

1993 Assembly Bill 750

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1993 WISCONSIN ACT 382

AN ACT to amend 66.05 (2) (a) and 74.53 (1) (intro.) and (a), (3) and (5) of the statutes, relating to: personal liability for delinquent property taxes and other costs and to the costs of razing and closing buildings.

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

SECTION 1. 66.05 (2) (a) of the statutes is amended to read:

66.05 (2) (a) If the owner fails or refuses to comply within the time prescribed, the inspector of buildings or other designated officer may cause such building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition or closing shall may be charged in full or in part against the real estate upon which such building is located, and ~~shall be if that cost is so charged~~ it is a lien upon such real estate, and may be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement shall may be assessed and collected as a special tax. When any building has been ordered razed and removed and an order has been issued to restore the site to a dust-free and erosion-free condition, the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing, removal and restoration of the site to a dust-free and erosion-free condition, shall be promptly remitted to the circuit court with a report of such sale or transaction,

including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state. If the building or part thereof is insanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse the building inspector shall post a placard on the premises containing the following words: "This Building Cannot Be Used for Human Habitation, Occupancy or Use". And it is the duty of the building inspector or other designated officer to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made.

SECTION 2. 74.53 (1) (intro.) and (a), (3) and (5) of the statutes are amended to read:

74.53 (1) RECOVERY OF TAXES AND COSTS AGAINST PERSONS. (intro.) Except as provided in subs. (3) and (5), a county or a city authorized to act under s. 74.87 may bring a civil action against a person to recover any of the following amounts that are included in the tax roll for collection and any of the amounts under pars. (b) and (c) that are not included in the tax roll for collection:

(a) Delinquent real property taxes, special charges, special assessments and special taxes, not including amounts under pars. (b) and (c), that were delinquent during the period that the person owned the property.

(3) LIMITATION. A county or a city authorized to act under s. 74.87 may not proceed against any person under ~~this section sub. (1) for amounts under sub. (1) (a)~~ unless the property against which the amounts are levied in the tax roll is included in a tax certificate issued under s.

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74.57 and the fair market value of the property is less than the amounts owed plus interest and penalties.

(5) PRIOR APPROVAL. No action may be commenced under sub. (1) for the amounts under sub. (1) (a) unless it is approved by the county board or the common council

of a city authorized to act under s. 74.87. The clerk shall mail, to the last-known address of the person against whom an action is proposed to be commenced, advance written notice of the time and place the county board will meet to consider approval of legal action.