



## 1995 SENATE BILL 245

June 1, 1995 - Introduced by Senators A. LASEE, DRZEWIECKI, ZIEN, FARROW, BRESKE and HUELSMAN, cosponsored by Representatives OTT, GOETSCH, GROTHMAN, F. LASEE, OWENS and SERATTI. Referred to Committee on Environment and Energy.

1 AN ACT *to amend* 88.90 (2) of the statutes, **relating to:** removing from natural  
2 watercourses obstructions on lands that are located in villages.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person who suffers damage to land that the person owns or occupies that is negligently caused by the failure to remove from a natural watercourse an obstruction located on land owned or occupied by another person may request that the other person remove the obstruction. If the other person fails to remove the obstruction and if the land on which the obstruction is located is in a town, the person giving the notice may file a complaint with the town board of supervisors. If the person fails to follow any recommendations made by the town board for the removal of the obstruction, the supervisors must order the removal, and the costs of the removal are assessed against the land where the obstruction is located as a special assessment.

This bill expands the scope of this provision so that the above-described procedures for making a complaint and the powers held by town boards apply to obstructions on land located in villages and to village boards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 88.90 (2) of the statutes is amended to read:  
4 88.90 (2) If the obstruction is not removed within 6 days after receipt of such  
5 notice and if the obstruction is located in a village or town, the owner or occupant of

1 the damaged lands may make complaint to ~~the supervisors of the~~ village or town  
2 board, filing at the same time a copy of the notice. ~~Such~~ The village trustees or town  
3 supervisors, after viewing the watercourse and upon being satisfied that the  
4 complaint is just, shall make recommendations in writing to the owner or occupant  
5 of the lands where the obstruction is located, for the removal of such obstruction. If  
6 such recommendations are not followed within a reasonable time, the ~~supervisors~~  
7 village or town board shall order the obstruction removed. The cost of view and of  
8 removal shall be charged and assessed against the lands from which the obstruction  
9 was removed and shall be collected as other special assessments are collected.

10 (END)