

Dempsey Law

ISSUE 01 / WINTER 2026

The Municipal Brief

By Alex R. Ackerman

Greetings, and Happy New Year from the Dempsey Law Municipal Team.

As we begin 2026, we want to thank everyone who attended our Public Records and Open Meetings Law training in December. We appreciate your time and engagement, and we look forward to offering additional trainings on practical topics that arise in day-to-day municipal operations.

We also are launching a new quarterly series: The Municipal Brief. Each quarter, we will publish a newsletter focused on timely municipal issues and common problems we see in practice. Our goal is simple: to keep our municipalities informed and prepared.

Our first edition addresses two recent Acts that were passed: 2025 Wisconsin Act 68 and 2025 Act 71.



2025 Act 68

This Act makes several changes to the plat review process, including revisions to the purpose and legislative-intent sections of Wisconsin Statutes chapter 236. This Act is particularly important for municipalities that administer their own subdivision ordinances. The Act is not effective until July 1, 2026, so municipalities will have time to make the necessary amendments to their ordinances.

- **REVISED STATEMENT OF PURPOSE FOR CHAPTER 236**

Act 68 expands and updates the purpose section of chapter 236. The revised purpose emphasizes public health, safety, and general welfare; orderly land use; transportation access and safety (including “complete streets” concepts); housing variety; and proper provision for public infrastructure and services.

- **PRE-SUBMISSION REVIEW**

Act 68 requires municipalities to provide subdividers the opportunity to meet for a nonbinding, pre-submission review. Many municipalities already do this through a pre-application or concept-planning conference. This meeting is intended to be informal. It allows the subdivider to present the general concept early, and it allows the municipality to identify potential issues before significant time and expense are invested. No formal review or approvals occur at this stage. Because Act 68 makes providing this opportunity mandatory, municipalities should confirm that their existing procedures satisfy the new statutory requirement.

- **INSTALLATION OF PUBLIC IMPROVEMENTS AND FINANCIAL SECURITY**

Under current law, a municipality may require the subdivider to install public improvements reasonably necessary for the development or to provide security to ensure completion within a reasonable time. Act 68 revises this framework. It permits municipalities to require the subdivider to agree to install reasonably necessary public improvements and to provide financial security ensuring completion within a reasonable time after plat approval. Act 68 also clarifies what municipalities may not require. A municipality may not require the installation or acceptance of public improvements as a condition of submitting, reviewing, approving, or recording a preliminary or final plat. In addition, Act 68 provides that local building permits for home sites meeting applicable building codes, zoning ordinances, and other regulations must be released upon substantial completion of public improvements. Permits may not be withheld solely because public improvements are not fully completed or formally accepted.

- **RECORDING OF PLATS AND APPROVAL CERTIFICATION**

Act 68 provides that a preliminary plat that has obtained required approvals (or is deemed approved) is entitled to be recorded with the register of deeds. It also requires the approving authority to certify approval on the face of the plat within 10 days after the subdivider submits the plat with all required certificates and affidavits.

We can help you address these changes. If your municipality has a subdivision ordinance, we can review it with Act 68 in mind and recommend any amendments needed before July 1, 2026.

If your municipality does not already have a subdivision ordinance in place, this new Act makes adopting one more important than ever. A subdivision ordinance is what allows a municipality to require public improvements and financial guarantees *before* development begins and provides the legal foundation for development agreements. Without it, municipalities are far more vulnerable to incomplete infrastructure, resident complaints, and unplanned financial exposure when lots are sold and homes are occupied before a project is finished.

In light of these statutory changes, now is the time to evaluate whether your subdivision regulations are in place and up to date.

2025 Act 71

Act 71 modifies several procedures related to town government. The Act was enacted in December 2025 and includes changes affecting town offices. Three changes are particularly significant:

- **APPOINTED CLERK OR TREASURER (ALL TOWNS)**

Under existing law, any town may convert the offices of clerk and treasurer to appointed offices if the town board enacts an ordinance to that effect that is subsequently approved by the electors at a referendum election. Further, under prior law, towns with populations of 2,500 or more could forego the referendum process and instead convert these offices to appointed by a vote of the electors at a town meeting. The Act expands that authority by allowing a town of any size to provide, by vote of the town meeting, for the appointment of the clerk and treasurer. Towns no longer need to have a population of 2,500 or more to follow the town meeting process.

- **DEPUTIES NEED NOT BE TOWN RESIDENTS**

Act 71 expands the authority of town clerks and treasurers to appoint deputies, allowing them to appoint individuals who are not residents of the town. This provides towns greater flexibility in staffing and succession planning, particularly where it is difficult to recruit qualified residents.

- **VACANCIES**

Under prior law, if a person was appointed by the town board to the office of town clerk, town treasurer, or the combined position of clerk-treasurer, the person could not take office until the expiration of the incumbent's term. Act 71 clarifies that an appointed person may take office when there is a vacancy, as provided under existing law. Act 71 also allows a town board to provide that combining the clerk and treasurer offices takes effect either (1) immediately as both positions become vacant or (2) if the person appointed to the combined office holds one of the offices to be combined, immediately upon a vacancy in the other office.

We hope you find this first edition helpful. We will continue to publish quarterly updates on timely municipal issues and recurring problems we see in practice. If you have questions about Act 68, Act 71, or how these changes affect your municipal ordinances and procedures, please contact us. We are happy to help.

Dempsey Law

EST. 1849

Trust a team that understands municipal government from the inside out.



MATTHEW B.
PARMENTIER



LEE D.
TURONIE



KENYA L.
WILSON



CALEB M.
VENZKE



ALEX R.
ACKERMAN

The Municipal Brief is provided for informational purposes only. It does not constitute legal advice for any specific situation and is not intended to be a comprehensive discussion of the topics addressed. Because each situation is unique, you should not rely solely on this information when making legal decisions. Please consult legal counsel if you have questions.



DEMPSEY LAW

920-235-7300

www.dempseylaw.com

DE PERE

2079 Lawrence Drive,
Suite C
De Pere, WI 54115

FOND DU LAC

10 Forest Avenue
Suite 200
Fond du Lac, WI 54935

OSHKOSH

210 N. Main Street
Suite 100
Oshkosh, WI 54901

WAUPUN

95 S. Harris Avenue
Suite 201
Waupun, WI 53963

WAUSAU

500 N. 3rd Street
Suite 420
Wausau, WI 54403