

No. 351, A.]

[Published July 2, 1943.]

**CHAPTER 398.**

AN ACT to amend 280.01 and 280.02 of the statutes, relating to jurisdiction and injunction for nuisances.

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

SECTION 1. 280.01 of the statutes is amended to read:

280.01 Any person may maintain an action to recover damages for and to abate a private nuisance or any person, *county*, city, village or town may maintain an action to recover damages or to abate a public nuisance from which injuries peculiar to the complainant are suffered, so far as necessary to protect the complainant's rights and to obtain an injunction to prevent the same.

SECTION 2. 280.02 of the statutes is amended to read:

280.02 An action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general upon his own information, or upon the relation of a private individual, *or a county*, having first obtained leave therefor from the court. An action to enjoin a public nuisance may also be commenced and prosecuted by a city, village or town in its own name, and it shall not be necessary to obtain leave from the court to commence or prosecute such action. The same rule as to liability for costs shall govern as in other actions brought by the state. No stay of any order or judgment enjoining or abating, in any action under this section, may be had unless the appeal be taken within 5 days after notice of entry of such judgment or order or service of the injunction. Upon appeal and stay, the return to the supreme court shall be made immediately.

Approved June 28, 1943.