

WISCONSIN STATE LAW PAMPHLET

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 2015 Act 392.

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.

Copyright

This state law pamphlet is copyrighted by Municipal Code Corporation. Copyright is not claimed as to any part of the original work prepared by a state government officer or employee as part of that person's official duties. No part of this state law pamphlet may be copied, downloaded, stored in a retrieval system, further transmitted, or otherwise reproduced, stored, disseminated, transferred, or used, in any form for commercial purposes, without the express written consent of Municipal Code Corporation.

Prepared by:

Roger D. Merriam, Senior Code Attorney

Copyrighted material.

Municipal Code Corporation. 2016.

ADMINISTRATION

1. *Employee residency requirements.* Employee residency requirements are restricted. See Wis. Stats. § 66.0502.

BUILDING AND BUILDING REGULATIONS

1. *Multifamily Dwelling Code.* Local authority to regulate construction of multifamily dwellings is restricted. See Wis. Stats. § 101.02(7m), (7r).
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.
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.

EMERGENCY MANAGEMENT

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

ENVIRONMENT

1. *Solid and hazardous waste facilities.* Local regulation of solid and hazardous waste facilities is restricted. See Wis. Stats. § 289.33.

HEALTH

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

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).
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.

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.

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)(f), 60.63(7), and 62.23(7)(i)6.