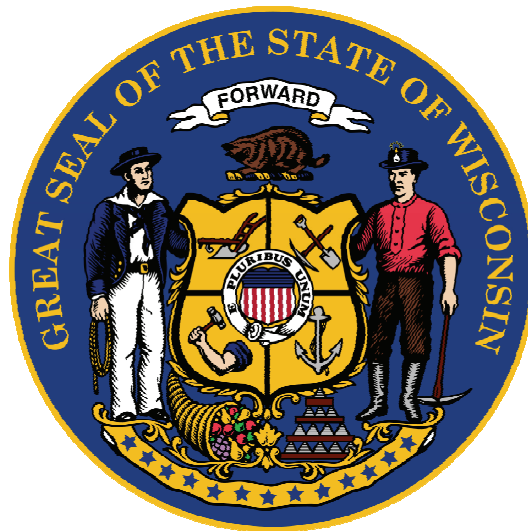


***State Law
in
Wisconsin
affecting
Local Codes & Ordinances***



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INTRODUCTION

State law changes in Wisconsin impact many provisions in the ordinance codes of Wisconsin municipalities. This pamphlet is intended to assist municipal attorneys in the identification of provisions in ordinance codes that may require revision in light of state law. The information in this pamphlet is based upon the experience of the legal staff of Municipal Code Corporation in working with the ordinance codes of Wisconsin municipalities.

This pamphlet is current through 2009 Act 319, Act 321, Acts 323--325, Acts 327--339, and Acts 341--361, published May 27, 2010.

Not all provisions of this pamphlet will apply to your Code, nor does this pamphlet purport to include all state laws that may somehow affect the language of your Code.

The provisions of this pamphlet are intended to assist municipal attorneys and are not intended to be a substitute for the advice of counsel.

It is not the intent of Municipal Code Corporation in publishing this pamphlet to provide legal advice. An attorney admitted to practice in Wisconsin must be consulted as to the applicability of a given statute or case to a particular situation.

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Prepared by

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ADMINISTRATION

1. *Terms of appointed village officers.* Villages may regulate whether appointed officers serve until their successors are appointed and qualified. See Wis. Stats. § 61.23(1).
2. *Formalities for written instruments in villages.* Villages may alter by ordinance certain formalities for contracts, conveyances, commissions, licenses or other written instruments. See Wis. Stats. § 61.50(1).
3. *Terms of appointed city officers.* Cities may regulate whether appointed officers serve until their successors are appointed and qualified. See Wis. Stats. § 62.09 (5)(e).

BUILDING AND BUILDING REGULATIONS

1. *Wind energy systems.* Local regulation of wind energy systems has been further restricted. See Wis. Stats. § 66.0401 et seq.

EMERGENCY MANAGEMENT

1. *Recodification.* The provisions of Wis. Stats. ch. 166 have been recodified and amended and are found in Wis. Stats. ch. 323.

HUMAN RIGHTS

1. *Housing discrimination.* The scope of local housing discrimination prohibitions have been expanded. See Wis. Stats. § 66.1011.

NUISANCES

1. *Weeds.* Local regulatory authority over weeds considered noxious has been altered. See Wis. Stats. § 66.0407.

OFFENSES AND MISCELLANEOUS PROVISIONS

1. *Juveniles.* Persons who have attained the age of 17 are not juveniles for purpose of ordinance violations. See Wis. Stats. § 938.02(10m).

2. *Sport shooting ranges.* A sport shooting range may continue operating notwithstanding certain ordinances or an expansion or enhancement or improvement to the range. See Wis. Stats. § 895.527(4).

SIGNS

1. *Political signs.* Wis. Stats. § 12.04(4)(b) has been altered so that all municipalities may regulate the size, shape or placement of certain political signs on residential property.

SUBDIVISIONS

1. *More restrictive requirements prohibited.* Local government subdivision ordinances cannot modify in a more restrictive way time limits, deadlines, notice requirements, or other provisions of Wis. Stats. ch. 236 that provide protections for a subdivider.

WATERWAYS

1. *Watercraft speed.* In its ordinances enacted under Code of Virginia, § 30.77, a city, village, town, public inland lake protection and rehabilitation district, or a town sanitary district may alter in certain specified manners the restriction on motorboat speed near the shoreline of a lake. See Wis. Stats. § 30.66(3)(ag)2.