

# State of Wisconsin



2005 Assembly Bill 299

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

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

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

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

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

**SECTION 2.** 59.692 (7) of the statutes is repealed.

**SECTION 3.** 66.0203 (10) of the statutes is repealed.

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

**SECTION 5.** 66.0213 (2) (b) of the statutes is repealed.

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

**SECTION 7.** 66.0215 (7) (b) of the statutes is repealed.

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

66.0217 (8) (a) An ordinance for the annexation of the territory described in the annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected members of the governing body not less than 20

days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (6) the governing body shall first review the reasons given by the department that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7), an An~~ ordinance under this subsection may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make a temporary classification is not effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

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

66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim zoning ordinance to become effective only upon approval of the annexation at the referendum election may be enacted by the governing body of the city or village. ~~Subject to s. 59.692 (7), the The~~ ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning

\* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

ordinance is amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance shall be referred to and recommended by the plan commission prior to introduction. Authority to make a temporary classification is not effective when the county zoning ordinance prevails during litigation as provided in s. 59.69 (7).

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

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

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

**SECTION 11. Initial applicability.**

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

---