersedes all conflicting provisions of a town,  
20 village or city ordinance enacted under sub. (1) that are applicable to that lake.

21          2. If a public inland lake protection and rehabilitation district is created for an  
22 inland lake after a town sanitary district has enacted ordinances under sub. (1g) (am)  
23 for the lake, any ordinances enacted by the public inland lake protection and  
24 rehabilitation district supersede all of the following:



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

3 b. Any conflicting provisions of a town sanitary district ordinance enacted  
4 under sub. (1g) (am) that are applicable to the lake.

5 **SECTION 23.** 30.79 (1) (a) of the statutes is amended to read:

6 30.79 (1) (a) "Local governmental unit" means a municipality or a public  
7 inland lake protection and rehabilitation district or a lake sanitary district.

8 **SECTION 24.** 30.79 (1) (b) 2. of the statutes is amended to read:

9 30.79 (1) (b) 2. A unit created by a public inland lake protection and  
10 rehabilitation district, by a lake sanitary district or by a number of local  
11 governmental units riparian to a single lake, at least one of which is a lake district  
12 or a lake sanitary district, for the purposes specified in subd. 1.

13 **SECTION 25.** 30.81 (1m) (am) of the statutes is created to read:

14 30.81 (1m) (am) A town sanitary district, in the interest of public health or  
15 safety, may enact and enforce ordinances applicable to a lake entirely within its  
16 boundaries if each town, village and city having jurisdiction on the lake adopts a  
17 resolution authorizing the town sanitary district to do so and if no public inland lake  
18 protection and rehabilitation district has in effect ordinances enacted under par. (a)  
19 for the lake.

20 **SECTION 26.** 30.81 (1m) (b) of the statutes is amended to read:

21 30.81 (1m) (b) An ordinance enacted under par. (a) or (am) must be consistent  
22 with this chapter and must relate to the use or operation of boats and other craft,  
23 including snowmobiles and other motor vehicles, on icebound inland lakes.

24 **SECTION 27.** 30.81 (1m) (cm) of the statutes is created to read:

1           30.81 (1m) (cm) If a town sanitary district enacts an ordinance under this  
2 subsection, the town sanitary district ordinance supersedes all conflicting provisions  
3 of a town, village or city ordinance enacted under sub. (1) that are applicable to the  
4 lake.

5           **SECTION 28.** 30.81 (1m) (cr) of the statutes is created to read:

6           30.81 (1m) (cr) If a public inland lake protection and rehabilitation district is  
7 created for an inland lake after a town sanitary district has enacted ordinances  
8 under this subsection for the lake, any ordinances enacted by the public inland lake  
9 protection and rehabilitation district supersede all of the following:

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

12           2. Any conflicting provisions of a town sanitary district ordinance enacted  
13 under par. (am) that are applicable to the lake.

14           **SECTION 29.** 30.81 (1m) (d) of the statutes is amended to read:

15           30.81 (1m) (d) If a town, village or city having jurisdiction on ~~the~~ a lake rescinds  
16 the resolution authorizing ~~the~~ a public inland lake protection and rehabilitation  
17 district or town sanitary district to enact and enforce ordinances under this  
18 ~~paragraph~~ subsection, the lake district ordinances are void.

19           **SECTION 30.** 30.81 (3) of the statutes is amended to read:

20           30.81 (3) LIABILITY OF LOCAL GOVERNMENT. All traffic on icebound, inland waters  
21 shall be at the risk of the traveler. An ordinance by any municipality or any public  
22 inland lake protection and rehabilitation district or town sanitary district that is  
23 enacted under this section permitting traffic on icebound inland waters shall not  
24 render the municipality or lake district or town sanitary district enacting the

1 ordinance liable for any accident to those engaged in permitted traffic while the  
2 ordinance is in effect.

3 **SECTION 31.** 30.92 (1) (b) of the statutes is amended to read:

4 30.92 (1) (b) "Governmental unit" means the department, a municipality, a  
5 ~~town~~ lake sanitary district, a public inland lake protection and rehabilitation district  
6 organized under ch. 33, the Milwaukee River revitalization council, the Lower  
7 Wisconsin State Riverway board, the Fox River management commission or any  
8 other local governmental unit, as defined in s. 66.299 (1) (a), that is established for  
9 the purpose of lake management.

10 **SECTION 32.** 31.385 (1) of the statutes is renumbered 31.385 (1m) and amended  
11 to read:

12 31.385 (1m) The department shall promulgate the rules necessary to  
13 administer a financial assistance program for municipalities ~~and~~, public inland lake  
14 protection and rehabilitation districts and lake sanitary districts for dam  
15 maintenance, repair, modification, abandonment and removal.

16 **SECTION 33.** 31.385 (1d) of the statutes is created to read:

17 31.385 (1d) In this section, "lake sanitary district" has the meaning given in  
18 s. 30.50 (4q).

19 **SECTION 34.** 31.385 (2) (c) 2. of the statutes is amended to read:

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

24 **SECTION 35.** 31.385 (3) of the statutes is amended to read:

1           31.385 (3) The department shall provide municipalities ~~and~~, public inland lake  
2 protection and rehabilitation districts and lake sanitary districts with technical  
3 assistance in conducting dam maintenance, repair, modification, abandonment and  
4 removal. The department shall coordinate the financial assistance program under  
5 this section with other related state and federal programs.

6           **SECTION 36.** 33.001 (2) (b) of the statutes is amended to read:

7           33.001 (2) (b) A state effort of research, analysis, planning and financing, and  
8 a local effort undertaken by ~~public inland lake protection and rehabilitation~~ districts  
9 and the Dane county lakes and watershed commission of planning and plan  
10 implementation are necessary and desirable and that the ~~local~~ districts should be  
11 formed by persons directly affected by the deteriorated condition of inland waters  
12 and willing to assist financially, or through other means, in remedying lake  
13 problems.

14           **SECTION 37.** 33.01 (8) of the statutes is amended to read:

15           33.01 (8) “Public inland lake” or “lake” means a lake, reservoir or flowage  
16 within the boundaries of the state that is accessible to the public via contiguous  
17 public lands or easements giving public access. “Lake” also includes any lake,  
18 reservoir or flowage within the boundaries of the state that is under the jurisdiction  
19 of a restructured district.

20           **SECTION 38.** 33.01 (9g) of the statutes is created to read:

21           33.01 (9g) “Restructured district” means a district for a lake that results from  
22 a conversion under s. 33.235 (1m), a formation under s. 33.235 (2) or a merger under  
23 s. 33.235 (3).

24           **SECTION 39.** 33.14 (3) of the statutes is amended to read:

1           33.14 (3) DEPARTMENT REVIEW. Within 21 days after receipt of the proposed plan  
2 and applications the department shall advise the lake district if additional  
3 information is needed to conduct its technical and environmental review of the  
4 proposal. If an environmental impact statement is required, the department shall  
5 complete its environmental impact review before taking final action on the proposed  
6 plan.

7           **SECTION 40.** 33.21 of the statutes is amended to read:

8           **33.21 Public inland lake protection and rehabilitation districts;**  
9 **purposes.** ~~Public inland lake protection and rehabilitation districts~~ Districts may  
10 be created for the purpose of undertaking a program of lake protection and  
11 rehabilitation of a lake or parts thereof within the district.

12           **SECTION 41.** 33.22 (4) of the statutes is amended to read:

13           33.22 (4) Districts shall not exercise the town sanitary district powers  
14 authorized under sub. (3) within the boundaries of an incorporated municipality  
15 unless the governing body of the municipality consents. In addition, districts shall  
16 not exercise town sanitary district powers in any territory included in an existing  
17 town sanitary district except by contract under s. 66.30 or unless the sanitary district  
18 merges into the ~~public inland lake protection and rehabilitation district~~ under s.  
19 33.235 (3).

20           **SECTION 42.** 33.23 (1) of the statutes is amended to read:

21           33.23 (1) The governing body of a municipality may by resolution establish a  
22 ~~public inland lake protection and rehabilitation~~ district if the municipality  
23 encompasses within its boundaries all the lake frontage of the public inland lake  
24 within this state. Except as provided under sub. (3), the governing body of the  
25 municipality which establishes the district shall perform the function of the board

1 of commissioners. For purposes of this subsection, "district" does not include a  
2 restructured district.

3 **SECTION 43.** 33.23 (2) of the statutes is amended to read:

4 33.23 (2) Establishment of lake districts by towns under this section shall  
5 conform to the procedures of ss. 33.25 and 33.26 except that the town clerk shall  
6 perform the functions of the county clerk and the town board shall perform the  
7 functions of the county board and in addition shall hold the hearing.

8 **SECTION 44.** 33.235 (title) of the statutes is amended to read:

9 **33.235** (title) **Conversion Restructured districts; conversion and**  
10 **merger of town sanitary districts.**

11 **SECTION 45.** 33.235 (1) of the statutes is renumbered 33.235 (1m) and amended  
12 to read.

13 33.235 (1m) A town board by resolution may convert a town sanitary district  
14 which encompasses all the frontage of a lake within its boundaries into a public  
15 ~~inland lake protection and rehabilitation~~ restructured district. The town sanitary  
16 district commissioners shall serve as the initial board of commissioners until the first  
17 annual meeting of the lake restructured district, at which time the commissioners  
18 shall be selected under s. 33.28. Conversion shall not affect any preexisting rights  
19 or liabilities of the town sanitary district. All such rights or liabilities shall be  
20 assumed automatically by the ~~newly created public inland lake protection and~~  
21 ~~rehabilitation~~ restructured district.

22 **SECTION 46.** 33.235 (1) of the statutes is created to read:

23 33.235 (1) In this section:

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

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

3 **SECTION 47.** 33.235 (2) of the statutes is amended to read:

4 33.235 (2) The commissioners of a town sanitary district that does not  
5 encompass all the frontage of a lake within its boundaries may, with approval of the  
6 town board, petition under s. 33.25 for the formation of a restructured district to  
7 include the territory of the existing sanitary district and any additional frontage on  
8 the lake that is deemed appropriate by the commissioners. The commissioners may  
9 sign the petition for the landowners in the sanitary district. If necessary to meet the  
10 requirements of s. 33.25, signatures of owners of land lying outside the sanitary  
11 district shall be obtained. ~~Creation~~ Formation of a restructured district that includes  
12 such additional territory shall not affect any preexisting rights or liabilities of the  
13 town sanitary district, and all these rights and liabilities shall be assumed  
14 automatically by the ~~newly created public inland lake protection and rehabilitation~~  
15 restructured district. The method by which these rights and liabilities are  
16 apportioned within the ~~newly created~~ restructured district shall be determined by  
17 the county board, and set out in the order issued under s. 33.26 (3) ~~creating~~ forming  
18 the restructured district.

19 **SECTION 48.** 33.235 (3) of the statutes is amended to read:

20 33.235 (3) ~~Town~~ A town sanitary districts district having boundaries  
21 coterminous or contiguous to a ~~public inland lake protection and rehabilitation~~ lake  
22 district may merge into the lake district. Merger is effected by approval of an  
23 identical merger resolution by a two-thirds vote of the commissioners of ~~each district~~  
24 the town sanitary district and the lake district, followed by ratification by a majority  
25 of those voting at an annual or special meeting of a the lake district and a majority

1 of those voting in a referendum of the town sanitary district under s. 60.785 (2).  
2 Merger may not become effective unless the town board which created the sanitary  
3 district approves the merger. The commissioners of each the town sanitary district  
4 and the district shall act jointly until the next annual or special meeting, whichever  
5 occurs first, of the restructured district at which time the board of the merged  
6 restructured district shall be created subject to the requirements under s. 33.28.  
7 Merger does not affect the preexisting rights or liabilities of the districts town  
8 sanitary district or the lake district. All these rights and liabilities are assumed  
9 automatically by the merged restructured district, but the method of discharging  
10 these rights or obligations shall be set out in the merger resolution.

11 **SECTION 49.** 33.235 (4) of the statutes is amended to read:

12 33.235 (4) Any restructured district ~~which results from the conversion of a town~~  
13 ~~sanitary district under sub. (1), the formation of a district from a preexisting town~~  
14 ~~sanitary district under sub. (2), or the merger with a town sanitary district under~~  
15 ~~sub. (3),~~ shall have all powers granted to districts under this chapter and to town  
16 sanitary districts under ch. 60, except the taxation power under s. 60.77 (6) (b). Such  
17 powers shall be exercised using the procedures and methods set out in this chapter.

18 **SECTION 50.** 33.24 of the statutes is renumbered 33.24 (2) and amended to read:

19 33.24 (2) The county board of any county may establish ~~public inland lake~~  
20 ~~protection and rehabilitation~~ districts within the county if the conditions stated in  
21 s. 33.26 are found to exist. Before a district that includes any portion of a city or  
22 village, may be formed under authority of this section, the city council or village  
23 board must have previously approved the inclusion of its territory within the  
24 boundaries of a proposed district.

25 **SECTION 51.** 33.24 (1) of the statutes is created to read:



1           33.24 (1) Notwithstanding s. 33.01 (3), in this section, “district” does not  
2 include a restructured district.

3           **SECTION 52.** 33.25 (1) (a) of the statutes is amended to read:

4           33.25 (1) (a) Before a county board may establish a district under s. 33.235 or  
5 33.24, a petition requesting establishment shall be filed with the county clerk,  
6 addressed to the board and signed by persons constituting 51% of the landowners or  
7 the owners of 51% of the lands within the proposed district. Governmental  
8 subdivisions, other than the state or federal governments, owning lands within the  
9 proposed district are eligible to sign such petition. A city council or village or town  
10 board may by resolution represent persons owning lands within the proposed district  
11 who are within its jurisdiction, and sign for all such landowners.

12           **SECTION 53.** 33.30 (1) of the statutes is amended to read:

13           33.30 (1) Every ~~public inland lake protection and rehabilitation~~ district shall  
14 have an annual meeting. Each annual meeting shall be scheduled during the time  
15 period between May 22 and September 8 unless scheduled outside those dates by  
16 majority vote of the previous annual meeting.

17           **SECTION 54.** 33.305 (1) of the statutes is amended to read:

18           33.305 (1) The board of commissioners of a ~~public inland lake protection and~~  
19 ~~rehabilitation~~ district may schedule a special meeting of the district at any time. The  
20 board of commissioners shall schedule a special meeting upon receipt of a petition  
21 signed by at least 10% of the electors and property owners in the district.

22           **SECTION 55.** 60.77 (5m) of the statutes is created to read:

23           60.77 (5m) **AUTHORITY TO ENACT ORDINANCES.** The commission may enact and  
24 enforce ordinances to implement the powers listed under sub. (5). The ordinances  
25 shall be published as a class 1 notice under ch. 985.

1           **SECTION 56.** 60.782 of the statutes is created to read:

2           **60.782 Power to act as a public inland lake protection and**  
3 **rehabilitation district.** (1) In this section, “public inland lake” means a lake,  
4 reservoir or flowage within the boundaries of the state that is accessible to the public  
5 via contiguous public lands or easements giving public access.

6           (2) A town sanitary district that has at least 60% of the footage of shoreline  
7 of a public inland lake within its boundaries for which a public inland lake protection  
8 and rehabilitation district is not in effect may do any of the following that is  
9 authorized by the commission:

10           (a) Create, operate and maintain a water safety patrol unit, as defined in s.  
11 30.79 (1) (b) 2.

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

14           (c) Appropriate money for the conservation of natural resources or for payment  
15 to a bona fide nonprofit organization for the conservation of natural resources within  
16 the district or beneficial to the district.

17           (d) Lease or acquire, including by condemnation, any real property situated in  
18 this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or 30.275  
19 (4).

20           (3) The commissioners of a town sanitary district that has the powers of a  
21 public inland lake protection and rehabilitation district under sub. (2) shall possess  
22 the powers of the board of commissioners of a public inland lake protection and  
23 rehabilitation district that are authorized by resolution of the town sanitary district.

24           **SECTION 57.** 66.119 (1) (a) of the statutes is amended to read:

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

5           **SECTION 58.** 66.119 (2) (a) of the statutes is amended to read:

6           66.119 (2) (a) Citations authorized under this section may be issued by law  
7           enforcement officers of the county, town, city, village, town sanitary district or public  
8           inland lake protection and rehabilitation district. In addition, the governing body  
9           of a county, town, city, village, town sanitary district or public inland lake protection  
10          and rehabilitation district may designate by ordinance or resolution other county,  
11          town, city, village, town sanitary district or public inland lake protection and  
12          rehabilitation district officials who may issue citations with respect to ordinances  
13          which are directly related to the official responsibilities of the officials. Officials  
14          granted the authority to issue citations may delegate, with the approval of the  
15          governing body, the authority to employes. Authority delegated to an official or  
16          employe shall be revoked in the same manner by which it is conferred.

17          **SECTION 59.** 66.119 (3) (c) of the statutes is amended to read:

18          66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
19          in court, the citation may serve as the initial pleading and the violator shall be  
20          considered to have tendered a plea of no contest and submitted to a forfeiture, the  
21          penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
22          (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
23          exceeding the amount of the deposit. The court may either accept the plea of no  
24          contest and enter judgment accordingly or reject the plea. If the court finds the  
25          violation meets the conditions in s. 800.093 (1), the court may summon the alleged

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

16 **SECTION 60.** 66.119 (3) (d) of the statutes is amended to read:

17 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
18 appear in court at the time specified in the citation, the court may issue a summons  
19 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
20 no contest and enter judgment accordingly if service was completed as provided  
21 under par. (e) or the county, town, city, village, town sanitary district or public inland  
22 lake protection and rehabilitation district may commence an action for collection of  
23 the forfeiture, penalty assessment and jail assessment and any applicable domestic  
24 abuse assessment. A city, village, town sanitary district or public inland lake  
25 protection and rehabilitation district may commence action under s. 66.12 (1) and a

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

13 **SECTION 61.** 66.119 (3) (e) of the statutes is amended to read:

14 66.119 (3) (e) A judgment may be entered under par. (d) if the summons or  
15 citation was served as provided under s. 968.04 (3) (b) 2. or by personal service by a  
16 county, town, city, village, town sanitary district or public inland lake protection and  
17 rehabilitation district employe.

18 **SECTION 62.** 66.12 (1) (a) of the statutes is amended to read:

19 66.12 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,  
20 village, town sanitary district or public inland lake protection and rehabilitation  
21 district is a civil action. All forfeitures and penalties imposed by any ordinance or  
22 bylaw of the city, village, town sanitary district or public inland lake protection and  
23 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in  
24 an action in the name of the city or village before the municipal court or in an action  
25 in the name of the city, village, town sanitary district or public inland lake protection

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

17 **SECTION 63.** 66.12 (1) (b) of the statutes is amended to read:

18 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
19 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
20 or all violations under those ordinances, and may designate the manner in which the  
21 stipulation is to be made and fix the penalty to be paid. When a person charged with  
22 a violation for which stipulation of guilt or no contest is authorized makes a timely  
23 stipulation and pays the required penalty and pays the penalty assessment imposed  
24 by s. 165.87, the jail assessment imposed by s. 302.46 (1) and any applicable domestic  
25 abuse assessment imposed by s. 973.055 (1) to the designated official, the person

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

20 **SECTION 64.** 66.12 (2) of the statutes is amended to read:

21 66.12 (2) APPEALS. Appeals in actions in courts of record to recover forfeitures  
22 and penalties imposed by any ordinance or bylaw of a city, village, town sanitary  
23 district or public inland lake protection and rehabilitation district may be taken  
24 either by the defendant or by the city, village, town sanitary district or public inland  
25 lake protection and rehabilitation district. Appeals from circuit court in actions to

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

8 **SECTION 65.** 66.12 (3) (b) of the statutes is amended to read:

9 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any  
10 ordinance or bylaw of any city, village, town, town sanitary district or public inland  
11 lake protection and rehabilitation district shall be paid into the city, village, town,  
12 town sanitary district or public inland lake protection and rehabilitation district  
13 treasury for the use of the city, village, town, town sanitary district or public inland  
14 lake protection and rehabilitation district, except as otherwise provided in par. (c),  
15 sub. (1) (b) and s. 165.87. The judge shall report and pay into the treasury, quarterly,  
16 or at more frequent intervals if so required, all moneys collected belonging to the city,  
17 village, town, town sanitary district or public inland lake protection and  
18 rehabilitation district, which report shall be certified and filed in the office of the  
19 treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one  
20 of which he or she shall file with the city, village or town clerk or with the town  
21 sanitary district or the public inland lake protection and rehabilitation district.

22 **SECTION 66.** 115.375 (2) (a) 1m. of the statutes is created to read:

23 115.375 (2) (a) 1m. "Lake sanitary district" has the meaning given in s. 30.50  
24 (4q).



1           **SECTION 67.** 115.375 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           115.375 (2) (a) 2. “Public agency” means a county, city, village, town, public  
4 inland lake protection and rehabilitation district, lake sanitary district or school  
5 district or an agency of this state or of a county, city, village, town, public inland lake  
6 protection and rehabilitation district, lake sanitary district or school district.

7           **SECTION 68.** 165.85 (2) (d) of the statutes is amended to read:

8           165.85 (2) (d) “Political subdivision” means counties, cities, villages, towns,  
9 town sanitary districts and public inland lake protection and rehabilitation districts.

10          **SECTION 69.** 814.63 (2) of the statutes is amended to read:

11          814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
12 violation of a county, town, city, village, town sanitary district or public inland lake  
13 protection and rehabilitation district ordinance, except an action for a safety belt use  
14 violation under s. 347.48 (2m), the county, town, city, village, town sanitary district  
15 or public inland lake protection and rehabilitation district shall pay a nonrefundable  
16 fee of \$5 to the clerk of circuit court.

17          **SECTION 70.** 814.63 (4) of the statutes is amended to read:

18          814.63 (4) In forfeiture actions in which a county, town, city, village, town  
19 sanitary district or public inland lake protection and rehabilitation district prevails,  
20 costs and disbursements shall be allowed to the county, town, city, village, town  
21 sanitary district or public inland lake protection and rehabilitation district subject  
22 only to sub. (2) and such other limitation as the court may direct.

23

(END)