

jury for that purpose as provided by law, after the defendant has been arrested upon an indictment found and returned against him, and before he shall be required to plead thereto, a certified copy of the testimony taken by the grand jury upon which the indictment was returned, shall be filed with the clerk of the court in which the indictment is filed. Such copy of the testimony shall be transcribed and certified as required by section 4141 of the statutes, and shall at all times thereafter, be accessible and subject to the inspection of the defendant and his counsel and may be used for the purpose of impeachment, and shall be received in evidence with the same effect as if such stenographic reporter was present to testify to the correctness of the testimony so certified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.

No. 683, A.]

[Published June 19, 1909.

CHAPTER 472.

AN ACT to repeal sections 1636—150 to 1636—176 inclusive of the statutes, and to create sections 1636—150 to 1636—159 inclusive of the statutes, relating to the improvement of sanitation and the regulation thereof in apartment houses, tenement houses, lodging and boarding houses, in cities of the first, second and third classes.

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

SECTION 1. Sections 1636—150 to 1636—176 inclusive of the statutes are repealed.

SECTION 2. There are added to the statutes ten new sections to read: Section 1636—150. 1. A tenement house in the meaning of this act is any house or building, or portion thereof, which is rented, leased, let or hired out to be occupied, or is occupied as a home or residence of three or more families living independently and doing their cooking or having facilities for doing their cooking upon the premises, and having a common right in the stairways, yards and water closets, or some of them.

2. A lodging or boarding house is any house or building or portion thereof, in which six or more persons are harbored, received or lodged for hire, or any building or part thereof, which is used for six or more persons, not members of the family, to sleep in or occupy as a lodging.

3. An apartment is a room or suite or rooms occupied or designed to be occupied as a family domicile.

4. A yard is an open, unoccupied space on the same lot with a tenement, lodging or boarding house between the rear line of the house and the rear line of the lot.

5. A court is an open unoccupied space other than a yard, on the same lot with a tenement, lodging or boarding house.

6. A shaft includes exterior and interior shafts, whether for light, air, elevator, dumb-waiter or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment, bathroom or passage-way.

7. A public hall is a hall, corridor or passage-way not within an apartment.

8. A stair hall includes the stairs, stair landings, those portions of the public hall through which it is necessary to pass in getting from the entrance floor to the roof, and the enclosing partitions.

9. A basement is a story partly, but not more than one-half its height below the level of the lot.

10. A cellar is a story more than one-half its height below the level of the lot.

Section 1636—151. Every apartment house, tenement house, lodging or boarding house, and every part thereof, in cities of the first, second and third classes, shall be kept clean and free from every accumulation of dirt, filth, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys, connected with, or belonging to the same, liable to produce disease or jeopardize public health. The owner, manager or agent of any apartment house, tenement house, lodging or boarding house, or any part thereof, shall so cleanse and repair all the rooms, halls, stairs, floors, windows, doors, walls, ceilings, closets, cess-pools and drains thereof of such buildings or parts thereof, of which he is owner, agent or lessee, as to maintain the same in such condition as not to be dangerous to life or limb or prejudicial to health. The owner of every apartment house, tenement house, lodging or boarding house, shall furnish suitable covered receptacles for garbage, ashes and rubbish.

Section 1636—152. The roofs of every apartment house, tenement, lodging or boarding house shall be maintained in good repair and all rain water shall be so drained or conveyed therefrom as not to flow into courts or basements or cause dampness of living rooms.

Section 1636—153. No horse, cow, calf, swine, poultry, sheep or goat shall be kept in tenement houses or lodging houses, nor

on the lot or premises thereof unless stabled at least twenty feet distant from every building used for living purposes, and only when such stabling is not detrimental to health in the opinion of any of the departments charged with the enforcement of this act. No apartment, tenement, lodging or boarding house, or any part thereof, shall be used for the handling, keeping or storage of combustible articles or rags or of any other articles dangerous or detrimental to health.

SECTION 1636—154. Any building or portion thereof used as a tenement, lodging or boarding house in any city of the first, second or third classes that has become dilapidated, decayed, impaired by age, fire, or the elements, or dangerous from any cause, or has become infected with disease, or has become liable to produce disease of any kind by reason of accumulation of filth or other unsanitary condition, and is on account thereof dangerous to life or limb or prejudicial to the public health, is hereby declared a nuisance. When the health commissioner of any city of the first, second or third classes or any officer charged with the enforcement of this act, shall receive information that any building or part thereof used as an apartment, tenement, lodging or boarding house, located in such city, has become such a nuisance, he shall personally examine such building or part thereof and upon determining that the same constitutes such nuisance he shall notify in writing the owner, occupant or agent thereof to abate such nuisance within a time to be specified in such notice, which notice shall further state the character of such nuisance and the determination of such officer. If the owner, occupant or agent so notified shall fail, neglect or refuse to comply with such notice within the time provided thereby and the nuisance shall continue unabated, the said officer shall cause such nuisance to be abated. In any case, however, in which it shall be necessary to tear down or destroy any such building or part thereof in order to abate such nuisance, such officer shall before demolishing the same apply to the circuit court of the county in which such city is situated, for an order declaring that such building or part thereof constitutes a nuisance and that the destruction thereof is necessary to abate the same. Upon the filing of any such application such court shall forthwith issue and cause to be served upon such owner, occupant or agent and upon any other person known to be interested in the matter, an order that they or any of them show cause to the court at a time and place therein fixed, why such building or part thereof should not be declared and adjudged a nuisance, and its destruction necessary to abate the

same. At the time so fixed, the court shall hear the proofs of the parties interested and may examine such building, and shall determine whether such building constitutes such nuisance and whether the destruction thereof is necessary in order to abate the same. If the court shall determine that such nuisance exists but that it may be abated otherwise than by destruction of the building or part thereof, he shall so order and adjudge and may make such other order or judgment as shall be just and equitable.

If such building or part thereof is so determined to be a nuisance and such owner, occupant, agent or other person interested shall fail or refuse to abate the same for, with or comply with such order of the court, such officer shall cause such building or part thereof to be destroyed.

The actual necessary expense of abating any such nuisance shall be paid by the proper officers of the city in which such building is situate, out of the treasury thereof, but the owner or owners of the lot or parcel of land upon which said building or part of a building is situate shall be indebted to such city in the amount of such expense, and such city shall have a lien upon such lot or parcel of land therefor, and the amount thereof shall be assessed thereupon by the proper officers and collected in the same manner provided for the assessment and collection of other assessments and taxes thereon.

Section 1636—155. No room used as a sleeping room in any apartment house, tenement, lodging or boarding house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air space to each person over twelve years of age, and two hundred cubic feet of air space to each child under twelve years of age, occupying such room.

Section 1636—156. Each and every building within the cities of the first, second and third classes, used as an apartment house, tenement, lodging or boarding house, shall be furnished with suitable privy vaults or water-closets. There shall be at least one such closet or vault for every two apartments, provided that the total number of persons in such two apartments does not exceed eight. Where the total number of persons exceeds eight, there shall be a separate closet or vault for each apartment. The vaults, privies or water-closets in or belonging to any apartment house, tenement house, boarding house or lodging house, located on a line of any street or alley through which there is a public, private or district sewer, or other sewer with which connection may be had, shall be connected by the owners, lessees, or agents of such property therewith, whenever required to be done by the order of the

local health commissioner or any one of the state officers entrusted with the enforcement of this act.

Section 1636—157. Every apartment or tenement house shall have water provided in sufficient quantity in each apartment, provided such house is located on a street or alley supplied with city water pipes. When such house is not so situated, a sufficient supply of wholesome water shall be provided on a part of the lot where it will not be contaminated from closets, barns, garbage or other sources of impurity.

Section 1636—158. The provisions of this act shall apply to and be in force in cities of the first, second and third classes only. In addition to the officers now charged by law with the enforcement of the statutes, it shall be the duty of state factory inspectors and the commissioner of health and building inspector in every such city to enforce the provisions of this act, and such officers are hereby clothed with full power and authority for such purpose.

Section 1636—159. Every person who shall violate or assist in violating or who shall fail to comply with any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than five dollars, nor more than two hundred dollars, or by imprisonment in the county jail, workhouse or house of correction not less than fifteen days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court. Every person who shall continue to violate or assist in violating or who shall continue to fail, neglect, or refuse to comply with any of the provisions of this act, after having been so convicted for violating, assisting in violating or failing to comply therewith, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment in the county jail, work house or house of correction not less than sixty days nor more than six months.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.