



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 290**

October 31, 1995 – Offered by COMMITTEE ON ENVIRONMENT AND UTILITIES.

1 **AN ACT to amend** 66.069 (1) (a), 66.069 (1) (b) and 66.60 (16) (a); and **to create**
2 66.069 (1) (bn), 66.60 (16) (d) and 196.643 (3) of the statutes; **relating to:**
3 responsibility for unpaid utility bills and municipal utility collection practices
4 and granting rule-making authority.

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

5 **SECTION 1.** 66.069 (1) (a) of the statutes is amended to read:

6 66.069 (1) (a) The governing body of any town, village or city operating a public
7 utility may, by ordinance, fix the initial rates and shall provide for this collection
8 monthly, bimonthly or quarterly ~~or semiannually~~ in advance or otherwise. The rates
9 shall be uniform for like service in all parts of the municipality and shall include the
10 cost of fluorinating the water. The rates may also include standby charges to
11 property not connected but for which such facilities have been made available. The
12 charges shall be collected by the treasurer.

13 **SECTION 2.** 66.069 (1) (b) of the statutes is amended to read:

1 66.069 (1) (b) On October 15 in each year notice shall be given to the owner or
2 occupant of all lots or parcels of real estate to which ~~water~~ utility service has been
3 furnished prior to October 1 by a ~~water~~ public utility operated by any town, city or
4 village and payment for which is owing and in arrears at the time of giving such
5 notice. The department in charge of the utility shall furnish the treasurer with a list
6 of all such lots or parcels of real estate, and the notice shall be given by the treasurer,
7 unless the governing body of the city, village or town shall authorize such notice to
8 be given directly by the department. Such notice shall be in writing and shall state
9 the amount of such arrears, including any penalty assessed pursuant to the rules of
10 such utility; that unless the same is paid by November 1 thereafter a penalty of 10
11 ~~per cent~~ % of the amount of such arrears will be added thereto; and that unless such
12 arrears, with any such added penalty, shall be paid by November 15 thereafter, the
13 same will be levied as a tax against the lot or parcel of real estate to which ~~water~~
14 utility service was furnished and for which payment is delinquent as above specified.
15 Such notice may be served by delivery to either such owner or occupant personally,
16 or by letter addressed to such owner or occupant at the post-office address of such
17 lot or parcel of real estate. On November 16 the officer or department issuing the
18 notice shall certify and file with the clerk a list of all lots or parcels of real estate,
19 giving the legal description thereof, to the owners or occupants of which notice of
20 arrears in payment were given as above specified and which arrears still remain
21 unpaid, and stating the amount of such arrears together with the added penalty
22 thereon as herein provided. Each such delinquent amount, including such penalty,
23 shall thereupon become a lien upon the lot or parcel of real estate to which the ~~water~~
24 utility service was furnished and payment for which is delinquent, and the clerk
25 shall insert the same as a tax against such lot or parcel of real estate. All proceedings

1 in relation to the collection of general property taxes and to the return and sale of
2 property for delinquent taxes shall apply to said tax if the same is not paid within
3 the time required by law for payment of taxes upon real estate. Under this
4 paragraph, if an arrearage is for utility service furnished and metered by the utility
5 directly to a mobile home unit in a licensed mobile home park, the notice shall be
6 given to the owner of the mobile home unit and the delinquent amount shall become
7 a lien on the mobile home unit rather than a lien on the parcel of real estate on which
8 the mobile home unit is located. A lien on a mobile home unit may be enforced using
9 the procedures under s. 779.48 (2).

10 **SECTION 3.** 66.069 (1) (bn) of the statutes is created to read:

11 66.069 (1) (bn) This paragraph applies only if a municipal public utility
12 provides water or electric utility service to a rental dwelling unit and the owner of
13 the rental dwelling unit notifies the utility in writing of the name and address of the
14 owner and the name and address of the tenant responsible for payment of the water
15 and electric charges. If a customer is a tenant, a municipal public utility shall send
16 bills for water or electric service to the customer in his or her own name. Each time
17 that a municipal public utility notifies a customer who is a tenant that charges for
18 water or electric service provided by the utility to the customer are past due for more
19 than one billing cycle, the utility shall also provide a copy of the notice to the owner
20 of the rental dwelling unit. The utility may demonstrate compliance with this
21 requirement by providing proof of having sent the notice by U.S. mail. If a customer
22 who is a tenant vacates his or her rental dwelling unit, and the owner of the rental
23 dwelling unit provides the municipal public utility with a forwarding address for the
24 tenant, the utility shall continue to send past due notices to the customer at his or
25 her forwarding address. If a municipal public utility failed to meet the requirements

1 of this paragraph, the utility is prohibited from using par. (b) to collect arrearages
2 incurred after the owner of a rental dwelling unit has provided the utility with
3 written notice under this paragraph. If the municipal public utility uses par. (b) to
4 collect arrearages, the amount to be collected shall not include charges that are less
5 than 3 months in arrears at the time of giving notice under par. (b). All notices to be
6 provided under par. (b) shall be provided to the owner of the property.

7 **SECTION 4.** 66.60 (16) (a) of the statutes is amended to read:

8 66.60 (16) (a) In addition to all other methods provided by law, special charges
9 for current services rendered may be imposed by the governing body by allocating all
10 or part of the cost to the property served. Such may include, without limitation
11 because of enumeration, snow and ice removal, weed elimination, street sprinkling,
12 oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse
13 disposal, ~~sewer service~~ stormwater management, including construction of
14 stormwater management facilities, and tree care. The provisions for notice of such
15 charge shall be optional with the governing body except that in the case of street
16 tarring and the repair of sidewalks, curb or gutters, a class 1 notice, under ch. 985,
17 shall be published at least 20 days before the hearing or proceeding and a copy of the
18 notice shall be mailed at least 10 days before the hearing or proceeding to every
19 interested person whose post-office address is known, or can be ascertained with
20 reasonable diligence. Such notice shall specify that on a certain date a hearing will
21 be held by the governing body as to whether the service in question shall be
22 performed at the cost of the property owner, at which hearing anyone interested will
23 be heard.

24 **SECTION 5.** 66.60 (16) (d) of the statutes is created to read:

