

No. 472, S.]

[Published July 30, 1951.]

CHAPTER 564.

AN ACT to amend 59.07 (27) of the statutes, relating to smoke regulation.

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

59.07 (27) of the statutes is amended to read:

59.07 (27) * * * SMOKE * * * AIR POLLUTION REGULATION. In any county having 250,000 population or more according to the last United States or state census, regulate by ordinance within the territorial limits of such county the *ejection, discharge or emission* * * * *into the open air of smoke*, and * * * solids, liquids, gases, fumes, acids, cinders, soot, * * * *particular wastes* or * * * *dusts* from any chimney, smokestack, *vent*, fuel-burning equipment, open fire, apparatus, device, mechanism, *substance, material* or premises; prescribe the maximum volatile matter content or other constituents of fuels used within the county in hand-fired or other fuel-burning equipment; prescribe fees for the examination of plans, inspections, tests, issuance of permits, and certificates of operation; prescribe rules and standards in aid of such regulations; provide in such ordinance for an appeal board and an advisory board and prescribe the powers of each; prescribe penalties for violating such ordinance; *provide for commencing actions to enjoin acts, threats of acts and the procuring or suffering of acts to be done in violation of such ordinance*; and provide for a county department of * * * *air pollution* regulation with necessary officers and assistants to perform *any and* all functions relating to enforcing such ordinance. Whenever the county board enacts an ordinance pursuant to authority granted by this subsection, such ordinance shall supersede and nullify any town, city or village ordinance then in effect, as to all matters included within such county ordinance and such towns, cities and villages shall thereafter and while such county ordinance remains in effect have no power to enact ordinances as to the subject matter included within such county ordinance. Matters treated in this subsection are declared to be of state-wide concern.

Approved July 6, 1951.