

No. 299, A.]

[Published July 22, 1919.]

CHAPTER 570.

AN ACT relating to the office of inspector of buildings and providing for a deputy inspector of buildings in all cities of the first class, however incorporated, and repealing chapter 459 of the laws of 1887.

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

SECTION 1. Chapter 459 of the laws of 1887 is hereby repealed.

SECTION 2. The mayor of any city of the first class, however incorporated, shall, at the time of the first meeting of the common council of any such city in the month of May, once in every four years commencing with the year 1919, appoint an inspector of buildings who shall reside in such city and who shall have had at least five years' experience as an architect, builder or in connection with supervision of building construction. Such appointment shall be made by sending the name of the person so appointed by the mayor, either for a full term or to fill any vacancy in any unexpired term, to the common council of any such city, and no appointment shall be valid until confirmed by the said common council. In case the said common council shall neglect or refuse to confirm any such appointment, the mayor shall make another appointment until the same shall have been confirmed. Such inspector of buildings shall hold office, unless sooner removed, for the term of four years from the first day of June in the year in which he shall have been appointed, except when appointed to fill a vacancy, in which latter case he shall hold office for the unexpired term of his predecessor. In all cases such inspector of buildings shall hold office until the appointment, confirmation and qualification of his successor. Before entering upon the duties of his office the person appointed as inspector shall file with the city clerk of such city, within ten days after receiving notice of the confirmation of his appointment by the common council, a bond in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office. Such bond shall be approved by the comptroller of such city as to the sufficiency of the sureties therein, and by the city attorney of such city as to the form and execution thereof; and the said person so appointed shall, at the time of the filing of said bond, file also with the clerk of such city his oath in writing, to be executed in the form and manner as are the oaths of other public officers of such city. The common council of any such city of the first class shall have power to remove such

inspector of buildings at any time in case he shall neglect to perform the duties of his office, or shall, for any reason, be incompetent to perform the same. The office of such inspector of buildings shall be held at all times in such city and shall be open during the business hours of each day for public business.

SECTION 3. THE DUTIES OF THE INSPECTOR OF BUILDINGS shall be to inspect all buildings within such city of the first class and especially those now being built or repaired, and such as may hereafter be built or repaired, and to ascertain whether said buildings have been built or repaired, or are being built or repaired as required by law and the ordinances of such city of the first class. It shall also be the duty of such inspector when he shall deem it necessary, to examine into and ascertain the cause of all fires happening to any building in such city, and of all accidents caused by the breaking or falling down of any building in such city, and also to ascertain what buildings in such city are unsafe and dangerous to be occupied, arising either from conditions of the building or the manner in which it is used. It shall also be the duty of such inspector of buildings to find out all cases of the violation of any of the laws of the state, or of any ordinances of such city of the first class, relating to the construction, repairing or moving of any building as provided in this act.

SECTION 4. Such inspector of buildings may demand, and shall have admission to any building within such city of the first class at any time, except any building used exclusively as a place of residence of not exceeding two private families, for the purpose of inspecting the same, and in the performance of the duties of his office; and if such admission be refused and he be unable to obtain such admission for any reason after properly demanding the same at a reasonable time, he may apply to the judge of the circuit court of the county in which any such city is situated for a writ of assistance, and if the judge of said court be satisfied that it is proper and necessary for such inspector to gain admission to such building, and is unable to do so, he may issue a writ of assistance to the sheriff of the county in which such city is situated, commanding said sheriff to enter in and upon said building with said inspector, with such force as may be necessary to enable such inspector to perform his duties. The commissioner of public works of any such city of the first class shall issue no permit to anyone to use any street for the deposit of material for the construction or repair of any building in such city unless such person shall first file with said commissioner his written consent, authorizing said inspector of buildings, upon reasonable notice

and demand to enter into and upon and inspect said buildings and repairs.

SECTION 5. When in the opinion of the inspector of buildings the erection or construction of any building within the city limits of any such city or the making of alterations or repairs upon any building within the city limits of any such city is being done in a reckless, careless or unsafe manner, or in violation of the provisions of any law or of any ordinances of such city relating thereto, he may make application upon his verified complaint to any court of record of civil jurisdiction in the county in which such city is situated for an order restraining the person or persons constructing, erecting or repairing such building or buildings, and upon such application the court may issue such order restraining such person or persons from erecting, constructing or repairing such building or buildings until sufficient cause shall be shown for the dissolution of such restraining order. Such restraining order may be dissolved upon sufficient cause being shown, or upon the certificate in writing of the said inspector of buildings, that the person or persons restrained therein and thereby have agreed to construct or erect such buildings or to make such alterations or repairs according to law and in conformity with the directions of the said inspector of buildings. No cost shall be taxed against such city of the first class in any event upon the dissolution of any such restraining order.

SECTION 6. The inspector of buildings shall appoint a deputy inspector of buildings; provided, however, that such appointment shall be made subject to the civil service laws applicable to cities of the first class. Before entering upon the duties of his office, such deputy shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same, duly certified by the official administering the same, with the clerk of such city. He shall furnish a bond for the faithful performance of the duties of his office in such amount and with such sureties as the common council of such city may direct.

SECTION 7. In case of a vacancy in the office of the inspector of buildings, the deputy inspector of buildings shall have full power and authority, and it is hereby made his duty to exercise and perform the duties of the inspector of buildings until such vacancy shall be filled by appointment of a successor by the mayor of such city, and until such appointment has been confirmed by the common council of such city and such appointee has qualified in the manner provided by law.

SECTION 8. Such deputy shall be authorized to do all the acts required by law to be done by the inspector of buildings and he

shall, in case of sickness or absence of the inspector of buildings, perform all the duties imposed by law or the ordinances of such city upon such inspector of buildings, and shall likewise be subject to the same liabilities and penalties.

SECTION 9. The inspector of buildings shall have power to discharge the deputy for cause, but then only as provided by the civil service rules governing civil service employes.

SECTION 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 11. This act shall take effect upon passage and publication.

Approved July 15, 1919.

No. 270, S.]

[Published July 22, 1919.

CHAPTER 571.

AN ACT to create chapter 32 of the statutes, relating to eminent domain; to amend subsection (2) of section 23.11, sections 31.15, 43.26, subsection 1 of section 903, sections 925—97, 925—154, 925—168, subsection 1 of section 927, subsection 1 of section 927—1, sections 959—61, 959—62, 959—64, 959—113, 1226b, 1379—32, 1777a, 1777e, 1778h, 1786f, subsection (3) of section 1828, sections 1863a and 1872 of the statutes and section 3 of chapter 288, laws of 1899; to repeal sections 31.14, 40.12, 605, 606, 607, 694c, 694d, 694e, 896 to 902, inclusive, 925—159 to 925—164, inclusive, 925—166, 925—167, 925—170, 925—171, 926L to 926s, inclusive, 926—6, 959—63, 959—65 to 959—68, inclusive, 959—89, 1379—33 to 1379—39, inclusive, 1777b, 1777e, 1777d, 1778a, 1778b to 1778g, inclusive, 1778i, 1845 to 1856, inclusive, and 1875 of the statutes; to enact a new section to be numbered 1778d; and to add a new subsection to section 4971 of the statutes.

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

SECTION 1. There is created a new chapter of the statutes to be numbered and to read:

CHAPTER 32.

EMINENT DOMAIN.

32.01 DEFINITIONS. In this chapter unless the context or subject matter otherwise requires:

“Person” includes the state, a county, town, village, city, school district or other municipal corporation, a board, commission or corporation.