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AN ACT to repeal, renumber and amend various provisions of the statutes for the purpose of deleting obsolete provisions relating to towns in Milwaukee county.

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

SECTION 1. 60.18 (19) of the statutes is repealed.

SECTION 2. 60.19 (1) (a) of the statutes is amended to read:

60.19 (1) (a) Biennially, in the odd-numbered years, at the annual town meeting there shall be elected in each town the following officers * * * : 3 supervisors, one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, an assessor (the number of assistant assessors or which the town board before such election * * * made provision), so many constables, not exceeding 3, as * * * were ordered by the last preceding annual town meeting. * * * No person not an elector of the town shall hold any town office, and no person shall hold the offices of treasurer and assessor at the same time. The electors may at referendum election held at the time of any regular or special election, vote to combine the offices of assessor and clerk to take effect at the expiration of the current terms of such officers. No assessor shall be elected in towns appointing such officers * * * under subs. (2) and (3).

SECTION 3. 60.19 (2), (3) and (4) of the statutes are renumbered 60.19 (3), (4) and (2), respectively, and as so renumbered are amended to read:

60.19 (2) The electors of any town * * * may request a referendum as provided in *sub.* (2) to select assessors by appointment. Selection shall be under any one of the following 3 options: (a) If such town has a civil service system, the assessor shall be chosen in accordance therewith; (b)

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If such town has no civil service system, the town board may by ordinance adopt one * * * *under s. 66.19 (2)* for the selection of assessors; (c) If such town does not adopt a civil service system for selection of assessors, the town board shall appoint them on the basis of merit, experience and general qualifications, fix the salary and the term of office which shall not exceed 3 years. * * *

(3) (a) The * * * request for a referendum to select town assessors under * * * *sub. (2)* shall be by petition signed by at least 15 per cent of the whole number of electors voting therein for governor at the last preceding general election. When such petition is filed with the town clerk at least 20 days prior to a general or special town election, the question shall be submitted to the electors as a referendum at such election, proper notice shall be given, and the question shall abide the majority vote of the electors of such town.

* * * (b) The town board may determine the number of assessors or assistant assessors required and the salaries to be paid * * *. *If the assessors and assistant assessor are appointed under civil service, the salaries shall be within the civil service salary schedule and appointments shall be from the civil service lists.* The initial appointees shall take office at the expiration of the terms of the last elected assessor or assessors.

* * * (c) The town board shall on or before March 15 prior to the commencement of the term of such officers and of each year thereafter, certify to the town treasurer the name or names of such assessor and assistants and the salaries to be paid to said persons, and the town treasurer shall periodically issue a check on the town treasury for the payment of such salaries on a semi-monthly basis.

(4) When any town has established a system for the selection of assessors and assistant assessors as provided in sub. * * * (3), such system shall not be repealed for a period of 6 years after the initial appointees take office thereunder and thereafter it may be repealed only by a referendum initiated and conducted by like proceedings as provided in sub. * * * (3) for the adoption thereof.

SECTION 4. 60.29 (23), (28), (36) and (38) of the statutes are repealed.

SECTION 5. 60.33 (4a) of the statutes is repealed.

SECTION 6. 60.60 (1) of the statutes is amended to read:

60.60 (1) The compensation of town supervisors and town clerks * * * shall be fixed by the annual town meeting at not less than \$5 nor more than \$12 per day. The compensation of the town treasurer shall be \$5 per day unless a different sum per day is fixed by the annual town meeting. In lieu of a per diem compensation, the annual town meeting may establish an annual salary for town supervisor, clerk and treasurer. At the per diem so established, the annual town meeting may fix the rate for parts of a day actually and necessarily devoted by them to the service of the town and in the discharge of any of the duties of supervisor, clerk and treasurer required of them by law.

SECTION 7. 60.60 (2) of the statutes is repealed.

SECTION 8. 60.61 of the statutes is amended to read:

60.61 In all towns * * * having an assessed valuation of \$4,000,000 or more, town assessors shall be paid such compensation for their services as may be allowed them by the annual town meeting. In all other towns such compensation if not fixed by the annual town meeting shall be not less than \$5 per day. * * * This section shall not apply in towns selecting assessors and assistant assessors under * * * s. 60.19 (2) and (3).

SECTION 9. 60.65 (4) to (7) of the statutes are repealed.

SECTION 10. 60.72 (1a) of the statutes is repealed.

SECTION 11. 66.19 (2) (b) of the statutes is amended to read:

66.19 (2) (b) Any town not having a civil service system and having exercised the option of placing assessors under civil service pursuant to s. 60.19 (2) * * * may proceed under s. 60.29 (1) to establish a civil service system for assessors as provided in sub. (1).

SECTION 12. 80.03 (1) and (2) of the statutes are amended to read:

80.03 (1) * * * No town highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery; or through or upon any structure, yard or enclosure used for educational or charitable purposes.

(2) Without the consent of the owner no town highway * * * shall be laid out through or upon any garden or orchard or any building or fixture used for trade or manufacture or any other building or fixture or the yard or enclosure necessary to the use thereof, when the damage thereby caused thereto, exclusive of the damage to the land, exceeds \$300.

SECTION 13. 80.03 (3) of the statutes is repealed.

Approved March 11, 1963.
