

## Classes of Cities

Wisconsin law divides cities into four classes for purposes relating to governmental administration and the exercise of corporate power. The division is based on population as determined by the last federal decennial census or a special interim census. The four classes of cities are as follows:

Cities of one hundred and fifty thousand population and over constitute cities of the first class.

Cities of thirty-nine thousand and less than one hundred and fifty thousand population constitute cities of the second class.

Cities of ten thousand and less than thirty-nine thousand population constitute cities of the third class.

Cities of less than ten thousand population constitute cities of the fourth class.

A city changes from one class of city to another only when all of the following conditions are met:

- (1) a federal census shows that the city's population has reached the required population;
- (2) provisions for any necessary changes in government have been duly made; and
- (3) a proclamation by the mayor (manager), declaring the change, has been published under ch. 985, Stats.

Presently, the City of Milwaukee is the only first class city in Wisconsin. There are twelve cities of the second class, twenty-five cities of the third class and 152 cities of the fourth class.

There are cities, such as Madison, whose populations would permit their inclusion in a higher or lower classification but which have not taken the two discretionary steps necessary to alter their official classification.

## Distinctions Among Classes of Cities

For the most part, few differences exist between the structures of government in the first three classes of cities. Moreover, since all Wisconsin cities have home rule powers, both constitutional and statutory, the basic governmental powers of all classes of cities are essentially the same.

The greatest discrepancies in structure and authority exist between first class cities and the other classes of cities. In 1921, the legislature repealed all special city charters except the City of Milwaukee's and provided that cities would subsequently operate under ch. 62 of the Wisconsin statutes. The City of Milwaukee, at its discretion, was authorized to adopt the provisions of ch. 62, Stats., by simple ordinance. However, the legislature did not refer to the City of Milwaukee by name but rather as a "city of the first class." Over the years, special grants of authority and other provisions relating to cities of the first class have been adopted with only the City of Milwaukee in mind. These laws include ch. 119, Stats., relating to the "Milwaukee school system;" sec. 62.50, Stats., governing police and fire departments in first class cities; sec. 62.73, Stats., relating to discontinuance of streets in first class cities; secs. 74.81, 74.83 and 74.87, Stats., authorizing first class cities to sell land for nonpayment of taxes; and secs. 65.01 to 65.20, Stats., relating to municipal budget systems in first class cities. Fourth class cities have extraterritorial zoning and plat approval jurisdiction for only one and one-half miles beyond their corporate boundaries as contrasted with three miles for other classes of cities. Certain regulations with respect to firefighters also differ for fourth class cities. Library boards in fourth-class cities consist of seven members while library boards in cities of the second or third class consist of nine members. Library boards in first class cities consist of twelve members. With respect to shared revenue and other financial provisions of the Wisconsin statutes, distinctions are based on population rather than class of city. In recent years little use has been made of class distinctions among cities except with respect to Milwaukee, the state's only first class city. Therefore, the act of changing from one class of city to another, except for the change from a second to a first class city, will have a relatively minor effect on the structure or powers of city government.