



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5489/1
EVM:kjf&ahe

2017 ASSEMBLY BILL 978

February 26, 2018 - Introduced by Representative AUGUST, cosponsored by Senator CRAIG. Referred to Committee on Local Government.

- 1 **AN ACT to amend** 59.69 (4m) (a), 59.69 (4m) (b), 60.64 (1), 60.64 (2), 62.23 (7) (em)
2 1. and 62.23 (7) (em) 2.; and **to create** 59.69 (4m) (bm), 60.64 (2m) and 62.23
3 (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:

ASSEMBLY BILL 978**SECTION 1**

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

2 59.69 **(4m)** (a) Subject to ~~par. pars.~~ par. (b) and (bm), a county, as an exercise of its
3 zoning and police powers for the purpose of promoting the health, safety and general
4 welfare of the community and of the state, may regulate by ordinance any place,
5 structure or object with a special character, historic interest, aesthetic interest or
6 other significant value, for the purpose of preserving the place, structure or object
7 and its significant characteristics. Subject to ~~par. (b), (bm),~~ and (c), the county may
8 create a landmarks commission to designate historic landmarks and establish
9 historic districts. Subject to ~~par. pars. (b) and (bm),~~ the county may regulate all
10 historic landmarks and all property within each historic district to preserve the
11 historic landmarks and property within the district and the character of the district.

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

13 59.69 **(4m)** (b) Before the county designates a historic landmark or establishes
14 a historic district, the county shall hold a public hearing. If the county proposes to
15 designate a place, structure, or object as a historic landmark or establish a historic
16 district that includes a place, structure, or object, the county shall, by 1st class mail,
17 notify the owner of the place, structure, or object of the determination and of the time
18 and place of the public hearing on the determination. If the county proposes to
19 establish a historic district, the notifications under this paragraph shall be provided
20 not less than 180 days before the proposed establishment date of the district.

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

22 59.69 **(4m)** (bm) 1. A county may not designate a property as a historic
23 landmark without the consent of the owner.

ASSEMBLY BILL 978

1 2. A county may not establish a historic district unless, within 60 days of
2 providing the notifications under par. (b), the county receives the consent of any of
3 the following:

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

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

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

8 60.64 (1) Subject to ~~sub.~~ subs. (2) and (2m), the town board, in the exercise of
9 its zoning and police powers for the purpose of promoting the health, safety and
10 general welfare of the community and of the state, may regulate any place, structure
11 or object with a special character, historic interest, aesthetic interest or other
12 significant value for the purpose of preserving the place, structure or object and its
13 significant characteristics. Subject to subs. (2), (2m), and (3), the town board may
14 create a landmarks commission to designate historic landmarks and establish
15 historic districts. Subject to ~~sub.~~ subs. (2) and (2m), the board may regulate all
16 historic landmarks and all property within each historic district to preserve the
17 historic landmarks and property within the district and the character of the district.

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

19 60.64 (2) Before the town board designates a historic landmark or establishes
20 a historic district, the town board shall hold a public hearing. If the town board
21 proposes to designate a place, structure, or object as a historic landmark or establish
22 a historic district that includes a place, structure, or object, the town board shall, by
23 1st class mail, notify the owner of the place, structure, or object of the determination
24 and of the time and place of the public hearing on the determination. If the town
25 board proposes to establish a historic district, the notifications under this subsection

ASSEMBLY BILL 978**SECTION 5**

1 shall be provided not less than 180 days before the proposed establishment date of
2 the district.

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

4 60.64 **(2m)** (a) The town board may not designate a property as a historic
5 landmark without the consent of the owner.

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

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

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

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

13 62.23 **(7)** (em) 1. Subject to ~~subd. subds.~~ 2. and 2m., a city, as an exercise of its
14 zoning and police powers for the purpose of promoting the health, safety and general
15 welfare of the community and of the state, may regulate by ordinance, or if a city
16 contains any property that is listed on the national register of historic places in
17 Wisconsin or the state register of historic places shall, not later than 1995, enact an
18 ordinance to regulate, any place, structure or object with a special character, historic,
19 archaeological or aesthetic interest, or other significant value, for the purpose of
20 preserving the place, structure or object and its significant characteristics. Subject
21 to subds. 2., 2m., and 3., a city may create a landmarks commission to designate
22 historic or archaeological landmarks and establish historic districts. Subject to ~~subd.~~
23 subds. 2. and 2m., the city may regulate, or if the city contains any property that is
24 listed on the national register of historic places in Wisconsin or the state register of
25 historic places shall regulate, all historic or archaeological landmarks and all

ASSEMBLY BILL 978

1 property within each historic district to preserve the historic or archaeological
2 landmarks and property within the district and the character of the district.

3 **SECTION 8.** 62.23 (7) (em) 2. of the statutes is amended to read:

4 62.23 (7) (em) 2. Before the city designates a historic landmark or establishes
5 a historic district, the city shall hold a public hearing. If the city proposes to
6 designate a place, structure, or object as a historic landmark or establish a historic
7 district that includes a place, structure, or object, the city shall, by 1st class mail,
8 notify the owner of the place, structure, or object of the determination and of the time
9 and place of the public hearing on the determination. If the city proposes to establish
10 a historic district, the notifications under this subdivision shall be provided not less
11 than 180 days before the proposed establishment date of the district.

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

13 62.23 (7) (em) 2m. a. A city may not designate a property as a historic landmark
14 without the consent of the owner.

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

19 (END)