

OFFICIAL NOTICE AND AGENDA

The City of Stoughton will hold a **Regular** meeting of the **Landmarks Commission** on **Thursday, March 10, 2016, at 7:00 pm** in the **Hall of Fame Room, Lower Level, City Hall, 381 E. Main Street, Stoughton, WI.**

AGENDA:

1. Call to order.
2. Consider approval of the Landmarks Commission meeting minutes of January 14, 2016.
3. Jerry Lapidakis requests Certificate of Appropriateness approval for the repair of the Marquee at 255 E. Main Street (Badger Theater).
4. Status Update for 1892 High School.
5. Discuss New Landmark Preservation Law (former AB 568).
6. Discuss Linderud Collection.
7. Commission Reports/Calendar.
8. Future agenda items.
9. Adjournment.

3/1/16mps

COMMISSIONERS:

Peggy Veregin, Chair
Alan Hedstrom, Vice-Chair
Josh Mabie

Michael Engelberger (Council Rep)
Greg Pigarelli, Secretary

Kimberly Cook
Stephen Mar-Pohl

EMAIL NOTICES:

Art Wendt
Council Members
DErickson@madison.com
Steve Kittelson

Kelli Krcma
Matt Dregne, City Attorney
Receptionists
Jerry Lapidakis

Stoughton Hub
Leadership Team
smonette@stolib.org

Note: For security reasons, the front door of City Hall will be locked after 4:30 P.M. (including the elevator door). Please use the east employee entrance.

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THE MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

Landmarks Commission Meeting Minutes

Monday, January 14, 2016 – 7:00 p.m.

City Hall, Hall of Fame Room, Lower Level, 381 E. Main Street, Stoughton, WI.

Members Present: Peggy Veregin, Chair; Alan Hedstrom, Vice-Chair; Kimberly Cook; Stephen Mar-Pohl; Greg Pigarelli and Michael Engelberger

Absent: Josh Mabie

Staff: Zoning Administrator, Michael Stacey

Guests: Todd Hubing; Ben and Emily Thomson and Tom Selsor

1. **Call to order.** Peggy called the meeting to order at 7:00 pm.
2. **Consider approval of the Landmarks Commission meeting minutes of December 10, 2015.**
Motion by **Stephen** to approve the minutes, 2nd by **Michael E.**

Peggy suggested a correction to the minutes. Michael S will make the change.

Motion carried 6 – 0.

3. **Ben and Emily Thomson request a certificate of appropriateness to replace attic windows at 620 S. Prairie Street.**

The Commission and applicant's discussed the COA request.

Motion by **Michael E** to approve the certificate of appropriateness as presented, 2nd by **Stephen.**

Window screens and brickmold was discussed. Ben Thomson stated the exterior will remain as is. Michael S will draft the COA letter in the morning.

Motion carried 6 – 0.

4. **Status Update for 1892 High School.**

A lengthy discussion took place about the future of the 1892 High School summarized as follows:

- Peggy provided information about the upcoming Stoughton School Board Meeting on January 27th with their consultant to discuss the questions planned for a future survey. There will be a few questions related to the 1892 High School.
- Stephen discussed a meeting he had with Joe Frey who is the Chair of the School Building & Grounds Committee.
- Discussed the viability of moving the building to the corner of Forrest and North Streets.
- Discussed potential questions that may be on the survey. A few Commissioners including Tom Selsor believe it is premature to ask citizens questions related to the 1892 High School without providing more information to the public.
- Discussed a forum that is in the works to bring everyone together to discuss the future of the 1892 High School to be held in the Opera House. Discussed agenda for forum and how to get people to show up including the press.

- Tom Selsor stated there are too many groups with varying ideas that need to come together. However, Peggy believes it is good that there are many groups with different ideas. Peggy would like to see more groups involved such as Teachers and Working for Kids.
 - Peggy provided information about a recent meeting she attended with Sustainable Stoughton, This Old House Group, Stoughton Historical Society and 4 Common Council members. They discussed how they can reach the most people effectively to show broad support. Each group can tap into their own listserv.
 - Peggy and Stephen plan to attend the School Board meeting of January 27th. Peggy has a list of potential questions. Peggy and Stephen will ask the School to withhold questions related to the 1892 High School until a later date or at least allow a period of time to respond to the proposed questions.
5. **Discuss Linderud Collection.**
Josh has a 5 point plan for the collection. Peggy plans to email Josh regarding contacting the Library staff person. Michael S will provide the contact to Peggy.
6. **Commission Reports/Calendar.**
Stephen discussed a meeting he had at the Power Plant with Keith Simonson to discuss the potential for a brewery at that location. Keith Simonson helps small brewers get a start such as Viking Brew Pub in Stoughton.
7. **Future agenda items.** None discussed.
8. **Adjournment.** Motion by Michael E to adjourn at 8:50 pm, 2nd by Alan. Motion carried 6 – 0.

Respectfully Submitted,

Michael Stacey

City of Stoughton Certificate of Appropriateness

Application Form

1. Name of Property: Old Badger Theater

Address of Property: 255 E. Main Street

Name of historic district in which property is located: _____

2. Owner & Applicant Information

Owner Name: Stoughton Village Players

Street Address: 255 E. Main St

City: Stoughton State: WI Zip: 53589

Daytime Phone, including Area Code: NA

Applicant (if different from owner): Jerry Lapidakis, Project Manager
p

Applicant's Daytime Phone, including Area Code: 608-878-5700

3. Attachments. The following information is enclosed:

- ☒ Photographs
- ☐ Sketches, elevation drawings
- ☐ Plan drawings
- ☐ Site plan showing relative location of adjoining buildings, if located within a Historic
- ☐ Specifications
- ☐ Other (describe)

4. Description of Proposed Project (on next page)

5. Signature of Applicant

Signed: Jerry Lapidakis Date: 2/22/2016

Printed: Jerry Lapidakis

Email: jlapidakis@gmail.com

Return To: Zoning Administrator, Stoughton City Hall, 381 E. Main Street

Description of Proposed Project
(attach additional sheets as necessary)

Architectural Feature: Theater canopy and marquee

Approximate date of feature: 1921

Describe existing feature: See attached page

Describe proposed work, materials to be used and impact to existing feature:

See attached page

Photo No. 1-8

Drawing No. _____

Architectural Feature: _____

Approximate date of feature: _____

Describe existing feature: _____

Describe proposed work, materials to be used and impact to existing feature:

Photograph No. _____

Drawing No. _____

Marquee Project

Village Players Theater

Description:

The marquee was constructed over the sidewalk at the time the building was built in 1921. Sometime in the 1950s the canopy was taken down and the marquee with the flashing lights was put up against the exterior wall. In 2004 Jeff Bradley built the new canopy and installed the marquee back to the original space as part of a project to recondition the face of the building. The design for that canopy was based on newspaper photos from the 1920s.

The canopy juts out 4 feet from building wall and is 17.5 feet in width. It is attached by a wood plate on front of the building and is supported by steel rods from the stone building face to the canopy. Smaller support rods secure the marquee sign. The marquee itself is 12 feet wide by 3 feet high. The marquee sign is plastic with lights behind it to illuminate it. The original white metal letters are still used to advertise shows. They fit into grooves in front of the face of the marquee.

Current condition:

- The 2x8 wood frame is rotting at the corners.
- All steel support rods to both the canopy and the marquee sign are rusted but in good condition.
- The rubber membrane over the plywood deck is deteriorated.
- The frame of the marquee sign is rusted.
- The support trusses under the plywood are corroded.
- The globe lights, one on each end of the canopy, need repair.

Work needed:

- Remove marquee sign from top of marquee. Once down, sand and paint it.
- Remove 2x6 top plate and 2x8 side frame and trim.
- Support marquee from sidewalk with 4x4s so support rods can be removed for sanding and painting. Consider removing 2 support rods at a time and replacing to maintain support from above.
- Inspect rubber membrane and determine if it needs replacing or only cleaning and painting.
- Determine if a drainage system is needed on top of deck.
- Repair the two globe lights. Check and repair electrical.
- Replace wood frame with treated wood or composite material.
- Replace sign on top of new frame.

Work Plan:

- February, 2016. Meet with City Zoning Administrator and layout preliminary plan. Schedule date to present to Landmarks Commission for review and approval. Get necessary city permits.
- June, 2016. Commence work. To be done by SVP volunteers with option to hire Jeff Horton as construction supervisor.
- July 1, 2016. Work completed.

Report by J. Lapidakis & T. Ketterer, 2/12/2016



Back view of marquee + top of canopy



Back of marquee.



Top view. Note supports.



Canopy from Top. Rubber membrane.



Bottom view of canopy - note deterioration



Back view of marquee + top of canopy



Back of marquee.



Top view. Note supports.



Canopy from Top. Rubber membrane.



Bottom view of canopy - note deterioration



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3011/4
ALL:emw&wlj

2015 ASSEMBLY BILL 568

December 4, 2015 - Introduced by Representatives R. BROOKS and ALLEN, cosponsored by Senators LASEE and STROEBEL. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1.,
2 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 66.1019 (3) (a),
3 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 59.69
4 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m)
5 (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19
6 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1);
7 and *to create* 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c),
8 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m.,
9 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes;
10 **relating to:** terminating a tenancy for criminal activity or drug-related
11 criminal activity; disposition of personal property left in rental property by a
12 trespasser; preexisting sprinkler ordinances that are stricter than the
13 multifamily dwelling code; towing vehicles illegally parked on private property;
14 terminating certain tenancies for breaches other than failure to pay rent;

ASSEMBLY BILL 568

- 1 limitations on the authority of political subdivisions to regulate rental units,
 - 2 historic properties, and signs; prohibiting local governmental units from
 - 3 imposing real property purchase or residential real property occupancy
 - 4 requirements; creating a criminal penalty; and making an appropriation.
-

Analysis by the Legislative Reference Bureau

This bill creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and allows a towing company to collect charges if it makes a good faith effort to notify law enforcement.

Local government

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered
2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.
3. Political subdivisions may not impose an occupancy or transfer of tenancy fee on a rental unit.
4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

ASSEMBLY BILL 568

5. Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies uniformly to all residential properties, including owner-occupied properties.

Under current law, a local governmental unit is prohibited from requiring a real property 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 before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of “actions with respect to the property” includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, 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 before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, 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 before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit’s responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

ASSEMBLY BILL 568***Automatic sprinklers in multifamily dwellings***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Terminating tenancies

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, except for a tenant who is the victim of the criminal activity, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice 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 does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. 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.

ASSEMBLY BILL 568

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must state the basis for the notice and that the tenant may contest the termination of tenancy in an eviction action. If the tenant does contest the termination of tenancy, the landlord must prove the allegation in the notice by the greater preponderance of the credible evidence. The bill defines drug-related criminal activity as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

Under the bill, a month-to-month tenancy is terminated if 1) a tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of a year-to-year tenant.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, or of the owner of the property if no one is lawfully present there, regardless of whether the dwelling is currently occupied. The bill requires law enforcement agencies to establish policies that require officers to remove trespassers from dwellings.

ASSEMBLY BILL 568***Disposing of personal property left by trespasser***

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from residential rental property. This bill provides that, after a trespasser leaves or is removed from residential rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

7 59.69 (4m) HISTORIC PRESERVATION. A county, as an exercise of its zoning and
8 police powers for the purpose of promoting the health, safety and general welfare of
9 the community and of the state, may regulate by ordinance any place, structure or
10 object with a special character, historic interest, aesthetic interest or other
11 significant value, for the purpose of preserving the place, structure or object and its
12 significant characteristics. The county may create a landmarks commission to
13 designate historic landmarks and establish historic districts. The county may
14 regulate all historic landmarks and all property within each historic district to
15 preserve the historic landmarks and property within the district and the character
16 of the district. A county may not designate a property as a historic landmark without

ASSEMBLY BILL 568

1 the consent of the owner. A county may not require or prohibit any action by an owner
2 of a property related to the preservation of special character, historic or aesthetic
3 interest, or any other significant value of the property without the consent of the
4 owner.

5 **SECTION 3.** 60.64 of the statutes is amended to read:

6 **60.64 Historic preservation.** The town board, in the exercise of its zoning
7 and police powers for the purpose of promoting the health, safety and general welfare
8 of the community and of the state, may regulate any place, structure or object with
9 a special character, historic interest, aesthetic interest or other significant value for
10 the purpose of preserving the place, structure or object and its significant
11 characteristics. The town board may create a landmarks commission to designate
12 historic landmarks and establish historic districts. The board may regulate all
13 historic landmarks and all property within each historic district to preserve the
14 historic landmarks and property within the district and the character of the district.
15 The town board may not designate a property as a historic landmark without the
16 consent of the owner. The town board may not require or prohibit any action by an
17 owner of a property related to the preservation of special character, historic or
18 aesthetic interest, or any other significant value of the property without the consent
19 of the owner.

20 **SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

21 **62.23 (7) (em) Historic preservation.** A city, as an exercise of its zoning and
22 police powers for the purpose of promoting the health, safety and general welfare of
23 the community and of the state, may regulate by ordinance, or if a city contains any
24 property that is listed on the national register of historic places in Wisconsin or the
25 state register of historic places shall, not later than 1995, enact an ordinance to

ASSEMBLY BILL 568**SECTION 4**

1 regulate, any place, structure or object with a special character, historic,
2 archaeological or aesthetic interest, or other significant value, for the purpose of
3 preserving the place, structure or object and its significant characteristics. A city
4 may create a landmarks commission to designate historic or archaeological
5 landmarks and establish historic districts. The city may regulate, or if the city
6 contains any property that is listed on the national register of historic places in
7 Wisconsin or the state register of historic places shall regulate, all historic or
8 archaeological landmarks and all property within each historic district to preserve
9 the historic or archaeological landmarks and property within the district and the
10 character of the district. A city may not designate a property as a historic landmark
11 without the consent of the owner. A city may not require or prohibit any action by
12 an owner of a property related to the preservation of special character, historic or
13 aesthetic interest, or any other significant value of the property without the consent
14 of the owner.

15 **SECTION 5.** 66.0104 (2) (e) of the statutes is created to read:

16 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
17 does any of the following:

18 1. Requires that a rental unit be inspected without a showing of good cause or
19 be certified or registered.

20 2. Charges a fee for conducting an inspection other than an inspection based
21 on a complaint from a tenant alleging a violation of the local housing code of the city,
22 village, town, or county or an inspection required for all properties and for which a
23 uniform fee is charged.

24 **SECTION 6.** 66.0104 (2) (f) of the statutes is created to read:

SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 445

January 29, 2016 - Offered by Senator Lasee.

SB445-SSA2,2,6 1An Act to repeal 66.1019 (3) (b) and 101.975 (3); to renumber 706.22 (2) (a) 1.,

2706.22 (2) (a) 2. and 706.22 (2) (a) 3.; to renumber and amend 59.69 (4m),
360.64, 62.23 (7) (em), 66.1019 (3) (a), 704.17 (1) (b), 704.17 (5), 706.22 (2) (b),
4706.22 (3) and 943.14; to amend 20.505 (7) (h), 66.0809 (9), 101.02 (7m), 349.13
5(3m) (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (2) (b), 704.19 (2) (b)
62., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1); and to
7create 59.69 (4m) (b), 60.64 (2), 62.23 (7) (em) 2., 66.0104 (2) (e), 66.0104 (2) (f),
866.0104 (2) (g), 66.0104 (3) (c), 175.403, 704.055, 704.17 (1) (b) 1., 704.17 (3m),
9704.17 (5) (b), 706.22 (2) (a) 2m., 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3)
10(b) and 943.14 (1) of the statutes; relating to: terminating a tenancy for
11criminal activity or drug-related criminal activity; disposition of personal
12property left in rental property by a trespasser; preexisting sprinkler
13ordinances that are stricter than the multifamily dwelling code; towing vehicles

1illegally parked on private property; terminating certain tenancies for breaches
2other than failure to pay rent; limitations on the authority of political
3subdivisions to regulate rental units and historic properties; prohibiting local
4governmental units from imposing real property purchase or residential real
5property occupancy requirements; creating a criminal penalty; and making an
6appropriation.

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

SB445-SSA2,1 7Section 1. 20.505 (7) (h) of the statutes is amended to read:

SB445-SSA2,2,118 20.505 (7) (h) Funding for the homeless. All moneys received from interest
on

9real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
10received under s. ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
11shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

SB445-SSA2,2 12Section 2. 59.69 (4m) of the statutes is renumbered 59.69 (4m) (a) and
13amended to read:

SB445-SSA2,2,2314 59.69 (4m) (a) A Subject to par. (b), a county, as an exercise of its zoning
and

15police powers for the purpose of promoting the health, safety and general welfare of
16the community and of the state, may regulate by ordinance any place, structure or
17object with a special character, historic interest, aesthetic interest or other
18significant value, for the purpose of preserving the place, structure or object and its
19significant characteristics. The Subject to par. (b), the county may create a
20landmarks commission to designate historic landmarks and establish historic
21districts. The Subject to par. (b), the county may regulate all historic landmarks and
22all property within each historic district to preserve the historic landmarks and
23property within the district and the character of the district.

SB445-SSA2,3

1Section 3. 59.69 (4m) (b) of the statutes is created to read:

SB445-SSA2,3,72 59.69 (4m) (b) 1. a. If a county proposes to designate a place, structure, or object

3as a historic landmark or to establish a historic district that includes the place,

4structure, or object, the county shall notify the owner of the place, structure, or object

5of the determination and provide a form by which the owner may vote for or against

6the designation or inclusion. The county shall allow not less than 60 days following

7the notice for an owner to provide his or her vote.

SB445-SSA2,3,158 b. In the case of a proposed historic landmark designation, if the owner of the

9place, structure, or object has not voted against the establishment of the landmark

10within 60 days after the county has provided the notice under subd. 1. a., the county

11may designate the place, structure, or object as proposed. In the case of a proposed

12historic district establishment, if a majority of the owners of principal structures,

13counting one vote per principal structure, who have cast votes within 60 days after

14the county has provided the notice under subd. 1. a. have voted in favor of the

15establishment of the district, the county may establish the district as proposed.

SB445-SSA2,3,2416 c. Except as provided in this paragraph, if a county proposed under subd. 1. a.

17to designate a place, structure, or object as a historic landmark or to establish a

18historic district that includes the place, structure, or object and the designation or

19establishment was not authorized under subd. 1. b., the county may not require or

20prohibit any action by an owner of the place, structure, or object related to the

21preservation of special character, historic or aesthetic interest, or any other

22significant value of the place, structure, or object without the consent of the owner.

23This subdivision does not affect the terms of any agreement between the owner of a

24place, structure, or object and the county.

SB445-SSA2,4,4

1d. If the county is not authorized to designate a historic landmark or establish

2a historical district under subd. 1. b., the county may not propose the designation of

3the same historic landmark or establishment of the same historic district for one

4year.

SB445-SSA2,4,75 2. If, under subd. 1., a place, structure, or object is designated a historic

6landmark or included within a historic district, the designation or inclusion of the

7place, structure, or object may not be terminated without the consent of the county.

SB445-SSA2,4,128 3. If any person has received a tax credit related to historic preservation of the

9place, structure, or object or if the place, structure, or object is listed in the national

10register of historic places in Wisconsin or the state register of historic places, a vote

11by the owner of the place, structure, or object against designation or establishment

12may not be counted under subd. 1. b.

SB445-SSA2,4 13Section 4. 60.64 of the statutes is renumbered 60.64 (1) and amended to read:

SB445-SSA2,4,2314 60.64 (1) The Subject to sub. (2), the town board, in the exercise of its zoning

15and police powers for the purpose of promoting the health, safety and general welfare
16of the community and of the state, may regulate any place, structure or object with
17a special character, historic interest, aesthetic interest or other significant value for
18the purpose of preserving the place, structure or object and its significant
19characteristics. The Subject to sub. (2), the town board may create a landmarks
20commission to designate historic landmarks and establish historic districts. The
21Subject to sub. (2), the board may regulate all historic landmarks and all property
22within each historic district to preserve the historic landmarks and property within
23the district and the character of the district.

SB445-SSA2,5 24Section 5. 60.64 (2) of the statutes is created to read:

SB445-SSA2,5,6

160.64 (2) (a) 1. If a town board proposes to designate a place, structure, or object
2as a historic landmark or to establish a historic district that includes the place,
3structure, or object, the town board shall notify the owner of the place, structure, or
4object of the determination and provide a form by which the owner may vote for or
5against the designation or inclusion. The town board shall allow not less than 60
6days following the notice for an owner to provide his or her vote.

SB445-SSA2,5,157 2. In the case of a proposed historic landmark designation, if the owner of
the

8place, structure, or object has not voted against the establishment of the landmark
9within 60 days after the town board has provided the notice under subd. 1., the town
10board may designate the place, structure, or object as proposed. In the case of a
11proposed historic district establishment, if a majority of the owners of principal
12structures, counting one vote per principal structure, who have cast votes within 60
13days after the town board has provided the notice under subd. 1. have voted in favor
14of the establishment of the district, the town board may establish the district as
15proposed.

SB445-SSA2,5,2416 3. Except as provided in this subsection, if a town board proposed under
subd.

171. to designate a place, structure, or object as a historic landmark or to establish a
18historic district that includes the place, structure, or object and the designation or
19establishment was not authorized under subd. 2., the town board may not require
20or prohibit any action by an owner of the place, structure, or object related to the
21preservation of special character, historic or aesthetic interest, or any other
22significant value of the place, structure, or object without the consent of the owner.
23This paragraph does not affect the terms of any agreement between the owner of a
24place, structure, or object and the town board.

SB445-SSA2,6,4

14. If the town board is not authorized to designate a historic landmark or
2establish a historical district under subd. 2., the town board may not propose the
3designation of the same historic landmark or establishment of the same historic
4district for one year.

SB445-SSA2,6,75 (b) If, under par. (a), a place, structure, or object is designated a historic landmark or included within a historic district, the designation or inclusion of the place, structure, or object may not be terminated without the consent of the town.

SB445-SSA2,6,128 (c) If any person has received a tax credit related to historic preservation of the

place, structure, or object or if the place, structure, or object is listed in the national register of historic places in Wisconsin or the state register of historic places, a vote by the owner of the place, structure, or object against designation or establishment may not be counted under par. (a) 2.

SB445-SSA2,6 13Section 6. 62.23 (7) (em) of the statutes is renumbered 62.23 (7) (em) 1. and amended to read:

SB445-SSA2,7,415 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 subd. 2., 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.

SB445-SSA2,7 5Section 7. 62.23 (7) (em) 2. of the statutes is created to read:

SB445-SSA2,8,36 62.23 (7) (em) 2. a. If a city proposes to designate a place, structure, or object as a historic landmark or to establish a historic district that includes the place, structure, or object, the city shall notify the owner of the place, structure, or object of the determination and provide a form by which the owner may vote for or against the designation or inclusion. The city shall allow not less than 60 days following the notice for an owner to provide his or her vote. In the case of a proposed historic landmark designation, if the owner of the place, structure, or object has not voted against the establishment of the landmark within 60 days after the city has provided the notice under this subd. 2. a., the place, structure, or object may be designated as proposed. In the case of a proposed historic district establishment, if a majority of the owners of principal structures, counting one vote per principal structure, who have cast votes within 60 days after the city has provided the notice under this subd. 2. a. have voted in favor of the establishment of the district, the district may be established as proposed. Except as provided in this subdivision, if the city is not permitted to designate a landmark or establish a district under this subd. 2. a., the city may not require or prohibit any action by an owner of the place, structure, or object related to the preservation of special character, historic or aesthetic interest,

23or any other significant value of the place, structure, or object without the consent
24of the owner. This subdivision does not affect the terms of any agreement between
25the owner of a place, structure, or object and the city. If the city is not permitted to

1designate a landmark or establish a district under this subd. 2. a., the city may not
2propose the designation of the same historic landmark or establishment of the same
3historic district for one year.

SB445-SSA2,8,64 b. If, under subd. 2. a., a place, structure, or object is designated a historic
5landmark or included within a historic district, the designation or inclusion of the
6place, structure, or object may not be terminated without the consent of the city.

SB445-SSA2,8,117 c. If any person has received a tax credit related to historic preservation of
the

8place, structure, or object or if the place, structure, or object is listed in the national
9register of historic places in Wisconsin or the state register of historic places, a vote
10by the owner of the place, structure, or object against designation or establishment
11may not be counted under subd. 2. a.
