

CHAPTER 61

TRESPASS TO LAND AND DWELLINGS

SECTION 1.

In this chapter:

- a. “Dwelling unit” means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
- b. “Implied consent” means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.
- c. “Inholding” means a parcel of land that is private property and that is surrounded completely by land owned by the United States, the state of Wisconsin or by a local governmental unit or any combination of the United States, the state of Wisconsin and a local governmental unit.
- d. “Local governmental unit” means a political subdivision of the state of Wisconsin, a special purpose district in the state of Wisconsin, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.
- e. “Place of employment” has the meaning given in Wis. Stats. §101.01(11).
- f. “Private property” means real property that is not owned by the United States, the state of Wisconsin or a local governmental unit.
- g. “Open land” means land that meets all of the following criteria:
 - 1. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.
 - 2. The land is not part of the curtilage, or is not lying in the immediate vicinity, of a structure or improvement being used or occupied as a dwelling unit.
 - 3. The land is not occupied by a public building.
 - 4. The land is not occupied by a place of employment.

SECTION 2.

Whoever does any of the following violates this chapter and is subject to a forfeiture as provided in Section 9:

- a. Enters any enclosed, cultivated or undeveloped land of another, other than open land specified in par. d. or e. without the express or implied consent of the owner or occupant.
- b. Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
- c. Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
- d. Enters or remains on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
- e. Enters undeveloped private land from an abutting parcel of land that is owned by the United States, the state of Wisconsin or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.
- f. Erects on the land of another signs which are the same as or similar to those described in Section 4 without obtaining the express consent of the lawful occupant of or holder of legal title to such land.
- g. Enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

SECTION 3.

In determining whether a person has implied consent to enter the land of another a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:

- a. Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
- b. The customary use, if any, of the land by other persons.
- c. Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
- d. The general arrangement or design of any improvements or structures on the land.

SECTION 4.

A person has received notice from the owner or occupant within the meaning of Section 1. c., d. or e. if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this section under either of the following procedures:

- a. If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this paragraph were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph.
- b. If markings at least one foot long, including in a contrasting color the phrase “private land” and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.

SECTION 5.

An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of Section 2. a. or b. for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.

SECTION 6.

Nothing in this chapter shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee and with the consent of the employee occupants.

SECTION 7.

Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with the occupant in the housing area the occupant occupies.

SECTION 8.

This chapter does not apply to any of the following:

- a. A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under Wis. Stats. §29.885 (2), (3) or (4).
- b. A hunter entering land that is required to be open for hunting under Wis. Stats §29.885 (4m) or 29.889 (7m).
- c. A person entering or remaining on any exposed shore area of a stream as authorized under Wis. Stats. §30.134.

SECTION 9.

Any person who violates this chapter shall, upon adjudication, be subject to a forfeiture of not more than \$500, plus the costs of prosecution and penalty assessment. In default of payment of such forfeiture and costs, a person shall be subject to imprisonment in the County Jail until such forfeiture and costs are paid, not to exceed 30 days.

SECTION 10.

Any future amendments, revisions, or modifications of Wisconsin Statutes §§943.13 and 943.14 incorporated herein, are intended to be made part of this chapter as such amendments, revisions, or modifications are made to said Statutes.

This ordinance shall take effect and be in force from and after its proper passage and publication pursuant to Wisconsin law.

Ordinance No. 59(82) – September, 1982

Ordinance No. 697(2005) – August, 2005 – Repealed and Recreated