

No. 737, S.]

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CHAPTER 458

AN ACT to renumber 30.30 (3); and to create 30.30 (3) (b) and (c) of the statutes, relating to harbor improvements and institution of an action in the circuit court.

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

SECTION 1. 30.30 (3) of the statutes is renumbered 30.30 (3) (a).

SECTION 2. 30.30 (3) (b) and (c) of the statutes are created to read:

30.30 (3) (b) Whenever an improvement, alteration, repair or extension of a dock wall or shore protection wall along the bank or shore of any waterway adjoining or within the limits of a municipality is required in order to eliminate menaces to navigation, or to promote the public health, safety or welfare, or to eliminate dilapidation, blight or obsolescence of such dock wall or shore protection wall, the board of harbor commissioners, if such board has been established within the municipality, or the local legislative body if no such board has been created, shall make a determination by resolution that it is essential that such dock wall or shore protection wall be improved, altered, repaired or extended. A certified copy of such resolution shall be served on the owners of the property of which such dock wall or shore protection wall is a part, by either forwarding such certified copy of the resolution by registered mail to the owners or by serving a certified copy of such resolution personally upon such owners if they can be found within the municipality. The resolution shall also specify a period of 90 days within which the owners shall be required to commence work for the improvement, alteration, repair or extension of the dock wall or shore protection wall.

(c) In the event the owners of the property on which such dock wall or shore protection wall is located fail to notify the board of harbor commissioners or the local legislative body, as the case may be, within such 90-day period that such work will be commenced as specified in the resolution, the board of harbor commissioners or the local legislative body shall request the city attorney, district attorney or corporation counsel for the commencement of an action in the circuit court in the county in which such property is located for determination of whether or not such improvement, alteration, repair or extension of the dock wall or shore protection wall is required and for the fixing of the time by the court within which time the work must be commenced and completed. The action shall be entitled in the name of the state and the municipality, and the attorney general shall participate on behalf of the state. The complaint shall recite the type of improvement, alteration, repair or extension which is required, the approximate cost thereof, the need for such work as related to the reasons stated in par. (b), and such other allegations as may be pertinent. The owners of the property within which such dock wall or shore protection wall is located shall be named defendants; they shall be permitted to plead as provided for in civil actions. The action shall be brought to trial in the circuit court as promptly as possible. If the circuit court determines that the work shall be performed, it shall make a finding to that effect and enter an order directing the owners of the property to commence the work and to complete it within a period of time fixed by the court in such order, or in the alternative provide that the municipality may complete such work and charge the cost thereof to the owners of the property. The cost of such work in the event it is performed by the municipality shall be recovered from the owners of the property as special assessments for benefits to lands provided for in s. 66.60. Either party to the action may appeal from the determination of the circuit court within 30 days following the entry of the order. The appeal to the supreme court shall be perfected in the same manner as are other civil actions and shall be given precedence. Only such portion of the cost of the work shall be assessed against the owners which is of benefit to their lands.

Approved September 9, 1961.
