

No. 298, S.

Published
October 4, 1963.

CHAPTER 364

AN ACT to repeal and recreate 146.14 (2) and (5); and to create 146.14 (6) of the statutes, relating to removing or abating nuisances.

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

SECTION 1. 146.14 (2) and (5) of the statutes are repealed and recreated to read:

146.14 (2) If a nuisance, caused by improper sewerage disposal facilities, is found on private property the local health officer or the chairman of the local board of health shall notify the owner and the occupant of such property by registered mail with return receipt requested of the presence of such nuisance and order its abatement or removal within 30 days of receipt of notice. The officer shall also notify the local governing body of the nuisance. If the nuisance is not corrected by that date, the local governing body shall immediately enter upon the property and abate or remove the nuisance or may contract to have the work performed. The nuisance shall be abated in a manner which is approved by the state board of health. The cost thereof may be recovered from the person permitting such violation or may be paid by the municipal treasurer and such account, after being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which such nuisance was abated, which tax shall be collected as are other taxes. In case of railroads or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the clerk to the state treasurer who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the land specified, and he shall collect the same as prescribed in ch. 76 and return the amount collected to the town, city or village from which such certificate

was received. Anyone maintaining such a nuisance may also be fined not more than \$300 or imprisoned not more than 90 days or both. The only defenses an owner shall have against the collection of a tax under this subsection are that no nuisance existed on his property, that no nuisance was corrected on his property, that the procedure outlined in this subsection was not followed or any applicable defense under s. 74.135. If a nuisance resulted from any other cause or source, the local board of health or town sanitary district commission shall order its abatement within 24 hours, and if the owner or occupant fails to comply, he shall forfeit not less than \$25 nor more than \$100, and the board or commission may abate or remove the nuisance.

(5) The cost of abatement or removal of a nuisance under this section may be at the expense of the municipality and may be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or may be charged against the premises and, upon certification of the health official, assessed as are other special taxes. In cases of railroads or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the clerk to the state treasurer who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the land specified, and he shall collect the same as prescribed in ch. 76 and return the amount collected to the town, city or village from which such certificate was received. Anyone maintaining such a nuisance may also be fined not more than \$300 or imprisoned not more than 90 days or both. The only defenses an owner shall have against the collection of a tax under this subsection are that no nuisance existed on his property, or that no nuisance was corrected on his property, or that the procedure outlined in this subsection was not followed, or any applicable defense under s. 74.135.

SECTION 2. 146.14 (6) of the statutes is created to read:

146.14 (6) Cities of the first class may but shall not be required to follow the provisions of this section. Cities of the first class may follow the provisions of its charter.

Approved September 26, 1963.
