

No. 301, A.]

[Published September 1, 1959.  
[Republished September 5, 1959.

CHAPTER 335

AN ACT to renumber 66.05 (1); to renumber and amend 66.05 (2); and to create 66.05 (1) (b) and (c), (2) (b) and (c) and (5m) and 280.21 of the statutes, relating to municipal procedure to procure compliance with orders to raze buildings, and providing a penalty.

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

SECTION 1. 66.05 (1) of the statutes is renumbered 66.05 (1) (a).

SECTION 2. 66.05 (1) (b) and (c) of the statutes are created to read:

66.05 (1) (b) Whenever a municipal governing body, inspector of buildings or designated officer determines that the cost of such repairs would exceed 50 per cent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the state supervisor of assessments for the municipality within which such building is located, such repairs shall be presumed unreasonable and it shall be presumed for the purposes of this section that such building is a public nuisance.

(c) Acts of municipal authorities under this section shall not increase the liability of an insurer.

SECTION 3. 66.05 (2) of the statutes is renumbered 66.05 (2) (a) and amended to read:

66.05 (2) (a) If the owner \* \* \* *fails or refuses* to comply within the time prescribed, the inspector of buildings or other designated officer shall cause such building or part thereof to be razed and removed either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use. The cost of such razing and removal or closing shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special tax. When any building has been ordered razed and removed the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing

and removal, shall be promptly remitted to the circuit court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state. If the building or part thereof is insanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse the building inspector shall post a placard on the premises containing the following words: "This Building Cannot Be Used for Human Habitation, Occupancy or Use." And it \* \* \* is the duty of the building inspector or other designated officer to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. \* \* \*

SECTION 4. 66.05 (2) (b) and (c) of the statutes are created to read:

66.05 (2) (b) Any municipality, inspector of buildings or designated officer may, in his official capacity, commence and prosecute an action in circuit court for an order of the court requiring the owner to comply with an order to raze or remove any building or part thereof issued under this section if the owner fails or refuses to do so within the time prescribed in such order, or for an order of the court requiring any person occupying a building whose occupancy has been prohibited under this section to vacate the premises, or any combination of such court orders. Hearing on such actions shall be given precedence over other matters on the court's calendar. Costs shall be in the discretion of the court.

(c) Any person who rents, leases or occupies a building which has been condemned for human habitation, occupancy or use shall be fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days for each week of such violation, or both.

SECTION 5. 66.05 (5m) of the statutes is created to read:

66.05 (5m) This section shall not limit powers otherwise granted to municipalities by other laws of this state.

SECTION 6. 280.21 of the statutes is created to read:

**280.21 DILAPIDATED BUILDINGS DECLARED NUISANCES.**  
Any building which, under s. 66.05 (1) has been declared so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or has been determined to be unreasonable to repair under said statute, is a public nuisance and may be proceeded against under this chapter.

Approved August 26, 1959.