



1999 ASSEMBLY BILL 183

March 8, 1999 - Introduced by Representatives STASKUNAS, LA FAVE, MILLER, BOCK, BLACK, SERATTI, GOETSCH, VRAKAS and STONE, cosponsored by Senators ROSENZWEIG, GROBSCHMIDT, DARLING, ROESSLER and FARROW. Referred to Committee on Environment.

1 **AN ACT to amend** 66.43 (3) (a), 66.43 (4) (a) 3., 66.431 (2m) (b) 1., 66.431 (2m) (b)
2 3., 66.431 (2m) (bm), 66.431 (5) (a) 3., 66.46 (2) (a) 1. a. and 66.46 (2) (a) 1. b.;
3 and **to create** 66.43 (3) (bm) and 66.431 (2m) (fe) of the statutes; **relating to:**
4 expanding the definitions of “blighted area” and “blighted property” under the
5 blighted area law, the Blight Elimination and Slum Clearance Act and the Tax
6 Increment Law.

Analysis by the Legislative Reference Bureau

Under current law, cities and villages may act under the blighted area law to carry out redevelopment projects in a blighted area. Current law defines “blighted area” to include any area that endangers life or property by fire and other causes or is conducive to ill health or transmission of disease and is detrimental to the public health, safety, morals or welfare. The current Blight Elimination and Slum Clearance Act authorizes cities and villages to create a redevelopment authority to engage in blight elimination, slum clearance and urban renewal programs and projects, and defines “blighted area” and “blighted property” in a way that is similar to the definition under the blighted area law. Finally, current law authorizes cities and villages to act under the Tax Increment Law to undertake a project that eliminates a “blighted area”, which is defined in a way that is similar to the definition under the blighted area law and the Blight Elimination and Slum Clearance Act.

This bill broadens the definition of “blighted area” to include “environmental pollution” and authorizes a city or village, under the blighted area law and the Blight

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Elimination and Slum Clearance Act, to enter blighted property to make environmental investigations and to obtain, under the blighted area law, a court order to do so in the event that entry is denied or resisted. The authority to obtain such a court order currently exists under the Blight Elimination and Slum Clearance Act.

For further information see the *state and 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:

1 **SECTION 1.** 66.43 (3) (a) of the statutes is amended to read:

2 66.43 (3) (a) “Blighted area” means any area, including a slum area, in which
3 a majority of the structures are residential or in which there is a predominance of
4 buildings or improvements, whether residential or nonresidential, and which, by
5 reason of dilapidation, deterioration, age or obsolescence, inadequate provision for
6 ventilation, light, air, sanitation, or open spaces, high density of population and
7 overcrowding, environmental pollution or the existence of conditions which
8 endanger life or property by fire and other causes, or any combination of such factors,
9 is conducive to ill health, transmission of disease, infant mortality, juvenile
10 delinquency and crime, and is detrimental to the public health, safety, morals or
11 welfare.

12 **SECTION 2.** 66.43 (3) (bm) of the statutes is created to read:

13 66.43 (3) (bm) “Environmental pollution” has the meaning given in s. 299.01
14 (4).

15 **SECTION 3.** 66.43 (4) (a) 3. of the statutes is amended to read:

16 66.43 (4) (a) 3. Within its boundaries, to acquire by purchase, eminent domain
17 or otherwise, any real or personal property or any interest therein, together with any
18 improvements thereon, necessary or incidental to a redevelopment project; to hold,

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1 improve, clear or prepare for redevelopment any such property; to sell, lease,
2 subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any
3 such property or any interest therein; to enter into contracts with redevelopers of
4 property containing covenants, restrictions, and conditions regarding the use of such
5 property in accordance with a redevelopment plan and such other covenants,
6 restrictions and conditions as it may deem necessary to prevent a recurrence of
7 blighted areas or to effectuate the purposes of this section; to make any of such
8 covenants, restrictions, conditions or covenants running with the land, and to
9 provide appropriate remedies for any breach thereof; and to enter into any building,
10 property in any project area or blighted area in order to make inspections, surveys,
11 appraisals, soundings or test borings, environmental investigations and to obtain an
12 order for this purpose from a court of competent jurisdiction in the event entry is
13 denied or resisted.

14 66.43 (3) **SECTION 4.** 66.431 (2m) (b) 1. of the statutes is amended to read:

15 66.431 (**2m**) (b) 1. An area, including a slum area, in which there is a
16 predominance of buildings or improvements, whether residential or nonresidential,
17 which by reason of dilapidation, deterioration, age or obsolescence, inadequate
18 provision for ventilation, light, air, sanitation, or open spaces, high density of
19 population and overcrowding, environmental pollution or the existence of conditions
20 which endanger life or property by fire and other causes, or any combination of such
21 factors is conducive to ill health, transmission of disease, infant mortality, juvenile
22 delinquency, or crime, and is detrimental to the public health, safety, morals or
23 welfare.

24 **SECTION 5.** 66.431 (2m) (b) 3. of the statutes is amended to read:

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1 66.431 (2m) (b) 3. An area which is predominantly open and which, because
2 of obsolete platting, diversity of ownership, deterioration of structures or of site
3 improvements, environmental pollution or otherwise, substantially impairs or
4 arrests the sound growth of the community.

5 **SECTION 6.** 66.431 (2m) (bm) of the statutes is amended to read:

6 66.431 (2m) (bm) “Blighted property” means any property within a city,
7 whether residential or nonresidential, which by reason of dilapidation,
8 deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or
9 sanitation, high density of population and overcrowding, or the existence of
10 conditions which endanger life or property by fire and other causes, or any
11 combination of such factors, is conducive to ill health, transmission of disease, infant
12 mortality, juvenile delinquency or crime, and is detrimental to the public health,
13 safety, morals or welfare, or any property which by reason of faulty lot layout in
14 relation to size, adequacy, accessibility or usefulness, insanitary or unsafe
15 conditions, deterioration of site or other improvements, diversity of ownership, tax
16 or special assessment delinquency exceeding the fair market value of the land,
17 defective or unusual conditions of title, environmental pollution or the existence of
18 conditions which endanger life or property by fire and other causes, or any
19 combination of such factors, substantially impairs or arrests the sound growth of a
20 city, retards the provisions of housing accommodations or constitutes an economic or
21 social liability and is a menace to the public health, safety, morals or welfare in its
22 present condition and use, or any property which is predominantly open and which,
23 because of obsolete platting, diversity of ownership, deterioration of structures or of
24 site improvements, environmental pollution or otherwise, substantially impairs or
25 arrests the sound growth of the community.

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1 **SECTION 7.** 66.431 (2m) (fe) of the statutes is created to read:

2 66.431 **(2m)** (fe) “Environmental pollution” has the meaning given in s. 299.01
3 (4).

4 **SECTION 8.** 66.431 (5) (a) 3. of the statutes is amended to read:

5 66.431 **(5)** (a) 3. Within the boundaries of the city to acquire by purchase, lease,
6 eminent domain, or otherwise, any real or personal property or any interest therein,
7 together with any improvements thereon, necessary or incidental to a
8 redevelopment or urban renewal project; to hold, improve, clear or prepare for
9 redevelopment or urban renewal any such property; to sell, lease, subdivide, retain
10 or make available for the city’s use; to mortgage or otherwise encumber or dispose
11 of any such property or any interest therein; to enter into contracts with redevelopers
12 of property containing covenants, restrictions and conditions regarding the use of
13 such property in accordance with a redevelopment or urban renewal plan, and such
14 other covenants, restrictions and conditions as the authority deems necessary to
15 prevent a recurrence of blighted areas or to effectuate the purposes of this section;
16 to make any of such covenants, restrictions, conditions or covenants running with
17 the land and to provide appropriate remedies for any breach thereof; to arrange or
18 contract for the furnishing of services, privileges, works or facilities for, or in
19 connection with a project; to temporarily operate and maintain real property
20 acquired by it in a project area for or in connection with a project pending the
21 disposition of the property for such uses and purposes as may be deemed desirable
22 even though not in conformity with the redevelopment plan for the area; within the
23 boundaries of the city to enter into any building or property in any project area or into
24 any blighted property in order to make inspections, surveys, appraisals, soundings
25 ~~or~~, test borings or environmental investigations, and to obtain an order for this

1 purpose from a court of competent jurisdiction in the event entry is denied or
2 resisted; to own and hold property and to insure or provide for the insurance of any
3 real or personal property or any of its operations against any risks or hazards,
4 including the power to pay premiums on any such insurance; to invest any project
5 funds held in reserves or sinking funds or any such funds not required for immediate
6 disbursement in property or securities in which savings banks may legally invest
7 funds subject to their control; to redeem its bonds issued under this section at the
8 redemption price established therein or to purchase such bonds at less than
9 redemption price, all such bonds so redeemed or purchased to be canceled; to develop,
10 test and report methods and techniques, and carry out demonstrations and other
11 activities, for the prevention and elimination of slums and blight; and to disseminate
12 blight elimination, slum clearance and urban renewal information.

13 **SECTION 9.** 66.46 (2) (a) 1. a. of the statutes is amended to read:

14 66.46 (2) (a) 1. a. An area, including a slum area, in which the structures,
15 buildings or improvements, which by reason of dilapidation, deterioration, age or
16 obsolescence, inadequate provision for ventilation, light, air, sanitation, or open
17 spaces, high density of population and overcrowding, environmental pollution or the
18 existence of conditions which endanger life or property by fire and other causes, or
19 any combination of these factors is conducive to ill health, transmission of disease,
20 infant mortality, juvenile delinquency, or crime, and is detrimental to the public
21 health, safety, morals or welfare.

22 **SECTION 10.** 66.46 (2) (a) 1. b. of the statutes is amended to read:

23 66.46 (2) (a) 1. b. An area which is predominantly open and which consists
24 primarily of an abandoned highway corridor, as defined in s. 66.431 (2m) (a), or that
25 consists of land upon which buildings or structures have been demolished and which,

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1 because of obsolete platting, diversity of ownership, deterioration of structures or of
2 site improvements, environmental pollution or otherwise, substantially impairs or
3 arrests the sound growth of the community.

4 (END)