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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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<b>2003 Wisconsin Act 90</b> [2003 Senate Bill 168]	<b>Smaller Municipality Enforcement of the Uniform Dwelling Code</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

Prior to the enactment of 2003 Wisconsin Act 90, with certain limited exceptions, any city, village, town, or county (municipality) could provide for the enforcement of the one- and two-family dwelling code (the dwelling code). With certain exceptions, any municipality that did not provide for this enforcement had to contract with the Department of Commerce (department) for necessary building inspection services under the dwelling code. However, a city, village, or town with a population of 2,500 or less could adopt a resolution exempting itself from enforcement of the dwelling code, or a resolution requesting a county to enforce the dwelling code within the city, village, or town.

Prior law also provided that the department had to provide inspection services and enforce the dwelling code in any city, village, or town with a population of 2,500 or less that did not enforce the code itself and had not either adopted a resolution requesting a county to enforce the dwelling code or a resolution exempting the city, village, or town from enforcement of the code.

2003 Wisconsin Act 90 repeals the authority of a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the dwelling code. However, the Act retains the authority of a city, village, or town with a population of 2,500 or less to request a county to enforce the dwelling code throughout the municipality, and the requirement that the department must enforce the code in a city, village, or town with a population of 2,500 or less that does not enforce the code itself and has not requested enforcement by the county. Thus, under the Act, if a city, village, or town with a population of 2,500 or less does not enforce the code itself and has not requested enforcement by the county, the department must enforce the code within the municipality.

**Effective Date:** 2003 Wisconsin Act 90 takes effect on December 18, 2003.

**Prepared by:** Laura Rose, Deputy Director

January 26, 2004

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.