

1983 Assembly Bill 833

Date of enactment: **May 10, 1984**
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1983 Wisconsin Act 507

AN ACT to create 31.253 of the statutes, relating to hearing requirements prior to seeking or causing the removal of a dam.

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

SECTION 1. 31.253 of the statutes is created to read:

31.253 Dam removal; opportunity for hearing. (1) OPPORTUNITY FOR HEARING PRIOR TO DEPARTMENT ACTION. Except as provided under sub. (4), prior to seeking or causing the removal of a dam under this chapter, the department shall hold a public informational hearing on the proposed removal or publish a class 2 notice under ch. 985 stating that it will seek or cause the removal of the dam without holding a public informational hearing unless a hearing is requested in writing within 30 days after the last publication of the notice. The department may hold further hearings or give further notice as it deems appropriate.

(2) **OPPORTUNITY FOR HEARING PRIOR TO COURT ACTION.** Except as provided under sub. (4), a court may not order or authorize the removal of a dam in an enforcement action under this chapter unless a public informational hearing or an opportunity for a public informational hearing was provided.

(3) **PUBLIC INFORMATIONAL HEARING.** If the department conducts a public informational hearing under this section, the department shall explain the basis for its decision to seek or cause the removal of the dam, the procedures which will be followed and opportunities for citizen involvement in those procedures and the department shall provide an opportunity for citizens to present comments, testimony and evidence concerning the removal of the dam. Notwithstanding s. 227.064, this hearing may not be converted or treated as a contested case.

(4) **EXCEPTIONS.** (a) This section does not apply if the department or a court determines that a dam constitutes an immediate and significant hazard to persons or property.

(b) This section does not apply to an application under s. 31.185 or departmental action under s. 31.185.
