

No. 238, A.]

[Published July 3, 1919.

CHAPTER 447.

AN ACT to repeal sections 1407m—1, 1407m—2, 1407m—3, 1407m—4 and 1407m—5, of the statutes and to create sections 1407m—1, 1407m—2, 1407m—3, 1407m—4 and subsection (10) of section 20.43 of the statutes, providing for supervision and control by the state board of health of water and ice supplies, water purification, sewage and refuse treatment and disposal and the pollution of streams; and for supervision of the maintenance, alteration, extension, construction and operation of systems and works relating thereto; and prescribing penalties and making an appropriation.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1407m—1, 1407m—2, 1407m—3, 1407m—4 and 1407m—5 of the statutes are hereby repealed.

SECTION 2. There are added to the statutes five new sections to read: Section 1407m—1. (1) The following terms as used in this section mean:

(a) "Waters of the state" includes those portions of Lake Michigan and Lake Superior bordering upon the state of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells and bodies of surface or ground water, whether natural or artificial within the boundaries of this state or subject to its jurisdiction.

(b) "Sewage," the water carried wastes created in and to be conducted away from residences of one or more families and public buildings as defined in section 2394—41 of the statutes; and industrial establishments, together with such ground, surface and storm water as may be present.

(c) "Waterworks," or "water supply system," all structures, conduits and appurtenances by means of which the water is delivered to consumers excepting the piping and fixtures inside the buildings served, and the service pipes from the building to the street main.

(d) "Water supply," the sources and their surroundings from which water is supplied for drinking or domestic purposes.

(e) "Sewerage system" and "sewage treatment and disposal," all structures, conduits and pipe lines by which sewage is collected and disposed of, excepting the plumbing system inside and in connection with the individual building served, and the service pipes from the building to the street main.

(f) "Refuse," all matters not heretofore defined as sewage produced from industrial or community life, subject to decomposition.

(g) "Owner" shall mean the state, county, township, city, village, corporation, firm, company, institution, or individual owning or operating any sewerage, waterworks or water supply systems, water supply, sewerage systems and sewage and refuse disposal plants.

(2) The state board of health shall have general supervision and control over the waters of the state insofar as their sanitary and physical condition affects the public health or comfort, and it may make and enforce rules and regulations, and order the necessary changes or additions to correct and prevent pollution. It shall investigate all sources of water or ice supply and all water or sewerage systems and sewage or refuse disposal plants and keep complete records of all such investigations. It shall have power to compel the operation of such systems and plants in a manner which shall protect the public health and comfort, or to order their alteration, extension or replacement by other structures when deemed necessary.

(3) The state board of health shall, when requested, consult with and advise owners having installed or about to install water supply and sewerage systems or sewage and refuse disposal plants, as to the most appropriate source of water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. It may conduct such investigations and experiments relating to the purification of water and the treatment of sewage or refuse; hold such public meetings and attend, or be represented, at such meetings or conventions inside, or outside, the state as may in its judgment tend to the benefit of public health, or the protection of water supplies and the purification of sewage and refuse. No owner shall be required to bear the expense of such consultation, advice or experiments. Advice that may be given shall be only of such nature as to outline the best course to pursue, and in no case shall the state board of health be required to prepare plans.

(4) Every owner shall file with the state board of health a certified copy of the complete plans of its proposed water supply or sewerage system and sewage or refuse disposal plant, to be of such scope and in such detail as may be satisfactory to the state board of health. The said board may require when it deems necessary any owner of a water supply or sewerage system, sewage or refuse disposal plant, to file with it complete plans and specifications of existing systems or plants and such other information and records concerning the maintenance,

operation and other details of water or sewerage systems, sewage or refuse disposal plants as the said board may require. It shall be the duty of the owner thereof to furnish such information and records within such time as the said board may prescribe.

(5) Whenever the state board of health finds that any water supply or sewerage system, or sewage or refuse disposal plant, on account of defective design, inadequacy, incompetent supervision or inefficient operation is in any way tending to produce a menace to health or comfort, or is creating a nuisance, it shall issue an order to the owner having charge of such system or plant, to secure such operating results as said board shall prescribe, which results shall be produced within such time as shall be satisfactory to the state board of health. If the prescribed results be not produced within the time specified, the said board may order the owner or person having charge of such system or plant to make such changes as the board may direct to safeguard health and comfort.

(6) When the conditions cannot be sufficiently improved by mere change in the method of operation, the state board of health shall issue an order requiring the owner of the system or plant to make such alterations or extensions to said system or plant, or to install such new system or plant, as the board may determine necessary to correct existing improper conditions.

(7) No owner shall install a water or sewerage system, or sewage or refuse disposal plant, nor materially alter or extend any such existing system, without having first submitted complete plans and specifications for the installation, alteration, or extension, together with such information as the state board of health may require, for its approval. All construction shall take place in accordance with the approved plans. In case it shall become necessary or desirable to make material changes in plans or specifications, such changed plans or specifications, together with a statement of the reasons for the alterations, shall be submitted to the said board for approval. The state board of health shall have power to make and enforce such rules and regulations under the provisions of sections 1407m—1 to 1407m—4 of the statutes as it may deem reasonable and proper. Before plans are drawn or application filed for a prospective water supply or sewerage system or sewage or refuse disposal plant, a preliminary statement concerning the improvement may be made to the state board of health, whereupon the said board shall, if requested, outline the general requirements of the case, conformity with which would meet with the board's

approval. Whenever application shall be made to the state board of health for approval of plans or installations under the provisions of sections 1407m—1 to 1407m—4 of the statutes, it shall be the duty of the board to examine the plans and conditions without delay, and, as soon as possible thereafter, approve or disapprove said plans or installations, or state the conditions under which approval will be granted.

(8) Whenever the state board of health shall find that the water supply for any public or private source of ice supply is, or is likely to become, prejudicial or dangerous to health or comfort from any cause, it shall order that said source of water for ice supply shall be closed. Or the board may order that such devices shall be installed or such measures instituted as shall be sufficient to remedy existing conditions, if in its judgment such conditions can be remedied in a satisfactory manner by said devices or measures. The state board of health shall be empowered to make and enforce such rules and regulations as it may deem proper regarding the selection and care of sources of ice supply and the methods employed in harvesting, manufacturing, storing and handling ice.

(9) All records as may be required by the state board of health under its rules and regulations adopted pursuant to sections 1407m—1 to 1407m—4 of the statutes shall be kept by the owners, and the state board of health shall be supplied with certified copies of all such records and such other information as it may require. Agents of the state board of health shall be allowed entry to all buildings, structures, and premises of owners supplying the public or industrial plants with water, ice, sewerage systems, sewage or refuse disposal service, or to all private properties for the purpose of collecting samples, records, and information, and ascertaining whether the rules and regulations and orders of said board are complied with.

(10) Every approval given by the state board of health under this act may be subject to modification and change by said board after due notice.

(11) In all matters, except in the formulation and adoption of rules and regulations, the state health officer is hereby authorized and empowered to act as and for the state board of health in enforcing and carrying out the provisions of sections 1407m—1 to 1407m—4, inclusive, of the statutes.

(12) Nothing in this act shall be construed to alter, amend, repeal, impair, or affect any of the provisions of sections 1797m—1 to 1797m—109 or of chapter 31 of the Wisconsin statutes.

Section 1407m—2. If in any case any order of the state board of health, made in pursuance to the provisions of sections 1407m—1 to 1407m—4, inclusive, is not acceptable to any owner affected thereby, such owner shall have the right of appeal, to wit: The objections to and the necessity for and reasonableness of such order may be submitted to three reputable and experienced engineers, one to be chosen by the owner, to which such order of the state board of health applies, one chosen by the said board, and the third by the other two, who shall act as referee engineers. If the engineers so chosen are unable to agree, then the vote of the majority shall be the decision of the referee engineers. The referee engineers, herein provided for, shall affirm or modify the order of the said board, and shall submit their decision within thirty days from the date of their appointment, unless such time be extended by mutual agreement of said owner and board, and said decision, as reported in writing to the said board, with recommendations, shall be enforced by said board in the manner provided for in sections 1407m—1 to 1407m—4, inclusive, of the statutes. Until the rendering of such report by the engineers, changing or modifying the order of the state board of health, the order of the board as first issued shall be in full force and effect. An election to proceed by arbitration under this section shall be construed as a waiver of the right to proceed by an appeal under section 1407m—3. Two-thirds of the fees and expenses of said referee engineers shall be paid by the owner requesting such adjudication, and the balance to be paid by the state board of health.

Section 1407m—3. Any owner, as defined herein, dissatisfied with any order or regulation of the state board of health issued under the provisions of sections 1407m—1 to 1407m—4, inclusive, of the statutes, may commence within twenty days after the service of such order or regulation, an action in the circuit court of Dane county against the state board of health as defendant, to vacate and set aside any such order or regulation on the ground that such order is not necessary for the protection of the public health or comfort, in which action a copy of the complaint shall be served with the summons. The answer of the state board of health shall be filed within twenty days, whereupon said cause shall be at issue and stand ready for trial upon fifteen days' notice to either party. All such actions shall have precedence over any civil cause of a different nature, except actions wherein the state or a department of state government is a party, and the said court shall always be deemed

open for trial thereof, and the same shall be tried and determined as other civil actions. Either party to said action within twenty days after service of a copy of the order or judgment of the circuit court of Dane county, may appeal to the supreme court.

Section 1407m—4. If any owner shall fail to comply with any order of the state board of health before the expiration of the time specified for compliance therewith, or in case of appeal, fail for a period of twenty days after final judgment affirming the board's order to obey said order or in good faith to begin to obey the same, such owner shall be held and declared to be creating a public nuisance which may be enjoined as provided by section 3180a, and such owner shall forfeit to the state of Wisconsin a sum of not less than ten dollars nor more than five thousand dollars for each day such failure continues. All forfeitures shall be recovered by the state in civil action brought by the attorney-general, and such forfeitures when collected shall be paid into the general fund of the state treasury.

(20.43) (10) On July 1, 1919, and annually thereafter ten thousand dollars to carry out the provisions of sections 1407m—1 to 1407m—4, inclusive, of the statutes.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 28, 1919.

No. 568, S.]

[Published July 3, 1919.

CHAPTER 448.

AN ACT to amend subsection 2 of section 925—14 of the statutes, relating to alteration of ward boundaries.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 925—14 of the statutes is amended to read: (Section 925—14) 2. Wards shall be in as compact form and contain as nearly equal population as practicable, which shall not be less than eight thousand nor more than twenty thousand in cities of the first class, nor less than fifteen hundred in cities of the second class, nor less than one thousand in cities of the third class, nor less than five hundred in cities of the fourth class *having more than four wards.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 28, 1919.