

1993 Senate Bill 772

Date of enactment: **April 21, 1994**

Date of publication\*: **May 5, 1994**

## 1993 WISCONSIN ACT 400

**AN ACT** to amend 62.03 (1); and to create 59.97 (4d), 60.61 (3c), 62.23 (7) (he) and 847.10 of the statutes, relating to: state and local zoning regulation of certain antennae and satellite dishes.

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

**SECTION 1.** 59.97 (4d) of the statutes is created to read:

59.97 (4d) ANTENNA FACILITIES. The board may not enact an ordinance or adopt a resolution on or after the effective date of this subsection .... [revisor inserts date], or continue to enforce an ordinance or resolution on or after the effective date of this subsection .... [revisor inserts date], that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

(b) The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.

(c) The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

**SECTION 2.** 60.61 (3c) of the statutes is created to read:

60.61 (3c) ANTENNA FACILITIES. The town board may not enact an ordinance or adopt a resolution on or after the effective date of this subsection .... [revisor inserts date], or continue to enforce an ordinance or resolution on or after the effective date of this subsection .... [revisor inserts date], that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

(b) The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.

(c) The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

**SECTION 3.** 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), 62.175 and 62.23 (7) (em) and (he), does not apply to 1st class cities under special charter.

**SECTION 4.** 62.23 (7) (he) of the statutes is created to read:

62.23 (7) (he) *Antenna facilities.* The governing body of a city may not enact an ordinance or adopt a resolution on or after the effective date of this paragraph .... [revisor inserts date], or continue to enforce an ordinance or resolution on or after the effective date of this paragraph .... [revisor inserts date], that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

1. The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

2. The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of

satellite–delivered signals by a satellite antenna with a diameter of 2 feet or less.

3. The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

**SECTION 5.** 847.10 of the statutes is created to read:

**847.10 Antenna facilities.** No restrictive deed provision, restrictive covenant or agreement that affects satellite antennas with a diameter of 2 feet or less may be applied to any property on or after the effective date of this section .... [revisor inserts date], unless one of the following applies:

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(1) The restrictive deed provision, restrictive covenant or agreement has a reasonable and clearly defined aesthetic or public health or safety objective.

(2) The restrictive deed provision, restrictive covenant or agreement does not impose an unreasonable limitation on, or prevent, the reception of satellite–delivered signals by a satellite antenna with a diameter of 2 feet or less.

(3) The restrictive deed provision, restrictive covenant or agreement does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.