



2013 ASSEMBLY BILL 75

March 14, 2013 - Introduced by Representatives MURSAU, SWEARINGEN, BIES, BERNIER, BROOKS, CZAJA, ENDSLEY, KESTELL, KRUG, LEMAHIEU, SEVERSON and STROEBEL, cosponsored by Senators TIFFANY, MOULTON and GROTHMAN. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT to repeal** 59.692 (7), 66.0203 (10), 66.0213 (2) (b), 66.0215 (7) (b) and
2 66.0216 (8) (b); **to renumber** 66.0213 (2) (a), 66.0215 (7) (a) and 66.0216 (8) (a);
3 and **to amend** 59.692 (6m), 66.0217 (8) (a), 66.0219 (6) and 66.0223 (1) of the
4 statutes; **relating to:** the applicability of a county shoreland zoning ordinance
5 in a shoreland area annexed by, or incorporated as, a city or village.

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 or village 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 or village. This bill eliminates this requirement that the annexing city or village continue to keep the ordinance in effect and enforce the ordinance.

Current law also provides that, if a shoreland area that is part of a town is incorporated as a city or village after a specified date, then a county shoreland zoning ordinance that covered that shoreland area before incorporation remains in effect.

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This bill eliminates the requirement that county shoreland zoning ordinances remain in force after a shoreland area is incorporated as a city or village.

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), (3) (a), or
4 (4) (a), the department may not proceed under sub. (6) ~~or (7) (b) or (c)~~, or otherwise
5 review the amendment, to determine whether the ordinance, as amended, fails to
6 meet the 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.** 66.0216 (8) (a) of the statutes is renumbered 66.0216 (8).

14 **SECTION 9.** 66.0216 (8) (b) of the statutes is repealed.

15 **SECTION 10.** 66.0217 (8) (a) of the statutes is amended to read:

16 66.0217 **(8)** (a) An ordinance for the annexation of the territory described in the
17 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
18 members of the governing body not less than 20 days after the publication of the
19 notice of intention to circulate the petition and not later than 120 days after the date
20 of filing with the city or village clerk of the petition for annexation or of the
21 referendum election if favorable to the annexation. If the annexation is subject to

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1 sub. (6) the governing body shall first review the reasons given by the department
2 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~
3 ~~an An~~ ordinance under this subsection may temporarily designate the classification
4 of the annexed area for zoning purposes until the zoning ordinance is amended as
5 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a
6 temporary classification, the proposed classification shall be referred to and
7 recommended by the plan commission. The authority to make a temporary
8 classification is not effective when the county ordinance prevails during litigation as
9 provided in s. 59.69 (7).

10 **SECTION 11.** 66.0219 (6) of the statutes is amended to read:

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

20 **SECTION 12.** 66.0223 (1) of the statutes is amended to read:

21 66.0223 (1) In addition to other methods provided by law and subject to sub.
22 (2) and ss. ~~59.692 (7),~~ 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying
23 near but not necessarily contiguous to a village or city may be annexed to a village
24 or city by ordinance enacted by the board of trustees of the village or the common
25 council of the city, provided that in the case of noncontiguous territory the use of the

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1 territory by the city or village is not contrary to any town or county zoning regulation.
2 The ordinance shall contain the exact description of the territory annexed and the
3 names of the towns from which detached, and attaches the territory to the village or
4 city upon the filing of 7 certified copies of the ordinance in the office of the secretary
5 of state, together with 7 copies of a plat showing the boundaries of the territory
6 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
7 of state to the department of transportation, one copy to the department of
8 administration, one copy to the department of natural resources, one copy to the
9 department of revenue and one copy to the department of public instruction. Within
10 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
11 or delivered to the clerk of the county in which the annexed territory is located.
12 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

SECTION 13. Nonstatutory provisions.

14 (1) Shoreland territory in a city or village that was made subject to a county
15 shoreland zoning ordinance under section 59.692 (7) (a), 2011 stats., section 59.692
16 (7) (ad), 2011 stats., section 66.0203 (10), 2011 stats., section 66.0213 (2) (b), 2011
17 stats., section 66.0215 (7) (b), 2011 stats., or section 66.0216 (8) (b), 2011 stats., is not
18 subject to that county shoreland zoning ordinance on or after the effective date of this
19 subsection.

20 (END)