

CHAPTER 265.

AN ACT to amend 60.306 (2), 143.11, 146.13 and 146.14 (2); and to create 60.306 (2m) of the statutes, relating to powers of town sanitary district commissions and providing penalties.

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

SECTION 1. 60.306 (2) of the statutes is amended to read:

60.306 (2) The commission shall project, plan, construct and maintain in such district a system or systems of waterworks, garbage or refuse disposal or sewerage, including sanitary sewers, surface sewers or storm water sewers, provide chemical treatment of waters for the suppression of swimmer's itch, algae and other nuisance-producing aquatic growths, or all of such improvements or any combination thereof necessary for the promotion of the public health, comfort, convenience or public welfare of such district, and such commission is authorized to enter into contracts and take any or all proceedings necessary to carry out such powers and duties * * *.

SECTION 2. 60.306 (2m) of the statutes is created to read:

60.306 (2m) The commission may make rules and regulations and issue orders to promote and preserve public sanitation. Such rules, regulations and orders shall be published in some newspaper published in the district or, if there be none, posted in 5 public places therein.

SECTION 3. 143.11 of the statutes is amended to read:

143.11 Any person who shall wilfully violate any law relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of any board of health *or town sanitary district commission*, lawfully made and duly published, shall be * * * imprisoned not more than 3 months or * * * fined not to exceed \$100.

SECTION 4. 146.13 of the statutes is amended to read:

146.13 If anyone constructs or permits any drain, pipe, sewer or other outlet to discharge into a public highway infectious or noxious matter, the board of health of the village, town or city shall, and the *town sanitary district commission or the county board of health*, acting alone or jointly with the local board of health, may order the person maintaining it to remove it within 10 days and if such condition continues or recurs after the expiration of 10 days the board or boards issuing the order may enter upon the property and cause removal of the nuisance. The cost thereof may be recovered from the person permitting such violation, or such cost may be paid by the municipal treasurer and such account, after being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed, "For Abatement of a Nuisance," as a tax on the lands upon which such nuisance was abated, which tax shall be collected as other taxes are. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the clerk to the state treasurer who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the land specified, and he shall collect the same as prescribed in chapter 76 and return the amount collected to the town, city or village from which such certificate was received. Anyone maintaining such a nuisance shall also be fined not exceeding \$300 or imprisoned not exceeding 90 days, or both.

SECTION 5. 146.14 (2) and (3) of the statutes are amended to read:

146.14 (2) If a nuisance be found on private property the local board of health *or town sanitary district commission* shall order its abatement or removal within * * * 24 hours, and if the owner or occupant fails to comply he shall forfeit not less than * * * \$5 nor more than * * * \$50, and the board *or commission* may abate or remove the nuisance.

(3) If the local board of health *or commission* be refused entry to any building or vessel to examine into and abate, remove or prevent a nuisance, any member may complain under oath to a justice of the peace, whether or not such justice be a member of the board *or commission*, stating the facts in his knowledge and the justice shall issue a warrant commanding the sheriff or any constable of the county to take sufficient aid, and being accompanied by * * * 2 or more of the board of health *or commission*, and under their direction, between sunrise and sunset, abate, remove or prevent the nuisance.

Approved June 15, 1949.