

CHAPTER 66

GENERAL MUNICIPALITY LAW

66.0101 Home rule; manner of exercise.

(1) Under [article XI, section 3](#), of the constitution, the method of determination of the local affairs

66.0103 Code of ordinances.

(1) The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.

(2) Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of [ss. 59.14, 60.80, 61.50 \(1\) and 62.11 \(4\) \(a\)](#).

66.0119 Special inspection warrants.

(1)

(a) "Inspection purposes" includes such purposes as building, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, waterways, use of water, food, zoning, property assessment, meter and obtaining data required to be submitted in an initial site report or feasibility report under [subch. III of ch. 289](#) or [s. 291.23, 291.25, 291.29 or 291.31](#) or an environmental impact statement related to one of those reports. "Inspection purposes" also includes purposes for obtaining information specified in [s. 196.02 \(5m\)](#) by or on behalf of the public service commission.

(b) "Peace officer" means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents, and means a local health officer, as defined in [s. 250.01 \(5\)](#), or his or her designee.

(c) "Public building" has the meaning given in [s. 101.01 \(12\)](#).

(2) A peace officer may apply for, obtain and execute a special inspection warrant issued under this section. Except in cases of emergency where no special inspection warrant is required, special inspection warrants shall be issued for inspection of personal or real properties which are not public buildings or for inspection of portions of public buildings which are not open to the public only upon showing that consent to entry for inspection purposes has been refused.

(3) The following forms for use under this section are illustrative and not mandatory:

AFFIDAVIT

STATE OF WISCONSIN

.... County

In the court of the of

A. F., being duly sworn, says that on the day of, (year), in said county, in and upon certain premises in the (city, town or village) of and more particularly described as follows: (describe the premises) there now exists a necessity to determine if said premises comply with (section of the Wisconsin statutes) or (section of ordinances of said municipality) or both. The facts tending to establish the grounds for issuing a special inspection warrant are as follows: (set forth brief statement of reasons for inspection, frequency and approximate date of last inspection, if any, which shall be deemed probable cause for issuance of warrant).

Wherefore, the said A. F. prays that a special inspection warrant be issued to search such premises for said purpose.

...(Signed) A. F.

Subscribed and sworn to before me this day of, (year)

.... Judge of the Court.

SPECIAL INSPECTION WARRANT

STATE OF WISCONSIN

.... County

In the court of the of

THE STATE OF WISCONSIN, To the sheriff or any constable or any peace officer of said county:

Whereas, A. B. has this day complained (in writing) to the said court upon oath that on the day of, (year), in said county, in and upon certain premises in the (city, town or village) of and more particularly described as follows: (describe the premises) there now exists a necessity to determine if said premises comply with (section of the Wisconsin statutes) or (section of ordinances of said municipality) or both and prayed that a special inspection warrant be issued to search said premises.

Now, therefore, in the name of the state of Wisconsin you are commanded forthwith to search the said premises for said purposes.

Dated this day of, (year),

.... Judge of the Court.

ENDORSEMENT ON WARRANT

Received by me, (year), at o'clock M.

.... Sheriff (or peace officer).

RETURN OF OFFICER

STATE OF WISCONSIN

.... Court

.... County.

I hereby certify that by virtue of the within warrant I searched the named premises and found the following things (describe findings).

Dated this day of, (year)
.... Sheriff (or peace officer).

History: 1971 c. 185 s. 7; 1981 c. 374; 1983 a. 189 s. 329 (4); 1989 a. 159; 1995 a. 27, 227; 1999 a. 150 ss. 30, 287 to 292; Stats. 1999 s. 66.0119; 2003 a. 89; 2007 a. 130.

Warrants for administrative or regulatory searches modify the conventional understanding of probable cause requirements for warrants as the essence of the search is that there is no probable cause to believe a search will yield evidence of a violation.

Refusal of consent is not a constitutional requirement for issuing the warrant, although it may be a statutory violation.

Suppression only applies to constitutional violations. *State v. Jackowski*, 2001 WI App 187, 247 Wis. 2d 430, 633 N.W.2d 649, 00-2851.

The constitutional limitations on inspections pursuant to warrants issued under this section are discussed. *Platteville Area Apartment Association v. City of Platteville*, 179 F.3d 574 (1999).

66.0121 Orders; action; proof of demand. No action may be brought upon a city, village, town or school district order until 30 days after a demand for the payment of the order has been made. If an action is brought and the defendant fails to appear and defend the action, judgment shall not be entered without affirmative proof of the demand. If judgment is entered without proof of the demand, the judgment is void.

History: 1993 a. 246; 1995 a. 225; 1999 a. 150 s. 294; Stats. 1999 s. 66.0121.

66.0413 Razing buildings.

(1) AUTHORITY AND PROCEDURE.

(a) Definitions. In this subsection:

1. "Building" includes any building or structure or any portion of a building or structure.
2. "Raze a building" means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

66.0413 (cont)

(2) RAZING BUILDING THAT IS A PUBLIC NUISANCE; IN REM PROCEDURE.

66.0413(2)(a)(a) **Definitions.** In this subsection:

1. "Building" means a building, dwelling or structure.
2. "Public nuisance" means a building that, as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures, or facilities or appurtenances of the building are damaged, destroyed or removed so that the building offends the aesthetic character of the immediate neighborhood and produces blight or deterioration.

3. "Raze a building" means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

(b) *Notification of nuisance.* If the owner of a building in a city, village or town permits the building to become a public nuisance, the building inspector or other designated officer of the city, village or town shall issue a written notice of the defect that makes the building a public nuisance. The written notice shall be served on the owner of the building as provided under sub. (1) (d) and shall direct the owner to remedy the defect within 30 days following service.

LINK TO CHAPTER 254, STATS.

SEPT. 2017 UPDATE

<http://docs.legis.wisconsin.gov/statutes/statutes/254>