

No. 239, S.]

[Published September 8, 1961.

CHAPTER 433

AN ACT to create 66.05 (8) of the statutes, relating to razing buildings in cities and villages that are in such state of repair as to constitute a public nuisance.

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

66.05 (8) of the statutes is created to read:

66.05 (8) (a) Whenever an owner of any building, dwelling or structure in any city or village permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building, dwelling or structure are either damaged, destroyed or removed so that such building, dwelling or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition, the building inspector or other designated officer of such city or village shall issue a written notice respecting the existence of such defect; such written notice shall be served on the owner of such building, dwelling or structure as set forth in sub. (1) (a) and shall direct the owner of such building, dwelling or structure to promptly remedy the defect within 30 days following the service of such notice.

(b) If such owner fails to remedy or improve the defect in accordance with the written notice furnished by the building inspector or other designated officer as set forth in par. (a), then after the expiration of the 30-day period specified in the written notice such building inspector or other designated officer shall apply to the circuit court of the county in which such building, dwelling or structure is located for an order determining that such building, dwelling or structure constitutes a public nuisance. As a part of the application for such order from the circuit court such building inspector or other designated officer shall file a verified petition in which shall be recited the giving of such written notice, the defect or defects in such building, dwelling or structure, the owner's failure to comply with the notice and such other pertinent facts as may be related thereto. A copy of the petition shall be served upon the owner as provided in sub. (1) (a) and the owner shall have 10 days following service upon him in which to reply to such petition. Upon application by the building inspector or other designated officer the circuit court shall promptly set the petition for hearing. Testimony shall be taken by the circuit court with respect to the allegations of the petition and denials contained in the verified answer. If the circuit court after hearing the evidence with

respect to the petition and the answer shall determine that the building, dwelling or structure constitutes a public nuisance, the court shall promptly issue an order directing the owner of such building, dwelling or structure to remedy the defect and to make such repairs and alterations as may be required. The court shall further set a reasonable period of time in which such defect shall be remedied and the repairs or alterations completed. A copy of such order shall be served upon the owner as provided in sub. (1) (a). The order of the circuit court shall state in the alternative that if the order of the court is not complied with within the time fixed by the court, then such building inspector or other designated officer may proceed to raze the building, dwelling or structure. All costs or disbursements with respect to such razing shall be as provided for in sub. (2) (a).

(c) Either the owner or the city or village may appeal to the supreme court within 30 days from the date of entry of the order of the circuit court and such appeal shall be heard by the supreme court in the same manner as other appeals are heard.

(d) Any building, which under par. (a) either as a result of vandalism or for any other reason is permitted to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building, dwelling or structure are either damaged, destroyed or removed so that such building, dwelling or structure offends the aesthetic character of the immediate neighborhood and produces blight or deterioration by reason of such condition, is a public nuisance.

Approved September 5, 1961.
