

1973 Assembly Bill 275

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CHAPTER 306, Laws of 1973

AN ACT to amend 280.22 (1) and (2); and to create 262.08 (3) of the statutes, relating to violations of housing codes.

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

SECTION 1. 262.08 (3) of the statutes is created to read:

262.08 (3) When the action is to declare property within this state a public nuisance.

SECTION 2. 280.22 (1) and (2) of the statutes are amended to read:

280.22 (1) If real property in counties having a population of 100,000 or more is in violation of those provisions of a municipal building code which concern health or safety or of an order of the county health department, county health commission or municipal health board or officer, the city, village or town in which such property is located may commence an action to declare such property a public nuisance. A tenant or class of tenants of property which is in violation of the municipal building code or of an order of the county health department, county health commission or municipal health board or officer, or any other person or class of persons whose health, safety or property interests are or would be adversely affected by property which is in violation of the municipal building code or of an order of the county health department, county health commission or municipal health board or officer, may file a petition with the clerk of the city, village, or town requesting the governing body to commence an action to declare such property a public nuisance. Upon refusal or failure of such governing

body to commence such an action within 20 days after the filing of the petition, the tenant, class of tenants, other person or other class of persons may commence such action directly upon the filing of security for court costs. In any such case, the court before which such action is commenced shall exercise jurisdiction in rem or quasi in rem over such property and the owner of record of the property, if known, and all other persons of record holding or claiming any interest therein shall be made parties defendant and service of process may be had upon them as provided by law. Any change of ownership subsequent to the commencement of the action shall not affect the jurisdiction of the court over such property. At the time of commencing the action, the municipality or ~~tenant~~ other parties plaintiff shall file a lis pendens. If the court finds that such a violation exists, it shall adjudge the property a public nuisance and such an entry of judgment shall be a lien upon the premises.

(2) ~~The~~ A property owner or any person of record holding or claiming any interest in such property shall have 60 days after entry of judgment to eliminate the violation. If within 60 days after entry of judgment under sub. (1), ~~the~~ an owner of the property presents evidence satisfactory to the court, upon hearing, that the violation has been eliminated, the court shall set aside the judgment. It shall not be a defense to this action that the owner of record of the property is a different person, partnership or corporate entity than the owner of record of the property on the date the action was commenced or thereafter provided a lis pendens has been filed prior to the change of ownership. No hearing under this subsection shall be held until notice has been given to the municipality and ~~tenant~~ all the plaintiffs advising them of their right to appear. If the judgment is not so set aside within 60 days after entry of judgment, the court shall appoint a disinterested person to act as receiver of the property for the purpose of abating the nuisance.
