



## 2005 ASSEMBLY BILL 299

April 7, 2005 - Introduced by Representatives GUNDERSON, ALBERS, BIES, FIELDS, GOTTLIEB, GUNDRUM, HAHN, HINES, HUNDERTMARK, JENSEN, KESTELL, KRAWCZYK, LEHMAN, MONTGOMERY, MOULTON, MURSAU, MUSSER, NISCHKE, OTT, PETTIS, SUDER, VOS, VRAKAS, WIECKERT, ZIEGELBAUER and ZEPNICK, cosponsored by Senators KAPANKE, LAZICH, STEPP, GROTHMAN and LASSA. Referred to Committee on Natural Resources.

1     **AN ACT to repeal** 59.692 (7), 66.0203 (10), 66.0213 (2) (b) and 66.0215 (7) (b); **to**  
2             **renumber** 66.0213 (2) (a) and 66.0215 (7) (a); and **to amend** 59.692 (6m),  
3             66.0217 (8) (a), 66.0219 (6) and 66.0223 (1) of the statutes; **relating to:** the  
4             effect of county shoreland zoning ordinances in territories annexed by cities,  
5             villages, or towns or incorporated as cities, or villages.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water.

Current law provides, with certain exceptions, that if a city, village, or town annexes a county shoreland area after a specified date and that area, before annexation, was subject to a county shoreland ordinance, then the county shoreland ordinance continues to be in effect and must be enforced by the annexing city, village, or town. This bill eliminates this requirement that the annexing city, village, or town continue to keep the ordinance in effect and enforce the ordinance.

Current law also provides that, if a territory is incorporated as a city or village, or if a town is incorporated as a fourth class city, and the incorporated territory is covered by a shoreland zoning ordinance, then that ordinance remains in force after incorporation. This bill eliminates the requirement that county shoreland zoning

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ordinances remain in force after a territory is incorporated as a city or village or after a town is incorporated as a fourth class city.

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

1           **SECTION 1.** 59.692 (6m) of the statutes is amended to read:

2           59.692 (**6m**) For an amendment to an ordinance enacted under this section that  
3 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a),  
4 the department may not proceed under sub. (6) ~~or (7) (b) or (e)~~, or otherwise review  
5 the amendment, to determine whether the ordinance, as amended, fails to meet the  
6 shoreland zoning standards.

7           **SECTION 2.** 59.692 (7) of the statutes is repealed.

8           **SECTION 3.** 66.0203 (10) of the statutes is repealed.

9           **SECTION 4.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

10          **SECTION 5.** 66.0213 (2) (b) of the statutes is repealed.

11          **SECTION 6.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

12          **SECTION 7.** 66.0215 (7) (b) of the statutes is repealed.

13          **SECTION 8.** 66.0217 (8) (a) of the statutes is amended to read:

14          66.0217 (**8**) (a) An ordinance for the annexation of the territory described in the  
15 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected  
16 members of the governing body not less than 20 days after the publication of the  
17 notice of intention to circulate the petition and not later than 120 days after the date  
18 of filing with the city or village clerk of the petition for annexation or of the  
19 referendum election if favorable to the annexation. If the annexation is subject to  
20 sub. (6) the governing body shall first review the reasons given by the department  
21 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~

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1 an An ordinance under this subsection may temporarily designate the classification  
2 of the annexed area for zoning purposes until the zoning ordinance is amended as  
3 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a  
4 temporary classification, the proposed classification shall be referred to and  
5 recommended by the plan commission. The authority to make a temporary  
6 classification is not effective when the county ordinance prevails during litigation as  
7 provided in s. 59.69 (7).

8 **SECTION 9.** 66.0219 (6) of the statutes is amended to read:

9 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim  
10 zoning ordinance to become effective only upon approval of the annexation at the  
11 referendum election may be enacted by the governing body of the city or village.  
12 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the  
13 classification of the annexed area for zoning purposes until the zoning ordinance is  
14 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance  
15 shall be referred to and recommended by the plan commission prior to introduction.  
16 Authority to make a temporary classification is not effective when the county zoning  
17 ordinance prevails during litigation as provided in s. 59.69 (7).

18 **SECTION 10.** 66.0223 (1) of the statutes is amended to read:

19 66.0223 (1) In addition to other methods provided by law and subject to sub.  
20 (2) and ~~ss. 59.692 (7) and s.~~ s. 66.0307 (7), territory owned by and lying near but not  
21 necessarily contiguous to a village or city may be annexed to a village or city by  
22 ordinance enacted by the board of trustees of the village or the common council of the  
23 city, provided that in the case of noncontiguous territory the use of the territory by  
24 the city or village is not contrary to any town or county zoning regulation. The  
25 ordinance shall contain the exact description of the territory annexed and the names

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1 of the towns from which detached, and attaches the territory to the village or city  
2 upon the filing of 7 certified copies of the ordinance in the office of the secretary of  
3 state, together with 7 copies of a plat showing the boundaries of the territory  
4 attached. Two copies of the ordinance and plat shall be forwarded by the secretary  
5 of state to the department of transportation, one copy to the department of  
6 administration, one copy to the department of natural resources, one copy to the  
7 department of revenue and one copy to the department of public instruction. Within  
8 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed  
9 or delivered to the clerk of the county in which the annexed territory is located.  
10 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

**SECTION 11. Initial applicability.**

11  
12 (1) This act applies retroactively to annexations that occurred after May 7,  
13 1982, and to incorporations that occurred after April 30,1994.

14 (END)