

1989 Assembly Bill 517

Date of enactment: April 27, 1990
Date of publication*: May 10, 1990

1989 WISCONSIN ACT 337

AN ACT to amend 66.902 (1) (e), 66.902 (2) (c) and 147.21 (2) of the statutes, relating to: changing the procedures by which metropolitan sewerage districts collect forfeitures for violations of their rules and orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.902 (1) (e) of the statutes is amended to read:

66.902 (1) (e) If any person fails to comply with a rule of the district, a court may issue the district may obtain an injunction under s. 823.02 and may impose a forfeiture of not more than \$1,000 for each day the failure continues. The commission or the district may initiate an action for the civil remedies under s. 147.21 (2) or (5). If the district acts under s. 147.21 (2) or (5), the district may recover the forfeiture in a civil action brought by the commission in the name of the district. Collected forfeitures shall be paid into the district's general fund. The forfeiture is in addition to and does not substitute for any damages recoverable by the commission.

SECTION 2. 66.902 (2) (c) of the statutes is amended to read:

66.902 (2) (c) If the commission does not stay compliance and a person fails to comply with a special order of the district within the time specified, or if a person fails

to begin in good faith to obey, the person is creating a public nuisance enjoined under s. 823.02 and shall forfeit to the district not more than \$1,000 for each day the failure continues. The district may also initiate an action for the civil remedies under s. 147.21 (2) or (5). If the district acts under s. 147.21 (2) or (5), the forfeiture may be recovered by the commission district in a civil action brought by the commission in the name of the district. Collected forfeitures shall be paid into the district's general fund. The forfeiture is in addition to and does not substitute for any damages recoverable by the commission.

SECTION 3. 147.21 (2) of the statutes is amended to read:

147.21 (2) Any person who violates this chapter, any rule promulgated under this chapter or any term or condition of a permit issued under this chapter, or any rule promulgated or order issued under s. 66.902 (1) or (2) shall forfeit not less than \$10 nor more than \$10,000 for each day of violation, except that the minimum forfeiture does not apply if the point source at which the violation occurred is an animal feeding operation.