

No. 614, A.]

[Published August 30, 1955.

## CHAPTER 603

AN ACT to create 60.315 of the statutes, relating to the authority of town boards and the state board of health to establish town sanitary districts following a public hearing.

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

60.315 of the statutes is created to read:

60.315 TOWN BOARD OR STATE BOARD OF HEALTH MAY ESTABLISH SANITARY DISTRICT. (1) When the state board of health (referred to in this section as "the state board") through public hearing finds that private sewage disposal systems or private water supply systems or both, in counties having a city of first or second class, or in towns having an unincorporated village as defined in s. 62.06 (1) with a population of 1,000 or more, are so located and operated that they cause or tend to cause a menace to health or comfort, or pollution of surface waters, and determines that there is no local action to correct the situation, it shall certify such fact to the town or towns in which such area is located and specify the proposed work which is necessary and the property which is to be included in the district. The town clerk or town clerks of the area to be affected shall be given at least 30 days' notice by mail of the hearing and the town board shall publish notice of the hearing in a newspaper of general circulation in the proposed district at least 10 days prior to the hearing.

(2) Upon receipt of such certification from the state board of health the town board may order the establishment of a sanitary district pursuant to s. 60.302 to 60.305 without the necessity of a petition requesting the establishment of such a district as is provided for in s. 60.302, subject to review proceedings under sub. (4).

(3) If the town board fails to proceed under sub. (2) for a period of 45 days following receipt of the certification provided for in sub. (1), the state board shall issue an order establishing the district, which order

shall describe the district. A copy of the order shall be filed with the register of deeds in the county or counties in which the district is situated and a copy shall be filed with the town clerk or clerks in which the district is situated. Making and filing the order shall establish the district without any further action by the town board or boards, subject to review proceedings under sub. (4).

(4) (a) Substantially as provided in s. 144.56 (1), 10 per cent of the persons owning real estate within the district or the owners of 10 per cent of the land therein may upon petition secure a review by the town board or state board of the necessity and reasonableness of such order or the town board or boards in which the district is situated may upon petition secure a review by the state board.

(b) The determination of the state board shall be subject to judicial review in the manner provided by ch. 227.

(5) After the district has been established the provisions of s. 60.305 relating to commissioners shall apply. If no review proceedings are brought under sub. (4) (a) within 60 days after the establishment of the district, or if review proceedings under sub. (4) are had resulting in the affirmance of the order establishing the district and no steps are taken to appoint commissioners within 60 days after final affirmance the state board may appoint 3 commissioners residing within the district for 2-year terms. If at any time thereafter there is a failure to appoint or elect commissioners or to fill vacancies as provided in s. 60.305 and such failure shall continue for a period of more than 60 days the state board may make the appointments and fill the vacancies by appointment of persons residing within the district. Notice of all appointments of commissioners by the state board shall be filed with the town clerk or clerks in which the district is situated.

(6) Except as otherwise provided in this section and unless clearly inapplicable all other statutes relating to town sanitary districts shall apply to town sanitary districts created by order of the town board or state board.

Approved August 25, 1955.

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