

# State of Wisconsin



2003 Assembly Bill 85

Date of enactment:  
Date of publication\*:

## 2003 WISCONSIN ACT

AN ACT *to amend* 59.692 (7) (ad) (intro.), 66.0231 and 66.1001 (3) (a); and *to create* 66.0216 of the statutes; **relating to:** the incorporation of the town of Campbell in LaCrosse County as a village.

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

**SECTION 1.** 59.692 (7) (ad) (intro.) of the statutes is amended to read:

59.692 (7) (ad) (intro.) Provisions of a county shoreland zoning ordinance that are enacted under this section that were applicable, prior to incorporation, to any shoreland area that is part of a town that incorporates as a city or village under s. 66.0203, 66.0211, 66.0213 or 66.0215, or 66.0216 after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village unless any of the following occurs:

**SECTION 2.** 66.0216 of the statutes is created to read:

**66.0216 Incorporation of certain towns surrounded by navigable waterways.** (1) PETITION. If the resident population of a town exceeds 4,000, as shown by the most recent federal census or by a census under sub. (2), the town is wholly contained within a land area not exceeding 15 square miles, the land area is surrounded by navigable waterways, the equalized valuation of the town exceeds \$125,000,000, and a petition signed by at least 100 persons, each of whom is an elector and taxpayer of the town, requesting submission of the question to the electors of the town, is filed with the town clerk, the procedure for becoming a village under this section is initi-

ated. The procedure under this section may be used only with respect to an area that constitutes an entire town. If at the time of the filing of the incorporation petition any portion of the town is subject to a prior annexation proceeding by an incorporated municipality, that portion of the town shall be detached from the town if the annexation is determined to be valid either as a result of the failure of the town, or a resident of the town, to have filed a valid legal objection or by final judgment. If the annexation is determined by final judgment to be invalid, the territory that is subject to the annexation shall become part of the village formed under this section.

(2) REFERENDUM. At the next regular meeting of the town board following the filing of the petition under sub. (1), the town board by resolution shall provide for a referendum by the electors of the town. The resolution shall conform to the requirements of s. 5.15 (1) and (2) and shall determine the numbers and boundaries of each ward of the proposed village and the time of voting, which may not be earlier than 6 weeks after the adoption of the resolution. The resolution may direct that a census be taken of the resident population of the territory on a day not more than 10 weeks before the date of the election, exhibiting the name of every head of a family and the name of every person who is a resident in good faith of the territory on that day, and the lot or quarter section of land on which that person resides, which shall be verified by the affixed affidavit of the person taking the census.

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(3) NOTICE OF REFERENDUM. The town clerk shall publish the resolution adopted under sub. (2) in a newspaper published in the town. If no newspaper is published in the town, the town clerk shall publish the resolution in a newspaper designated in the resolution. The town clerk shall publish the resolution once a week for 4 successive weeks, the first publication to be not more than 4 weeks before the referendum.

(4) VOTING PROCEDURE. The referendum shall be conducted in the same manner as elections for town board supervisors. The question appearing on the ballot shall be "Shall the town of .... become a village?" Below the question shall appear 2 squares. To the left of one square shall appear the words "For a village" and to the left of the other square shall appear the words "Against a village." The inspectors shall make a return to the town clerk.

(5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast in favor of a village, the town clerk shall certify that fact to the secretary of state, together with the result of the census under sub. (2), if any, 4 copies of a description of the legal boundaries of the town, and 4 copies of a plat of the town. The secretary of state shall issue a certificate of incorporation and record the certificate in a book kept for that purpose. The secretary of state shall provide 2 copies of the description and plat to the department of transportation and one copy to the department of revenue.

(6) VILLAGE POWERS. A village incorporated under this section is a body corporate and politic, with the powers and privileges of a municipal corporation at common law and conferred by ch. 61.

(7) EXISTING ORDINANCES. (a) Ordinances in force in the territory or any part of the territory, to the extent not

inconsistent with ch. 61, continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory continues in force until altered under s. 59.692 (7) (ad).

(8) INTERIM OFFICERS, FIRST VILLAGE ELECTION. Section 66.0215 (8) and (9), as it applies to a town that is incorporated as a city under s. 66.0215, applies to a town that is incorporated as a village under this section.

**SECTION 3.** 66.0231 of the statutes is amended to read:

**66.0231 Notice of certain litigation affecting municipal status or boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227 or 66.0307 or other sections relating to an incorporation, annexation, consolidation, dissolution or detachment of territory of a city or village is contested by instigation of legal proceedings, the clerk of the city or village involved in the proceedings shall file with the secretary of state 4 copies of a notice of the commencement of the action. The clerk shall file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments that are required under this section may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the department of transportation 2 copies and to the department of revenue and the department of administration one copy each of any notice of action or judgment filed with the secretary of state under this section.

**SECTION 4.** 66.1001 (3) (a) of the statutes is amended to read:

66.1001 (3) (a) Municipal incorporation procedures under s. 66.0201, 66.0203 ~~or~~, 66.0215, or 66.0216.