

No. 194, A.]

[Published June 18, 1917.

## CHAPTER 430

AN ACT to amend section 1407m—1 and to create section 1407—1 of the statutes, relating to discharge of sewage from sewerage systems.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 1407m—1 of the statutes is amended to read: Section 1407m—1. Whenever the common council, town board, village board or board of health of any city, • • • village or • • • town or whenever ten per cent of the electors of any city, village or town as determined by the total vote cast therein for all candidates for governor at the last general election make complaint in writing to the state board of health, that a city, village, corporation or person is discharging or permitting to be discharged any sewerage or other waste into any stream, watercourse, lake or pond, ditch or drain, and is thereby creating a public nuisance detrimental to health or comfort, or is polluting the source of any public water supply, it shall be the duty of the state board of health to forthwith investigate, or cause to be investigated, the conditions complained of: and whenever the state board of health finds after careful investigation that the source of public water supply of any city, village or community in this state is being subject to contamination, or has been rendered impure by reason of discharge of sewerage or other wastes, or whenever said board finds that such sewerage or other waste have so corrupted any stream, watercourse, lake or pond, ditch or drain, and that • • • such contamination, impurity or corruption is detrimental to the public health, it shall notify such city, village, corporation or person causing the contamination, corruption or pollution of any such stream, watercourse, lake, pond, ditch, drain or banks adjacent thereto, of its findings, and all expense incurred in making such investigations and all succeeding investigations found necessary to establish the stability or character of the effluent shall be paid for by the parties owning the plant.

SECTION 2. A new section is added to the statutes to read: Section 1407—1. 1. When any city or village shall establish and construct a system of sewerage, for which the plans and specifications have been approved by the state board of health, the outflow from such system may be discharged into any ditch or drain laid out or constructed pursuant to law.

2. Such city or village or the owner of any parcel of land

through which such ditch or drain is constructed may apply to the circuit court of the county in which the land is located to have ascertained and determined the compensation to which the owner of land may be entitled for the damages for the additional burden, if any, upon his land caused by the use of such ditch or drain for the outflow from said system of sewerage. No injunction to restrain the city or village from using such system of sewerage or from discharging the outflow therefrom into the ditch or drain shall be granted until the compensation shall have been finally fixed and determined and payment thereof refused. Unless within six months after the city or village has completed its system of sewerage the owner of any parcel of land through which such ditch or drain is constructed shall institute proceedings to have his compensation fixed and determined as herein provided, he shall be forever barred from commencing any action or proceeding to recover the same. The proceedings hereunder shall be conducted in accordance with the provisions of the statutes relating to the determination of the compensation of the landowner where the right of eminent domain has been exercised by railroad companies, and all the provisions of law relating to that subject so far as possible shall apply to proceedings hereunder.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 14, 1917.

No. 548, A.]

[Published June 18, 1917.

## CHAPTER 431

AN ACT to create subsection 11a of section 1317m—9 of the statutes, requiring the obtaining of a permit for the excavation of any or the disturbing of streets or highways which have been constructed under the provisions of sections 1317m—1 to 1317m—15, inclusive, and providing a penalty.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new subsection is added to section 1317m—9 of the statutes to read: (Section 1317m—9) 11a. No person, firm or corporation shall make any excavation in any road or street or shall in any manner disturb any road, street or bridge which has been or shall hereafter be constructed under the provisions of sections 1317m—1 to 1317m—15, inclusive, unless he shall first have secured a permit therefor from the county highway committee of the county in which such road, street or bridge is