State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-5842/2
EVM:klm

2025 ASSEMBLY BILL 885

January 16, 2026 - Introduced by Representatives HURD, ARMSTRONG, DITTRICH, KITCHENS, KREIBICH, MELOTIK, MOSES, MURSAU, O'CONNOR, SUMMERFIELD and SWEARINGEN, cosponsored by Senators TESTIN, JACQUE, MARKLEIN and STAFSHOLT. Referred to Committee on Local Government.

AN ACT ***to renumber and amend*** 236.45 (3) (b); ***to create*** 236.45 (3) (b) 1. to 4. and 236.45 (7) of the statutes; **relating to:** limitations on extraterritorial subdivision ordinances of incorporated municipalities.

Analysis by the Legislative Reference Bureau

Current law generally authorizes cities and villages (incorporated municipalities) to exercise subdivision regulation authority in certain areas that are outside of the boundaries of the city or village (extraterritorial land regulation jurisdiction). The extraterritorial land regulation jurisdiction consists of unincorporated areas (town territory) within three miles of the corporate limits of a first, second, or third class city or within 1.5 miles of a fourth class city or a village.

This bill specifies that incorporated municipalities may not deny approval of subdivision of land in an extraterritorial land regulation jurisdiction based on 1) the proposed use of the land, 2) specifications related to public improvements on the land, 3) land division design standards, or 4) an agreement or lack of agreement related to the annexation of the land. The bill also provides that in any action brought by a town to enforce any of these provisions, if the town is the prevailing party, the town is entitled to have its reasonable attorney fees reimbursed by the incorporated municipality.

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

SECTION 1. 236.45 (3) (b) of the statutes is renumbered 236.45 (3) (b) (intro.) and amended to read:

236.45 **(3)** (b) (intro.) Notwithstanding par. (a) and subs. (1) and (2), a municipality may not deny approval of a plat or certified survey map under this section or s. 236.10 or 236.13 ~~on the basis of the proposed use of land~~ within the extraterritorial plat approval jurisdiction of the municipality~~, unless the denial is based on a plan or regulations, or amendments thereto, adopted by the governing body of the municipality under s. 62.23 (7a) (c).~~ <u>on the basis of any of the following:</u>

SECTION 2. 236.45 (3) (b) 1. to 4. of the statutes are created to read:

236.45 **(3)** (b) 1. The proposed use of the land.

2. Specifications related to public improvements on the land.

3. Land division design standards.

4. An agreement or lack of agreement related to the annexation of the land.

SECTION 3. 236.45 (7) of the statutes is created to read:

236.45 **(7)** ATTORNEY FEES IN CERTAIN ACTIONS. In any action brought by a town to enforce sub. (3) (b), the town is entitled to recover reasonable attorney fees if the town is the prevailing party.

(END)