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League of Wisconsin Municipalities

Legislative Bulletin

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Full List of State Budget Vetoes Affecting Municipalities

On July 12 Governor Walker signed the state budget bill into law as Act 55. The Governor made 104 vetoes before signing the budget. Each veto is described in the Governor's [veto message](#).

The League asked the Governor to make 7 vetoes. The Governor vetoed the following two items on our list:

- ? A provision allowing pedestrians to cross a railroad track without violating trespass law.
- ? A mandate that the City of Milwaukee offer protective service employees a high-deductible health plan alternative identical in design to the high-deductible option the state offers to its employees.

The Governor declined to veto the following five items on our list:

- ? Room tax law changes.
- ? Prohibiting local governments from enforcing code compliance at the time of real estate transactions.
- ? Requiring municipalities in Kenosha County to extend sewer and water service outside their borders upon request.
- ? Creating a streamlined incorporation process for the Town of Windsor in Dane County and the Town of Maine in Marathon County.
- ? The January 1, 2017 delayed effective date for the repeal of the prevailing wage law for local governments.

that have reached their liquor license quota to issue a "Class B" liquor license to a restaurant that seats at least 300 people.

7. Bicycle and Pedestrian Paths. The Governor partially vetoed a part of the budget requiring municipal approval to expend state funds on bicycle and pedestrian facilities so that it does not apply to projects that are already underway.

8. GTA Appeals Process. Establishing a new appeals process for municipalities to challenge general transportation aid payments if the municipality believes that a reporting error resulted in an incorrect aid payment.

9. Room Tax Law Changes -- Partial Veto. The Governor made two partial vetoes to the room tax law changes. The Wisconsin Association of Visitors and Convention Bureaus requested the vetoes. The vetoes remove any flexibility municipalities may have had under the provision regarding the use of the 70% of tax revenue that must be spent on tourism promotion and development. The Governor partially vetoed the definition of "tourism entity." Under the partial veto, a "tourism entity" must either have come into existence before January 1, 1992, consistent with current law, or if no such organization exists in the municipality on January 1, 2016, be an entity that a municipality chooses to contract with that is created in the municipality and which provides destination marketing staff and services. The Governor also vetoed provisions allowing municipalities to use room tax revenue for the satisfaction of a contract entered into before January 1, 2016. He objected to the additional time that the provision allowed wherein a municipality may enter into new contracts that utilize room tax revenues for purposes other than tourism promotion and tourism development.

Repeal of Prevailing Wage Law Delayed Until 2017

As many municipal officials have learned, the state budget provision repealing the prevailing wage law for local governments doesn't take effect until January 1, 2017.



Prohibition Against Enforcing Code Compliance at Time Properties are Sold Takes Effect Immediately

All of the provisions in the state budget, which do not have a

different effective date specified, took effect on July 14, the day after Act 55 was published. Consequently, the provision inserted into the state budget at the request of the Wisconsin Realtors Association prohibiting municipalities from enforcing building, property maintenance, and other codes at the time a property is sold, took effect July 14.

Newly created Wis. Stat. sec. 706.22 prohibits municipalities from restricting by ordinance or other means the ability of an owner of real property to sell, transfer, or refinance the property by requiring the owner to take certain actions with respect to the property. "Actions with respect to the property" include: (a) having an inspection made by an employee or contractor of the municipality; (b) making improvements or repairs; (c) removing junk or debris; (d) mowing or pruning; (e) performing maintenance or upkeep activities; (f) weatherproofing; (g) upgrading electrical systems; (h) paving; (i) painting; (j) repairing or replacing appliances, fixtures or other items; (k) actions related to compliance with building codes or other property condition standards. Any municipal ordinances inconsistent with the above provisions became null and void and unenforceable once the state budget took effect on July 2014.

It is important to remember, however, that the budget amendment further states that the above provisions do not prohibit a municipality from requiring real property owners to take all of the above actions with regard to their property, but not in connection with the sale or refinancing of the property. In other words, municipalities will need to enforce code compliance through the use of citations and forfeitures outside of the time a property is sold.

Legislature Remains in Extraordinary Session for Bucks Arena Bill

The Legislature's most recent regular floorperiod, scheduled to last until passage of the state budget, has been adjourned. However, the Legislature called itself into extraordinary session on July 7 to take up the budget bill, the Bucks Arena proposal, as well as several other proposals. The Senate passed the Bucks Arena bill, SB 209, last week. When the Assembly plans to take up the bill is unclear at this time.

Recently Introduced Legislation

AB 285, **Exempting Certain Columbaria from Laws**

APPLETON CODE

(Code 1965, §10.17(2); Ord 4-93, §1, 1-6-93; Ord 142-93, §1, 9-15-93; Ord 143-93, §1, 9-15-93; Ord 144-93, §1, 9-15-93; Ord 154-93, §1, 9-15-93; Ord 155-93, §1, 9-15-93; Ord 137-95, §1, 12-20-95; Ord 154-01, §1, 9-10-01, Ord 68-05, §1, 5-7-05; Ord 107-05, §1, 1-1-06; Ord 122-05, §1, 1-1-06; Ord 96-10, §1, 6-22-10; Ord 103-10, §1, 1-1-11; Ord 112-12, §1, 10-23-12)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-91. Parking in front and side yard in residential district; parking on terraces.

(a) **Purpose.** The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.

(b) **Residential driveway.** Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.

(c) **Front yard.** No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a "camping trailer", "fifth-wheel trailer", "motor home" or "recreational vehicle" as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. All driveways on one- (1-) and two- (2-) family residential properties, as well as those properties with three (3) dwelling units, shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction. Those existing driveways on one- (1-) and two- (2-) family properties, as well as those properties with three (3) dwelling units, that are not currently paved with such materials shall be so paved prior to the sale of the property or, within six (6) months after the property is sold.

(d) **Side yard.** No person shall park or store any motor vehicle, "camping trailer", "fifth-wheel trailer", "motor home" or "recreational vehicle" as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers,

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trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless the side yard parking area is no greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property. Side yard parking areas are required to be hard surfaced and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.

(e) **Permits.** The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

(f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide; and,
- (4) The paved area is no longer than the length of the driveway, extending from the edge of the City's right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,
- (5) Whenever practicable, the extension shall be located on the side of the driveway such that it extends toward the nearest side lot line. When such a configuration is not possible, the property owner may install an extension no greater than four (4) feet into the greater front yard. Any extension into the greater front yard of the property that is more than four (4) feet wide shall require approval from the Municipal Services Committee.
- (6) This section shall not apply toward paved circular driveways.