



2011 ASSEMBLY BILL 178

June 13, 2011 - Introduced by Representatives BROOKS, SPANBAUER, JACQUE, LEMAHIEU, KERKMAN, VRUWINK, KESTELL, MURTHA and CRAIG, cosponsored by Senators KEDZIE, SCHULTZ, HOLPERIN and GALLOWAY. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to amend* 236.45 (2) (ac) and 236.45 (2) (b); and *to create* 236.45 (2) (c)
2 of the statutes; **relating to:** the authority of a county to enact ordinances
3 governing certain land divisions.

Analysis by the Legislative Reference Bureau

Current law specifies whether a city, village, town, or county has the right to approve or object to a plat (the map of a subdivision) or certified survey map. If a subdivision or land lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village, the governing body of the city or village (municipality) has the right to approve the plat or certified survey map under its extraterritorial plat approval jurisdiction, as well as the board of the town within which the subdivision or land lies and the planning agency of the county within which the subdivision or land lies if the planning agency employs on a full-time basis a professional engineer, a planner, or another person charged with administering zoning or other planning legislation.

Also under current law, the area over which a municipality has extraterritorial zoning jurisdiction is the same area over which it has extraterritorial plat approval jurisdiction. The statutes provide a process whereby a municipality and the town in which the municipality has extraterritorial zoning jurisdiction form a joint committee, which consists of three municipal members and three town members, to review any district zoning plan and regulations that the municipality is proposing for all or part of the area within its extraterritorial zoning jurisdiction. The

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municipality may adopt a proposed plan and regulations only if a majority of the joint committee approve the proposed plan and regulations.

This bill prohibits a county from enacting any ordinance that governs the subdivision or other division of land located in an area of the extraterritorial plat approval jurisdiction of a municipality that is covered by a district zoning plan and regulations approved by a joint committee of the municipality and town within which the land is located.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 236.45 (2) (ac) of the statutes is amended to read:

2 236.45 (2) (ac) ~~To~~ Subject to par. (c), to accomplish the purposes listed in sub.
3 (1), any municipality, town, or county that has established a planning agency may
4 enact ordinances governing the subdivision or other division of land that are more
5 restrictive than the provisions of this chapter, except that no ordinance may modify
6 in a more restrictive way time limits, deadlines, notice requirements, or other
7 provisions of this chapter that provide protections for a subdivider.

8 **SECTION 2.** 236.45 (2) (b) of the statutes is amended to read:

9 236.45 (2) (b) ~~This~~ Subject to par. (c), this section and any ordinance adopted
10 pursuant thereto shall be liberally construed in favor of the municipality, town or
11 county and shall not be deemed a limitation or repeal of any requirement or power
12 granted or appearing in this chapter or elsewhere, relating to the subdivision of
13 lands.

14 **SECTION 3.** 236.45 (2) (c) of the statutes is created to read:

15 236.45 (2) (c) 1. No county may enact an ordinance governing the subdivision
16 or other division of land located in an area that is within the extraterritorial plat
17 approval jurisdiction of a municipality and that is subject to an extraterritorial plan

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1 or regulations, or amendments thereto, adopted by the governing body of the
2 municipality under s. 62.23 (7a) (c).

3 2. If a county has in effect on the effective date of this subdivision [LRB
4 inserts date], an ordinance or resolution that is inconsistent with subd. 1., the
5 ordinance or resolution does not apply and may not be enforced.

6 (END)