

1971 Assembly Bill 194

Date published:  
April 24, 1971

CHAPTER 19, Laws of 1971

AN ACT to amend 59.07 (53) and (85) of the statutes, relating to the definition of air pollution which may be regulated by the county.

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

59.07 (53) and (85) of the statutes are amended to read:

59.07 (53) In any county having a population of 500,000 or more, regulate by ordinance within the territorial limits of such county the ejection, discharge or emission into the open air of smoke, and solids, liquids, gases, fumes, odorous substances, acids, burning embers, sparks, cinders, soot, particulate wastes or dusts, including their radioactive fractions or counterparts, from any chimney, smokestack, vent, fuel-burning equipment, open fire, apparatus, device, mechanism, substance, material or premises; prescribe the maximum volatile matter content or other constituents of fuels used within the county in hand-fired or other fuel-burning equipment; prescribe fees for the examination of plans, inspections, tests, issuance of permits, and certificates of operation; prescribe rules and standards in aid of such regulations; provide in such ordinance for an appeal board and an advisory board and prescribe the powers of each; prescribe penalties for violating such ordinance; provide for commencing actions to enjoin acts, threats of acts and the procuring or suffering of acts to be done in violation of such ordinance; and provide for a county department of air pollution regulation with necessary officers and assistants to perform any and all functions relating to enforcing such ordinance. Whenever the board enacts an ordinance pursuant to authority granted by this subsection, such ordinance shall supersede and nullify any municipal ordinance then in effect, as to all matters included

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within such county ordinance and such municipalities shall thereafter and while such county ordinance remains in effect have no power to enact ordinances as to the subject matter included within such county ordinance. Matters treated in this subsection are declared to be of state-wide concern.

(85) In any county, regulate by ordinance within the territorial limits of such county the ejection, discharge or emission into the open air of smoke and solids, liquids, gases, fumes, odorous substances, acids, burning embers, sparks, particulate wastes or dusts, including their radioactive fractions or counterparts, from any chimney, smokestack, vent, fuel-burning equipment, open fire, apparatus, device, mechanism, substance, material or premises. In aid of such regulations, prescribe rules, regulations and standards governing processes, control equipment, and devices, application of fuels and raw materials to equipment and processes; prescribe fees for the examination of plans, inspections, tests, issuance of permits for equipment and certificates of operation; provide in such ordinance for an appeal board and an advisory board and prescribe the powers of each; prescribe penalties for violating such ordinance; provide for commencing actions to enjoin acts, threats of acts and the procuring or suffering of acts to be done in violation of such ordinance; and provide for a county department of air pollution control with necessary officers and assistants to perform any and all functions relating to enforcing such ordinance.

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