

# WISCONSIN STATE LAW PAMPHLET

## INTRODUCTION

State laws 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 2017 Act 367.

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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## **ADMINISTRATION**

1. *Employee residency requirements.* Employee residency requirements are restricted. See Wis. Stats. § 66.0502.
2. *Official bonds.* Bonding of certain village and city officials is now optional. If a bond is not required, a dishonesty insurance policy or other appropriate insurance policy is required. See Wis. Stats. §§ 61.25, 61.26, 61.28, 62.09(4)(b), and 755.03.
3. *Class 2 and 3 notices.* Requirements for second and third insertions for class 2 and class 3 notices have been altered. See Wis. Stats. § 985.075.

## **BUILDINGS AND BUILDING REGULATIONS**

1. *Multifamily dwelling code.* Local authority to regulate construction of multifamily dwellings is restricted. See Wis. Stats. § 101.02(7), (7r), and (7w).
2. *One- and two-family dwelling code.* Ordinances relating to the construction and inspection of one- and two-family dwellings must conform to Wis. Stats. ch. 101, subch. II. See Wis. Stats. § 101.65.
3. *Residential landlords.* Ordinances regulating residential rental units are restricted. See Wis. Stats. § 66.0104.

## **BUSINESSES**

1. *Professions.* Local occupational fees or licensing requirements for professionals are restricted. See Wis. Stats. § 66.0408.
2. *Environmental, occupational health and safety professions.* No city, village, town, or county may enact an ordinance or adopt a resolution that restricts the use of a title or a representation described in Wis. Stats. § 100.70(1)(a) through (h). See Wis. Stats. § 66.0439.
3. *Transportation network companies (Uber).* Local regulation of transportation network companies is restricted. See Wis. Stats. § 440.465.

## **ENVIRONMENT**

1. *Solid and hazardous waste facilities.* Local regulation of solid and hazardous waste facilities is restricted. See Wis. Stats. § 289.33.
2. *Containers for food, merchandise, etc.* Local regulations of containers for food, merchandise, etc., are restricted. See Wis. Stats. § 66.0419.

## **FIRE PREVENTION AND PROTECTION**

1. *Christmas trees in churches.* No county, city, village, or town may enact or enforce an ordinance related to fire safety that prohibits the seasonal placement of a Christmas tree in a church. See Wis. Stats. § 101.02(7e).

## **HEALTH**

1. *Restaurants and food sales.* Local regulation of food protection practices in restaurants and of food sales is restricted. See Wis. Stats. §§ 66.0417, 66.0418, and 66.0436.

## **OFFENSES AND MISCELLANEOUS PROVISIONS**

1. *Juveniles.* Persons who have attained the age of 17 years are not juveniles for the 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, enhancement, or improvement to the range. See Wis. Stats. § 895.527(4).

3. *Transmission lines.* Local regulation of transmission lines is restricted. See Wis. Stats. § 182.017.
4. *Firearms.* Local regulation of firearms is restricted. See Wis. Stats. § 66.0409.
5. *Hemp.* Local regulation of hemp is restricted. See Wis. Stats. § 961.32(3).

#### **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. See Wis. Stats. § 236.45(2).

#### **TRAFFIC AND VEHICLES**

1. *All-terrain vehicles and utility terrain vehicles.* Authority to regulate all-terrain vehicles and utility terrain vehicles has been expanded. See Wis. Stats. § 23.33(11).

#### **WATERWAYS**

1. *Watercraft.* Local ordinances regulating watercraft are restricted. See Wis. Stats. § 30.77.

#### **ZONING**

1. *Community living arrangements, group homes, foster homes, etc.* Local regulation of community living arrangements, group homes, foster homes, etc., is restricted. See Wis. Stats. §§ 59.69(15), 60.63, and 62.23(7)(i).

2. *Variances for nonconforming structures.* The power to require variances for certain nonconforming structures is restricted. See Wis. Stats. §§ 59.69(10e)(b), 60.61(5e)(b), and 62.23(7)(de).