

**CITY OF STEVENS POINT  
PUBLIC PROTECTION COMMITTEE AGENDA  
Monday, April 11, 2016 – 6:20 P.M.  
(or immediately following previously scheduled meeting)  
Lincoln Center, 1519 Water Street**

**[A quorum of the City Council may attend this meeting]**

**Discussion and Possible Action on the Following:**

1. License List:
  - A. New Operator's (Bartender's) Licenses.
  - B. Temporary Class "B" / "Class B" (Picnic) License:
    - i. St. Stephen's Church, 1401 Clark Street, Stevens Point, for St. Stephen Family Fest on June 19, 2016 at 1335 Clark Street. Licensed operator on premise: Gary Marquard (Beer and Wine).
    - ii. St. Peter's Parish Picnic Committee, 800 Fourth Ave, Stevens Point, for St. Peter's Parish Picnic on June 11 and June 12, 2016 at 708 First Street. Licensed operator on premise: Gene Kemmeter (Beer and Wine).
    - iii. Wisconsin League of Musky Anglers, 1816 Julie Lane, Stevens Point, for Wisconsin League of Musky Angler Sign Up Meeting at the Pfiffner Building, 501 Franklin Street. Licensed operator on premise: Josef Wojchicholski (Beer Only).
2. Request to Hold Event/Street Closings:
  - A. Special Olympics State Summer Games – June 9-11, 2016. Closure of portions of Reserve Street and Illinois Avenue.
  - B. Stevens Point Police Officers Organization – Run from the Cops 5K on September 24, 2016. Closure of a portion of Church St.
3. Appeal of service charge for property maintenance violation at 2400 Nebel Street.
4. Ordinance Amendment: Reauthorization and amendment of the Chronic Nuisance Premises ordinance, section 24.51 of the RMC.
5. Ordinance Amendment: Creating section 12.14(h) related to alcohol sales at small grocery stores.
6. Ordinance Amendment: Creating section 21.16(c) of the RMC related to licensing the keeping of chickens, ducks, and rabbits.
7. City's rental licensing program – Statutory update.
8. Adjournment.

RMC – Revised Municipal Code

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

**LICENSE LIST**  
**PUBLIC PROTECTION COMMITTEE**  
**Monday, April 11, 2016**

**\*\*PROVISIONAL OPERATOR LICENSE:**

- |     |                           |  |
|-----|---------------------------|--|
| 1.  | BACIAK, KATY J            | 2525 SUNSET BLVD #7, STEVENS POINT, WI 54481         |
| 2.  | LUCE, TAYLOR C            | 1824 COLLEGE AVE, STEVENS POINT, WI 54481            |
| 3.  | SCHROEDER, TIMOTHY S      | 1116 NORTH POINT DRIVE #A2, STEVENS POINT, WI 54481  |
| 4.  | KELK, CAROLYN M           | 925 MARIA DR, STEVENS POINT, WI 54481                |
| 5.  | ZVOLENA, THRESA A         | 6805 A STATE HWY 66, CUSTER, WI 54423                |
| 6.  | DUNCAN, MARISSA A         | 305 MICHIGAN AVE APT 4, STEVENS POINT, WI 54481      |
| 7.  | SCHLEGEL, STEPHANIE MARIE | 1600 BRENDA AVENUE, PLOVER, WI 54467                 |
| 8.  | GAVESKE, JEREMY J         | 2525 FOURTH AVE APT 8, STEVENS POINT, WI 54481       |
| 9.  | HEBERT, CHRISTOPHER J     | 1120 SUNSET BLVD #1, STEVENS POINT, WI 54481         |
| 10. | HOOVER, ELIZABETH M       | 1801 MARIA DR #443, STEVENS POINT, WI 54481          |
| 11. | BOLF, JORDAN M            | 2509 STANLEY STREET, STEVENS POINT, WI 54481         |
| 12. | REEVES, TYLER J           | 2901 FIFTH AVE BLDG D APT 3, STEVENS POINT, WI 54481 |
| 13. | ANDERSON, SAMANTHA J      | 2540 FIFTH AVE #2, STEVENS POINT, WI 54481           |
| 14. | BONACK, MARY E            | 1200 RIVER VIEW AVE, STEVENS POINT, WI 54481         |
| 15. | BAUMAN-STRUNK, SHANNON M  | 126 JOHN STREET, AMHERST, WI 54406                   |

**TEMPORARY CLASS "B" / "CLASS B" LICENSE (PICNIC):**

1. **St. Stephen's Church**, 1401 Clark Street, Stevens Point, for St. Stephen Family Fest on June 19, 2016 at 1335 Clark Street. Licensed operator on premise: Gary Marquard. (Beer and Wine)
2. **St. Peter's Parish Picnic Committee**, 800 Fourth Ave, Stevens Point, for St. Peter's Parish Picnic on June 11 and June 12, 2016 at 708 First Street. Licensed operator on premise: Gene Kemmeter. (Beer and Wine)
3. **Wisconsin League of Musky Anglers**, 1816 Julie Lane, Stevens Point, for Wisconsin League of Musky Angler Sign Up Meeting at the Piffner Building, 501 Franklin Street. Licensed operator on premise: Josef Wojchieholski. (Beer Only)

**\*\*ISSUANCE OF ANY LICENSE IS CONTINGENT UPON APPLICANTS COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SEC. 125.17(16), WISCONSIN STATUTES.**



March 11, 2016

John Moe  
Stevens Point City Clerk  
1515 Strongs Ave  
Stevens Point, WI 54481

RECEIVED

MAR 23 2016

CITY CLERKS  
OFFICE

Dear Mr. John Moe;

Special Olympics Wisconsin State Summer Games will be held this year on Thursday, June 9 thru Saturday, June 11 on the University of Wisconsin - Stevens Point campus.

To provide for the safety of the participants and other visitors, the Special Olympics Summer Games Committee would like to close Reserve Street from Maria Drive south to Fourth Avenue and also would like to close Illinois Avenue from Maria Drive south to the entrance of UWSP's parking lot Q. We would need to close Reserve Street at 8:00 p.m. on Wednesday, June 8<sup>th</sup> to provide adequate time and space for the production equipment to begin setup early Thursday morning. We would need to close Illinois Avenue at 5:00 p.m. on Thursday, June 9<sup>th</sup>. The roads would remain closed until 3pm on Saturday, June 11<sup>th</sup>.

Throughout the games, semitrailers, classic cars, and other display items will be setup on the west side of Reserve Street. The east side of the street would contain no displays and still be accessible by emergency vehicles if necessary.

Our games management committee is hopeful we can work with the City of Stevens Point's Streets Division to arrange the delivery of barricades and barrels. After delivery, the committee will take responsibility for set-up and removal of them.

If you have any questions or concerns, please contact me at [bwhitehead@specialolympicswisconsin.org](mailto:bwhitehead@specialolympicswisconsin.org) or 608-442-5661.

Thank you for your support of Special Olympics.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Whitehead", written in a cursive style.

Bob Whitehead  
Vice President of Program Services



# STEVENS POINT POLICE OFFICERS ORGANIZATION



TO: John Moe - Stevens Point City Clerk  
FROM: Stevens Point Police Officers Organization (SPPOO)  
RE: "Run from the Cops 5K" fundraiser event  
DATE: 3-18-2016

The Stevens Point Police Officer's Organization (SPPOO) is asking permission to hold a 5k run within the city limits as a fundraiser for our organization and also to help support other groups in the jurisdiction we serve. The Family Friendly event will also promote health and wellness within our area.

This event is planned for Saturday September 24, 2016 and will begin at 10:00am. We will be taking registration from the applicants online and in person up to the day of the race.

The route of the 5k run will be as follows:

- **START** on the N/E side of the Courthouse Building in the 1500 block of Church Street.
- N/W on Church Street to Arlington Place. Turn S/W
- S/W onto Arlington Place
- Arlington Place to the Green Circle Trail in the 900 block of Arlington Place. Turn North
- North onto the Green Circle Trail to Clark Street
- Continue N/W on the Green Circle Trail through the Pfiffner Pioneer Park to Bukolt Park
- Upon arrival in Bukolt Park, continue up to the bridge over the Bukolt Lagoon. Turn East onto the bridge
- Once over the bridge, turn South and follow Bukolt Avenue out of Bukolt Park to Forest Street. Turn South
- South on Forest Street to Franklin Street. Turn East
- East on Franklin Street to Crosby Avenue. Turn South
- South on Crosby Avenue to Water Street. Continue South
- South on Water Street to Clark Street.
- Continue S/E on Water Street to Arlington Place. Turn N/E
- N/E on Arlington Place to Church Street. Turn S/E
- **FINISH** in the 1500 block of Church Street on the N/E side of the Police Station.

This route will require the temporary closing of the 1500 Block of Church Street for the safety of the participants and spectators. The event will be staffed by Off-Duty SPPOO members, Stevens Point Auxiliary Police and other volunteers to assist at all the intersections and along the route to assure the safety of participants. The route will be well marked and traffic control barricades, cones and barrels will be utilized. The 5k run should last between two and three hours.

The SPPOO respectfully requests that this event and route be approved by the Public Protection Commission.

Please contact me for any questions or concerns.

Respectfully submitted,

Ted Wanta  
715-346-1500  
[twanta@stevenspoint.com](mailto:twanta@stevenspoint.com)

RE: ID # 16-00212

Roger Dasler  
2400 Nebel St.  
Stevens Point, WI 54481  
715-240-0454

To the Public Protection Committee,

I am contacting you regarding a recent notification of a fine for failure to remove a rubbish pile at 2400 Nebel St. We did have this pile removed and most of it was completed by 3/08, however we had to borrow a truck to haul the brush and it required repairs. The truck was not available again until 3/12. We only had a Christmas tree and one more load to haul and completed that on 3/12. One last item of note is that the brush pile was here when we purchased the house. My neighbor and I did add a few things to the pile, but I just didn't realize it was an issue. We had been using it as a wood source for evening campfires during the summer.

I am requesting this fine be waived. We did our best to comply and will prevent any future buildup of brush or rubbish in the yard.

I have been given 30 days to make payment for the fine, so if you are able to expedite this review, I would greatly appreciate it.

- ID # 16-00212
- Date of failure to comply: 03/11/16
- Date all rubbish was removed: 03/12/16
- Reason for not having all rubbish removed: Truck broke down on Tuesday, got it fixed on Wednesday but couldn't borrow it again until Saturday morning.

Thank you for your consideration,

Roger Dasler

**Case ID #:** 16-00212

**Case Description:** Accumulation of yard waste/brush – Ordinance 21.03 (10)

**Date Issued:** February 26<sup>th</sup> 2016 (*Courtesy Notice*) March 11<sup>th</sup> 2016 (*Correction Order & Fee*)

**Address:** 2400 Nebel Street, City of Stevens Point

On February 24<sup>th</sup> 2016, a complaint came into the Inspection Department regarding brush and debris piles located in the area of Michigan Court in the City of Stevens Point. I, Ordinance Control Officer Dan Trelka with the City of Stevens Point, spoke to a caller, who wished to remain anonymous, regarding the violation(s).

The caller advised that multiple piles of brush were present in the area, which could be seen from the Walgreens parking lot. Caller stated, *"There's at least two piles of brush and debris which make the neighborhood look like trash. The one home has just thrown their Christmas tree into the yard instead of disposing of it."* I asked the caller if they could provide any address information to help pinpoint the location of the violation(s) and they could not. I advised the caller that an inspection of the area would occur on Friday February 26<sup>th</sup> (2-26-16).

Upon inspection of the area on February 26<sup>th</sup> (2-26-16), three properties along Michigan CT. were observed to contain piles of brush and yard waste and/or debris as well as one home along Nebel Street, 2400 Nebel Street – identified by building identification numbers/address numbers. Inspection of the property resulted in a series of four pictures being taken (*see attached dated images*). On the same day, February 26<sup>th</sup> (2-26-16), an order to correct the violation was issued (*see attached orders*) with a deadline of correction of March 11<sup>th</sup> 2016 (3-11-16).

On March 11<sup>th</sup> a re-inspection of the property took place. Upon re-inspection, it was observed that majority of the brush/yard waste had been removed and the Christmas tree remained present on the property. Photos of the existing yard waste were taken (*see attached dated photos*). A second notice was sent to the property owner accompanied by a service charge of \$100.00. No contact was made on behalf of the property owner prior to the charge being issued.

Contact from the property owner occurred after having received the service charge. Owner was advised to fill out the appeals form included with the notice and submit it to the Public Protection Committee for review.



Dan Trelka  
Ordinance Control Officer, Inspection Department  
City of Stevens Point

Date: April 4<sup>th</sup> 2016

City of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481-3594



Community Development Department  
Ph: (715) 346-1567  
Fax: (715) 346-1498

February 26, 2016

COPY

ID #: 16-00212

Y900  
ROGER E DASLER  
2400 NEBEL ST  
STEVENS POINT, WI 54481-6704

**NOTICE FOR CORRECTING VIOLATION(S):  
ACCUMULATION OF RUBBISH OR GARBAGE AT 2400 NEBEL ST.**

Dear ROGER E DASLER:

An inspection of the property located at 2400 NEBEL St. was made on Feb 26, 2016. As a result of this inspection, the condition described below was observed:

**Condition: A pile of brush/yard waste was observed to be present on the property. This is prohibited by City Ordinance 21.03 (10) which states, "No person shall suffer, permit or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises."**

**The brush/yard waste must be removed and disposed of properly.**

The condition described above is in violation of MC 21.03(4) of the Stevens Point Municipal Code, which states, every owner or occupant of a premise or premise unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner. Storage of recyclables and refuse shall not be visible from the street and cannot be stored between any structure and the street except on collection days.

**This is your official notice that you will need to bring the property into compliance by properly disposing of all rubbish and/or refuse prior to Mar 11, 2016.**

**Failure to abate the violation(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, including, but not limited to the issuance of a citation and/or the abatement by the City with the costs of abatement being assessed against the real estate as a special charge.**

Your cooperation in this matter is greatly appreciated. If we can be of further assistance to you, or can answer any questions regarding this matter, please contact this office at (715) 346-1567.

Sincerely,

City of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481-3594



Community Development Department  
Ph: (715) 346-1567  
Fax: (715) 346-1498

March 11, 2016

ID #: 16-00212

ROGER E DASLER  
2400 NEBEL ST  
STEVENS POINT, WI 54481-6704

Y900  
OK DT 3/28/16

COPY

**NOTICE AND ORDER FOR CORRECTING VIOLATION(S):  
ACCUMULATION OF RUBBISH OR GARBAGE AT 2400 NEBEL ST.**

Dear ROGER E DASLER:

An inspection of the property located at 2400 NEBEL St. was made on Mar 11, 2016. As a result of this inspection, the condition described below was observed:

**Condition: A pile of brush/yard waste was observed to be present on the property. This is prohibited by City Ordinance 21.03 (10) which states, "No person shall suffer, permit or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises."**

**The brush/yard waste must be removed and disposed of properly.**

**PLEASE NOTE, YOU WILL BE CHARGED A \$100.00 SERVICE FEE FOR THE INSPECTION AND ISSUANCE OF THIS ORDER.**

The condition described above is in violation of MC 21.03(4) of the Stevens Point Municipal Code, which states, every owner or occupant of a premise or premise unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner. Storage of recyclables and refuse shall not be visible from the street and cannot be stored between any structure and the street except on collection days.

**This is your official notice that you will need to bring the property into compliance by properly disposing of all rubbish and/or refuse prior to Mar 25, 2016.**

Failure to abate the violation(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, including, but not limited to the issuance of a citation and/or the abatement by the City with the costs of abatement being assessed against the real estate as a special charge.

Your cooperation in this matter is greatly appreciated. If we can be of further assistance to you, or can answer any questions regarding this matter, please contact this office at (715) 346-1567.

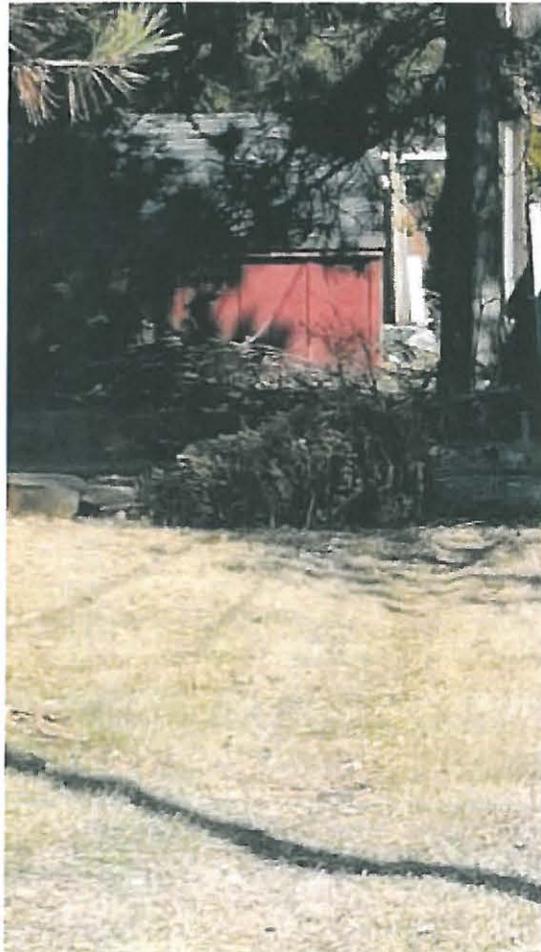
Sincerely,

**Photos Taken:** February 26<sup>th</sup> 2016 (2-26-16) – 4 Photos Total





**Photos Taken:** March 11<sup>th</sup> 2016 (3-11-16) – 2 Photos Total



**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

**SECTION I:** That Section 24.51 of the Revised Municipal Code of the City of Stevens Point, Chronic Nuisance Premises, is hereby **reauthorized** in accordance with Subsection 24.51(10).

**SECTION II:** That Subsection 24.51(10) of the Revised Municipal Code of the City of Stevens Point, Sunset Clause, is hereby **repealed**.

APPROVED: \_\_\_\_\_  
Mike Wiza, Mayor

ATTEST: \_\_\_\_\_  
John Moe, City Clerk

Dated: April 6, 2016  
Approved: April 18, 2016  
Published: April 22, 2016

**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF  
STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

**SECTION I:** That Subsection 12.14(4)(h) of the Revised Municipal Code of the City of Stevens Point is hereby **created** as follows:

12.14(4) (g) That the provisions of Section 12.14(4) shall not apply to any premises less than 15,000 square feet in size provided that all products governed by Chapter 12 of the Revised Municipal Code of the City of Stevens Point are locked securely in an area inaccessible to customers between the hours of 9:00pm and 6:00am.

APPROVED: \_\_\_\_\_  
Mike Wiza, Mayor

ATTEST: \_\_\_\_\_  
John Moe, City Clerk

Dated: April 5, 2016  
Approved: April 18, 2016  
Published: April 22, 2016

**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF  
STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

**SECTION I:** That Subsection 21.16(c) of the Revised Municipal Code is hereby **created** to read as follows:

21.16 (c) Chickens, Ducks, and Rabbits

1. Any person may apply for a permit to keep up to five (5) chickens, ducks, or rabbits under this subsection.
2. Permits under this subsection may be issued by the City Clerk's office, provided that the following conditions are met:
  - a. The applicant has registered with the Wisconsin Department of Agriculture, Trade and Consumer Protection as a "Livestock Premises Registration Application."
  - b. The applicant provides a written description and drawings of the proposed enclosure and its placement on the applicant's property.
  - c. The applicant certifies that he or she shall abide by the following restrictions:
    - i. No roosters shall be kept.
    - ii. No animals shall be slaughtered upon the applicant's premises.
    - iii. The animals shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
    - iv. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
    - v. That the provisions of RMC 21.16(b)1.a. through 21.16(b)1.f. shall be satisfied.
  - d. Any permit issued under this subsection may be revoked by affirmative vote of the Common Council at any time upon application by the Building Inspector and a showing that the permit holder is in violation of one or more of the provisions of subsection c.

**SECTION II:** This ordinance shall take effect upon passage and publication, as provided by law.

APPROVED:\_\_\_\_\_

Mike Wiza, Mayor

ATTEST:

\_\_\_\_\_  
John Moe, City Clerk

Dated: April 5, 2016  
Approved: April 18, 2016  
Published: April 22, 2016



# Memo

**Michael Ostrowski, Director**

Community Development

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

Ph: (715) 346-1567 • Fax: (715) 346-1498

mostrowski@stevenspoint.com

To: Public Protection Committee  
From: Michael Ostrowski  
CC:  
Date: April 6, 2016  
Subject: City's Rental Licensing Program

Currently, the City of Stevens Point licenses rental units with 3 or more units, or units that have 4 or more unrelated individuals within a single unit. Section 21.11 of the Revised Municipal Code of the City of Stevens Point, which regulates the licensing of multiple family dwellings is attached.

Recently, the State enacted some changes regarding the ability for municipalities to have a licensing and/or inspection program. These changes were part of *2015 Wisconsin Act 176*, which is attached. The relative sections within the Act are highlighted in the attached document, and also indicated below:

## **2015 WISCONSIN ACT 176**

**SECTION 8.** *66.0104 (2) (e) of the statutes is created to read:*

*66.0104 (2) (e) No city, village, town, or county may enact an ordinance that does any of the following:*

*1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of regularly scheduled inspections conducted in compliance with s. 66.0119, as applicable, or as required under state or federal law.*

*2. Charges a fee for conducting an inspection of a residential rental property unless all of the following are satisfied:*

*a. The amount of the fee is uniform for residential rental inspections.*

*b. The fee is charged at the time that the inspection is actually performed.*

*3. Charges a fee for a subsequent reinspection of a residential rental property that is more than twice the fee charged for an initial reinspection.*

*4. Except as provided in this subdivision, requires that a rental property or rental unit be certified, registered, or licensed. A city, village, town, or county may require that a rental unit be registered if the registration consists only of providing the name of the owner and an authorized contact person and an address and telephone number at which the contact person may be contacted.*

**SECTION 9.** *66.0104 (2) (f) of the statutes is created to read:*

*66.0104 (2) (f) No city, village, town, or county may impose an occupancy or transfer of tenancy fee on a rental unit.*

**SECTION 10.** *66.0104 (2) (g) of the statutes is created to read:*

*66.0104 (2) (g) 1. Except as provided in subs. 2. and 3., no city, village, town, or county may enact an ordinance that requires a residential rental property owner to register or obtain a certification or license related to owning or managing the residential rental property.*

*2. Subdivision 1. does not apply to an ordinance that applies uniformly to all residential rental property owners, including owners of owner-occupied rental property.*

*3. Subdivision 1. does not prohibit a city, village, town, or county from requiring that a landlord be registered if the registration consists only of providing the name of the landlord and an authorized contact person and an address and telephone number at which the contact person may be contacted.*

Given these amendments, there may be some possible changes to the City's rental licensing program. At the April meeting, I would like to have a general discussion regarding the current ordinance, and the potential changes due to *2015 Wisconsin Act 176*.

## CHAPTER 21

### BUILDING AND PREMISES MAINTENANCE AND OCCUPANCY

#### Section

- 21.01 General Provisions
- 21.02 Definitions
- 21.03 Responsibilities of Owners and Occupants
- 21.04 Minimum Standards for Basic Equipment and Facilities
- 21.05 Minimum Standards for Light and Ventilation
- 21.06 Minimum Thermal Standards
- 21.07 General Requirements Relating to the Safe and Sanitary - Maintenance of Premises
- 21.08 Maximum Density, Minimum Space, Use and Location Requirements
- 21.09 Adoption of Plans of Inspection by the Building Insp.
- 21.10 Inspections: Powers and Duties of the Building Insp.
- 21.11 Licensing of the Operation of Multiple Dwellings
- 21.12 Rules and Regulations
- 21.13 Notice of Violation
- 21.14 Penalties
- 21.15 Repairs and Other Corrective Action: Demolition
- 21.16 Applications for Reconsideration; Conference; Hearings; Appeals
- 21.17 Emergencies
- 21.18 Conflict of Ordinances; Effect of Partial Invalidity
- 21.19 Abatement of Graffiti

(3) The Building Inspector and the owner, occupant, or other person in charge of a premise subject to this ordinance may agree to an inspection by appointment.

(4) The owner, occupant, or other person in charge of a premise, upon presentation of proper identification by the Building Inspector and a copy of any relevant plan of inspection pursuant to which entry is sought, shall give the Building Inspector entry and free access to every part of the premise surrounding any of these.

(5) The Building Inspector shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged.

(6) If any owner, occupant, or other person fails or refuses to permit free access and entry to the structure or premise under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Building Inspector may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements, petition and obtain such order from a court of competent jurisdiction.

(a) When required, the Building Inspector shall obtain a warrant to inspect.

(b) Any person who refuses to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

#### **21.11 LICENSING OF THE OPERATION OF MULTIPLE DWELLINGS.**

(1) No person shall operate a multiple dwelling unit containing three (3) or more units or four (4) or more unrelated persons in a unit unless he holds a current, unrevoked operating license issued by the Building Inspector in his name for the specific-named multiple dwelling.

(2) Every operating license shall expire as of December 31st of each year and new licenses issued prior to that date shall be on a prorated basis.

(3) The Building Inspector is hereby authorized upon application therefore to issue new operating licenses and renewals thereof, in the names of applicant owners or operators of multiple dwellings. No such license shall be issued unless the multiple dwelling, in connection with which the license is sought, meets all requirements of this ordinance and of applicable rules and regulations pursuant thereto.

(4) No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefore on an application form provided by the Building Inspector. The Building Inspector shall develop such forms and make them available to the public.

(5) No operating license shall be issued or renewed unless the applicant owner or operator agrees in this application to such inspections pursuant to subsections 21.09 and 21.10(1) as the Building Inspector may require to determine whether the multiple dwelling in connection with which such license is sought is in compliance with the provisions of this ordinance and with applicable rules and regulations pursuant thereto.

(6) No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee in the amount indicated in the most recently Common Council adopted Department of Community Development Fee Schedule.

(7) No operating license shall be issued or renewed for a non-resident applicant unless such applicant designates in writing to the Building Inspector the name of his agent for the receipt of notice that there is a violation of the provisions of this ordinance and for service of process pursuant to this ordinance and satisfies the Building Inspector that such agent can adequately perform the responsibilities required by this ordinance.

(8) No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this ordinance and for service of process pursuant to this ordinance, when said applicant is absent from the City of Stevens Point for thirty (30) or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person residing in the City of Stevens Point as his agent for this purpose.

(9) No operating license shall be issued or renewed unless the City Treasurer certifies that personal property taxes are paid.

(10) No operating license shall be renewed unless an application therefor has been made prior to the expiration of the present operating license.

(11) Each license shall be displayed in a conspicuous place within the common ways of the multiple dwelling. No license shall be transferable to another person or to another multiple dwelling. Every person holding an operating license shall give notice in writing to the Building Inspector within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such multiple dwelling.

(12) Whenever, upon inspection of the licensed multiple dwelling, the Building Inspector finds that conditions or practices exist which are in violation of the provisions of this ordinance or of any applicable rules and regulations pursuant thereto, he may serve the owner or operator with notice of such violation in the manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within a reasonable time, the operation license may be suspended.

(13) At the end of the time he has allowed for correction of any violations cited, the Building Inspector shall reinspect the multiple dwelling and if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.

(14) Any person whose license to operate a multiple dwelling and who has been notified under subsection 21.11(12) shall be entitled to a reconsideration of the order for a formal hearing in the manner hereinafter provided by this ordinance. If no request for reconsideration or petition for hearing reaches the Building Inspector before the end of the specified reasonable consideration period, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection upon a showing that the violation or violations cited in the notice have been corrected.

(15) If, upon reinspection, the Building Inspector finds that the multiple dwelling in connection with which the notice was issued is now in compliance with this ordinance and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the suspension period unless the Building Inspector grants such request.

(16) Any person who is licensed to operate a multiple dwelling shall be deemed to have given consent to bear responsibility for the following tenant violations:

(a) violations not occurring inside the dwelling including but without limitation because of specific enumeration, snow removal violations, yard and lawn maintenance violations, garbage and sanitation violations, and building exterior violations, and vehicle parking violations after warning to the owner and after the Building Inspector determines it is unfeasible for him to immediately remove such vehicle;

(b) excessive noise;

(c) sanitation, plumbing, electrical, heating, and structural violations;

(17) An operating license may be denied or repealed if any licenseholder habitually permits, suffers, or allows violation of this ordinance, nor shall any new license be issued unless all of the following conditions exist:

(a) the use would not substantially harm the public health, safety, or general welfare;

(b) the use would be consistent with surrounding uses;

(c) the use is consistent with this ordinance, the Zoning Ordinance, and any municipal plan.

(18) "Habitually" for the purpose of this ordinance shall be defined as:

(a) 3 violations per calendar year for a building containing ten (10) or less occupants;

(b) 6 violations per calendar year for a building containing eleven (11) to twenty (20) occupants;

(c) 9 violations per calendar year for a building containing twenty-one (21) to thirty (30) occupants;

(d) 10 violations per calendar year for a building containing thirty-one (31) or more occupants.

The Committee may consider, at any license revocation or denial hearing, the previous record and nature of violations issued to premises or occupants.

21.12 RULES AND REGULATIONS. The Building Inspector is hereby authorized to make, adopt, revise, and amend such rules and regulations as he deems necessary for the carrying out of the purposes of this ordinance.

#### 21.13 NOTICE OF VIOLATION.

(1) Whenever the Building Inspector determines that any premise or premise unit fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, except for provisions regulating exterior premises, he may issue a notice setting forth the alleged violations of this ordinance and advise the owner, occupant, operator, or agent that such violations must not exist. This notice may:

(a) Be in writing.

(b) Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.

(c) Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.

(d) Provide a reasonable time, generally not to exceed sixty (60) days, after which the premise shall be in compliance with any ordinance provisions allegedly violated.

(e) Notify the owner, occupant, operator, or agent of the premise or premise unit responsible for compliance with the alleged violation personally or by certified mail addressed to the last known place of residence of the owner, occupant, operator, or agent. Notification may be made upon such person or persons by posting a notice in or about the premise or premise unit described in the notice, or by causing such notice to be published in a newspaper of general circulation as a Class 2 notice; or by notifying the person's agent. Posting of this notice on the premises is deemed notice to any person making use of such building or premise within two (2) years after date of posting.

Constitute an order requiring that the then existing violations of this ordinance or of applicable existing rules or regulations issued pursuant thereto shall not exist after a reasonable time allowed if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.

# State of Wisconsin



2015 Assembly Bill 568

Date of enactment: February 29, 2016

Date of publication\*: March 1, 2016

## 2015 WISCONSIN ACT 176

AN ACT *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 59.69 (4m), 60.64, 62.23 (7) (em), 66.1019 (3) (a), 704.17 (1) (b), 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 66.0809 (9), 101.02 (7m), 349.13 (3m) (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (2) (b), 704.19 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1); and *to create* 59.69 (4m) (b), 59.69 (4m) (c), 60.64 (2), 60.64 (3), 62.23 (7) (em) 2., 62.23 (7) (em) 3., 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c), 175.403, 704.055, 704.17 (1) (b) 1., 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m., 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes; **relating to:** terminating a tenancy for criminal activity or drug-related criminal activity; disposition of personal property left in rental property by a trespasser; preexisting sprinkler ordinances that are stricter than the multifamily dwelling code; towing vehicles illegally parked on private property; terminating certain tenancies for breaches other than failure to pay rent; limitations on the authority of political subdivisions to regulate rental units and historic properties; prohibiting local governmental units from imposing real property purchase or residential real property occupancy requirements; creating a criminal penalty; and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:

20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys received under s. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

**SECTION 2.** 59.69 (4m) of the statutes is renumbered 59.69 (4m) (a) and amended to read:

59.69 (4m) (a) ~~A Subject to par. (b),~~ a county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance

any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. The Subject to pars. (b) and (c), the county may create a landmarks commission to designate historic landmarks and establish historic districts. The Subject to par. (b), the county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

**SECTION 3.** 59.69 (4m) (b) of the statutes is created to read:

59.69 (4m) (b) Before the county designates a historic landmark or establishes a historic district, the county shall hold a public hearing. If the county proposes to designate a place, structure, or object as a historic land-

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

mark or establish a historic district that includes a place, structure, or object, the county shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

**SECTION 3m.** 59.69 (4m) (c) of the statutes is created to read:

59.69 (4m) (c) An owner of property that is affected by a decision of a county landmarks commission may appeal the decision to the board. The board may overturn a decision of the commission by a majority vote of the board.

**SECTION 4.** 60.64 of the statutes is renumbered 60.64 (1) and amended to read:

60.64 (1) ~~The Subject to sub. (2), the~~ town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. ~~The Subject to subs. (2) and (3), the~~ town board may create a landmarks commission to designate historic landmarks and establish historic districts. ~~The Subject to sub. (2), the~~ board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

**SECTION 5.** 60.64 (2) of the statutes is created to read:

60.64 (2) Before the town board designates a historic landmark or establishes a historic district, the town board shall hold a public hearing. If the town board proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the town board shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

**SECTION 5m.** 60.64 (3) of the statutes is created to read:

60.64 (3) An owner of property that is affected by a decision of a town landmarks commission may appeal the decision to the town board. The town board may overturn a decision of the commission by a majority vote of the town board.

**SECTION 6.** 62.23 (7) (em) of the statutes is renumbered 62.23 (7) (em) 1. and amended to read:

62.23 (7) (em) 1. ~~A- Subject to subd. 2., a~~ city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or

object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. ~~A- Subject to subs. 2. and 3., a~~ city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. ~~The Subject to subd. 2., the~~ city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

**SECTION 7.** 62.23 (7) (em) 2. of the statutes is created to read:

62.23 (7) (em) 2. Before the city designates a historic landmark or establishes a historic district, the city shall hold a public hearing. If the city proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the city shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

**SECTION 7m.** 62.23 (7) (em) 3. of the statutes is created to read:

62.23 (7) (em) 3. An owner of property that is affected by a decision of a city landmarks commission may appeal the decision to the common council. The common council may overturn a decision of the commission by a majority vote of the common council.

**SECTION 8.** 66.0104 (2) (e) of the statutes is created to read:

66.0104 (2) (e) No city, village, town, or county may enact an ordinance that does any of the following:

1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of regularly scheduled inspections conducted in compliance with s. 66.0119, as applicable, or as required under state or federal law.

2. Charges a fee for conducting an inspection of a residential rental property unless all of the following are satisfied:

a. The amount of the fee is uniform for residential rental inspections.

b. The fee is charged at the time that the inspection is actually performed.

3. Charges a fee for a subsequent reinspection of a residential rental property that is more than twice the fee charged for an initial reinspection.

4. Except as provided in this subdivision, requires that a rental property or rental unit be certified, registered, or licensed. A city, village, town, or county may require that a rental unit be registered if the registration consists only of providing the name of the owner and an

authorized contact person and an address and telephone number at which the contact person may be contacted.

**SECTION 9.** 66.0104 (2) (f) of the statutes is created to read:

66.0104 (2) (f) No city, village, town, or county may impose an occupancy or transfer of tenancy fee on a rental unit.

**SECTION 10.** 66.0104 (2) (g) of the statutes is created to read:

66.0104 (2) (g) 1. Except as provided in subs. 2. and 3., no city, village, town, or county may enact an ordinance that requires a residential rental property owner to register or obtain a certification or license related to owning or managing the residential rental property.

2. Subdivision 1. does not apply to an ordinance that applies uniformly to all residential rental property owners, including owners of owner-occupied rental property.

3. Subdivision 1. does not prohibit a city, village, town, or county from requiring that a landlord be registered if the registration consists only of providing the name of the landlord and an authorized contact person and an address and telephone number at which the contact person may be contacted.

**SECTION 11.** 66.0104 (3) (c) of the statutes is created to read:

66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date of this paragraph ... [LRB inserts date], an ordinance that is inconsistent with sub. (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

**SECTION 12.** 66.0809 (9) of the statutes is amended to read:

66.0809 (9) A municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a municipal utility to offer or not offer a deferred payment agreement does not require approval, and is not subject to disapproval, by the public service commission.

**SECTION 13.** 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and amended to read:

66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

**SECTION 14.** 66.1019 (3) (b) of the statutes is repealed.

**SECTION 15.** 101.02 (7m) of the statutes is amended to read:

101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department

under this subchapter, except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b). Any provision of a contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter may be waived by the property owner and if waived is void and unenforceable.

**SECTION 16.** 101.975 (3) of the statutes is repealed.

**SECTION 17.** 175.403 of the statutes is created to read:

**175.403 Trespassing; arrest and removal.** (1) In this section:

(a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

(b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(2) Each law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

**SECTION 18.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal or storage of an illegally parked vehicle under this subsection if unless the towing service has not complied made a good faith effort to comply with par. (d) 2. with respect to the vehicle. A towing service operating in a 1st class city may not collect any charges for the removal or storage of an illegally parked vehicle under this subsection if the towing service has not complied with par. (d) 2. with respect to the vehicle.

**SECTION 19.** 349.13 (3m) (e) 1. of the statutes is amended to read:

349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles under this subsection when no citation has been issued.

**SECTION 20.** 349.13 (3m) (e) 3. of the statutes is amended to read:

349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement under par. (d) upon removal of a vehicle when no citation has been issued.

**SECTION 21.** 704.055 of the statutes is created to read:

**704.055 Disposition of personalty left by trespasser.** (1) DEFINITION. In this section, “trespasser” means a person who is not a tenant and who enters or remains in residential rental property without the consent of the landlord or another person lawfully on the property.

(2) AT THE LANDLORD'S DISCRETION. (a) If a trespasser is removed or otherwise removes from residential rental property and leaves personal property, the landlord shall hold the personal property for 7 days from the date on which the landlord discovers the personal property. After that time, the landlord may presume that the trespasser has abandoned the personal property and may dispose of the personal property in any manner that the landlord, in the landlord's sole discretion, determines is appropriate but shall promptly return the personal property to the trespasser if the landlord receives a request for its return before the landlord disposes of it.

(b) If the landlord disposes of the abandoned personal property by private or public sale, the landlord may send the proceeds of the sale minus any costs of sale and, if the landlord has first stored the personal property, minus any storage charges to the department of administration for deposit in the appropriation under s. 20.505 (7) (h).

(3) RIGHTS OF 3RD PERSONS. The landlord's power to dispose as provided by this section applies to any personal property left on the landlord's property by the trespasser, whether owned by the trespasser or by others. The power to dispose under this section applies notwithstanding any rights of others existing under any claim of ownership or security interest. The trespasser, other owner, or any secured party has the right to redeem the personal property at any time before the landlord has disposed of it or entered into a contract for its disposition by payment of any expenses that the landlord has incurred with respect to the disposition of the personal property.

**SECTION 22.** 704.17 (1) (b) of the statutes is renumbered 704.17 (1) (b) (intro.) and amended to read:

704.17 (1) (b) (intro.) If a month-to-month tenant commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's agreement, other than for payment of rent, the tenancy can be terminated if ~~the landlord gives~~ any of the following applies:

2. The landlord gives the tenant notice requiring the tenant to vacate on or before a date at least 14 days after the giving of the notice.

**SECTION 23.** 704.17 (1) (b) 1. of the statutes is created to read:

704.17 (1) (b) 1. The landlord gives the tenant a notice that requires the tenant to either remedy the default or vacate the premises no later than a date at least 5 days after the giving of the notice, and the tenant fails to comply with the notice. A tenant is considered to be complying with the notice if promptly upon receipt of the notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If, within one year from receiving a notice under this subdivision, the tenant again

commits waste or breaches the same or any other covenant or condition of the tenant's rental agreement, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant notice to vacate on or before a date at least 14 days after the giving of the notice.

**SECTION 24.** 704.17 (2) (b) of the statutes is amended to read:

704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice requiring the tenant to remedy the default or vacate the premises on or before a date at least 5 days after the giving of the notice, and if the tenant fails to comply with such notice. A tenant is deemed to be complying with the notice if promptly upon receipt of such notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If within one year from the giving of any such notice, the tenant again commits waste or breaches the same or any other covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives the tenant notice to vacate on or before a date at least 14 days after the giving of the notice.

**SECTION 25.** 704.17 (3m) of the statutes is created to read:

704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection:

1. "Controlled substance" has the meaning given in s. 961.01 (4).

2. "Drug-related criminal activity" means criminal activity that involves the manufacture or distribution of a controlled substance. "Drug-related criminal activity" does not include the manufacture, possession, or use of a controlled substance that is prescribed by a physician for the use of a disabled person, as defined in s. 100.264 (1) (a), and that is manufactured by, used by, or in the possession of the disabled person or in the possession of the disabled person's personal care worker or other caregiver.

(b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants;

engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; engages in any criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or engages in any drug-related criminal activity on or near the premises. The notice shall require the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance; include a description of the criminal activity or drug-related criminal activity, the date on which the activity took place, and the identity or description of the individuals engaging in the activity; advise the tenant that he or she may seek the assistance of legal counsel, a volunteer legal clinic, or a tenant resource center; and state that the tenant has the right to contest the allegations in the notice before a court commissioner or judge if an eviction action is filed. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegation in the notice.

2. To terminate a tenancy under this subsection, it is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

(c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s. 950.02 (4), of the criminal activity.

**SECTION 26.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and amended to read:

704.17 (5) (a) ~~Provisions~~ Except as provided in par. (b), provisions in the lease or rental agreement for termination contrary to this section are invalid except in leases for more than one year.

**SECTION 27.** 704.17 (5) (b) of the statutes is created to read:

704.17 (5) (b) Provisions in any lease or rental agreement for termination contrary to sub. (3m) are invalid.

**SECTION 28.** 704.19 (2) (b) 2. of the statutes is amended to read:

704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents termination of a tenancy before the end of a rental period because of an imminent threat of serious physical harm, as provided in s. 704.16, or for criminal activity or drug-related criminal activity, non-payment of rent, or breach of any other condition of the tenancy, as provided in s. 704.17.

**SECTION 29.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

**706.22 (title) Prohibition on imposing time-of-sale, purchase, or occupancy requirements.**

**SECTION 30.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY OF PROPERTY PROHIBITED.

**SECTION 31.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

1m. Restrict the ability of an owner of real property to sell or otherwise transfer title to or refinance the property by requiring the owner or an agent of the owner to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

**SECTION 32.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. a.

**SECTION 33.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. b.

**SECTION 34.** 706.22 (2) (a) 2m. of the statutes is created to read:

706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real property by requiring the person or an agent of the person to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the person may complete the purchase of or take title to the property.

b. At the time of completing the purchase of or taking title to the property.

c. Within a certain period of time after completing the purchase of or taking title to the property.

**SECTION 35.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. c.

**SECTION 36.** 706.22 (2) (a) 3m. of the statutes is created to read:

706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to residential real property to take occupancy of the property by requiring the purchaser or transferee or an agent of the purchaser or transferee to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the purchaser or transferee may take occupancy of the property.

b. At the time of taking occupancy of the property.

c. Within a certain period of time after taking occupancy of the property.

**SECTION 37.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (b) (intro.) and amended to read:

706.22 (2) (b) (intro.) Paragraph (a) does not prohibit do any of the following:

1. Prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the purchase, sale, or refinancing of, or the transfer of title to, the property.

**SECTION 38.** 706.22 (2) (b) 2. of the statutes is created to read:

706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise affect the responsibility, authority, or ability of a local governmental unit to enforce, a federal or state requirement that does any of the things a local governmental unit is prohibited from doing under par. (a).

**SECTION 39.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (3) (a) and amended to read:

706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the ordinance, resolution, or policy does not apply and may not be enforced.

**SECTION 40.** 706.22 (3) (b) of the statutes is created to read:

706.22 (3) (b) If a local governmental unit has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not apply and may not be enforced.

**SECTION 41.** 800.035 (1) of the statutes is amended to read:

800.035 (1) A defendant may make an initial appearance in person or by submitting a written response to the citation or complaint except when the judge has required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section, if a defendant is a limited liability company, the defendant appears in person if the appear-

ance is by a member, as defined in s. 183.0102 (15), by an agent or authorized employee of the defendant, or by an agent of the member or an authorized employee of the agent.

**SECTION 42.** 943.14 of the statutes is renumbered 943.14 (2) and amended to read:

943.14 (2) Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

**SECTION 43.** 943.14 (1) of the statutes is created to read:

943.14 (1) In this section, "dwelling" means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

**SECTION 44. Initial applicability.**

(1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes first applies to criminal activities or drug-related criminal activities that are committed on the effective date of this subsection.

(2) The creation of section 704.17 (5) (b) of the statutes first applies to leases and rental agreements that are entered into or renewed on the effective date of this subsection.

(3) The renumbering and amendment of sections 59.69 (4m), 60.64, and 62.23 (7) (em) of the statutes and the creation of sections 59.69 (4m) (b) and (c), 60.64 (2) and (3), and 62.23 (7) (em) 2. and 3. of the statutes first apply to a decision of a landmarks commission made on the effective date of this subsection and a designation of a historic landmark or an establishment of a historic district on the effective date of this subsection.