2017 SENATE BILL 800

February 13, 2018 - Introduced by Senator CRAIG, cosponsored by Representative AUGUST. Referred to Committee on Insurance, Financial Services, Constitution and Federalism.

AN ACT to amend 59.69 (4m) (a), 59.69 (4m) (b), 60.64 (1), 60.64 (2), 62.23 (7) (em) 1. and 62.23 (7) (em) 2.; and to create 59.69 (4m) (bm), 60.64 (2m) and 62.23 (7) (em) 2m. of the statutes; relating to: local regulation of historic properties.

Analysis by the Legislative Reference Bureau

Under current law, a 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 establish a historic district unless the political subdivision receives the consent of the owners of one-half of the land in area within the proposed district or the owners of one-half of the real property in assessed value within the proposed district.

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:
**SECTION 1.** 59.69 (4m) (a) of the statutes is amended to read:

59.69 (4m) (a) Subject to pars. (b) and (bm), 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. Subject to pars. (b), (bm), and (c), the county may create a landmarks commission to designate historic landmarks and establish historic districts. Subject to pars. (b), (bm), 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 2.** 59.69 (4m) (b) of the statutes is amended 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 landmark 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. If the county proposes to establish a historic district, the notifications under this paragraph shall be provided not less than 180 days before the proposed establishment date of the district.

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

59.69 (4m) (bm) 1. A county may not designate a property as a historic landmark without the consent of the owner.
2. A county may not establish a historic district unless, within 60 days of providing the notifications under par. (b), the county receives the consent of any of the following:

a. The owners of one-half of the land in area within the proposed district.

b. The owners of one-half of the real property in assessed value within the proposed district.

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

60.64 (1) Subject to sub. subs. (2) and (2m), 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. Subject to subs. (2), (2m), and (3), the town board may create a landmarks commission to designate historic landmarks and establish historic districts. Subject to sub. subs. (2) and (2m), 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 amended 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. If the town board proposes to establish a historic district, the notifications under this subsection
shall be provided not less than 180 days before the proposed establishment date of
the district.

SECTION 6. 60.64 (2m) of the statutes is created to read:

60.64 (2m) (a) The town board may not designate a property as a historic
landmark without the consent of the owner.

(b) The town board may not establish a historic district unless, within 60 days
of providing the notifications under sub. (2), the town board receives the consent of
any of the following:

1. The owners of one-half of the land in area within the proposed district.

2. The owners of one-half of the real property in assessed value within the
proposed district.

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

62.23 (7) (em) 1. Subject to subd. subds. 2. and 2m., 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. Subject
to subds. 2., 2m., and 3., a city may create a landmarks commission to designate
historic or archaeological landmarks and establish historic districts. Subject to subd.
subds. 2. and 2m., 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 8. 62.23 (7) (em) 2. of the statutes is amended 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. If the city proposes to establish a historic district, the notifications under this subdivision shall be provided not less than 180 days before the proposed establishment date of the district.

SECTION 9. 62.23 (7) (em) 2m. of the statutes is created to read:

62.23 (7) (em) 2m. a. A city may not designate a property as a historic landmark without the consent of the owner.

b. A city may not establish a historic district unless, within 60 days of providing the notifications under subd. 2., the city receives the consent of either the owners of one-half of the land in area within the proposed district or the owners of one-half of the real property in assessed value within the proposed district.

(END)