



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

March 26, 1996 – Offered by COMMITTEE ON ENVIRONMENT AND ENERGY.

1 **AN ACT to amend** 66.069 (1) (a), 66.069 (1) (b), 66.071 (1) (e) and 66.60 (16) (a);
2 and **to create** 66.069 (1) (am), 66.069 (1) (bn), 66.071 (1) (en) and 66.60 (16) (d)
3 of the statutes; **relating to:** responsibility for unpaid utility bills and municipal
4 utility collection practices.

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

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

1 66.069 (1) (am) If, on the effective date of this paragraph [revisor inserts
2 date], it is the practice of a governing body of a town, village or city operating a public
3 utility to collect utility service charges using a billing period other than one
4 permitted under par. (a), the governing body may continue to collect utility service
5 charges using that billing period.

6 **SECTION 3.** 66.069 (1) (b) of the statutes is amended to read:

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

1 arrears in payment were given as above specified and which arrears still remain
2 unpaid, and stating the amount of such arrears together with the added penalty
3 thereon as herein provided. Each such delinquent amount, including such penalty,
4 shall thereupon become a lien upon the lot or parcel of real estate to which the water
5 utility service was furnished and payment for which is delinquent, and the clerk
6 shall insert the same as a tax against such lot or parcel of real estate. All proceedings
7 in relation to the collection of general property taxes and to the return and sale of
8 property for delinquent taxes shall apply to said tax if the same is not paid within
9 the time required by law for payment of taxes upon real estate. Under this
10 paragraph, if an arrearage is for utility service furnished and metered by the utility
11 directly to a mobile home unit in a licensed mobile home park, the notice shall be
12 given to the owner of the mobile home unit and the delinquent amount shall become
13 a lien on the mobile home unit rather than a lien on the parcel of real estate on which
14 the mobile home unit is located. A lien on a mobile home unit may be enforced using
15 the procedures under s. 779.48 (2).

16 **SECTION 4.** 66.069 (1) (bn) of the statutes is created to read:

17 66.069 (1) (bn) 1. This paragraph applies only if all of the following conditions
18 are met:

19 a. Water or electric utility service is provided to a rental dwelling unit.

20 am. The water or electric utility service is provided by a town sanitary district
21 created under subch. IX of ch. 60 that has sewerage connections serving more than
22 700 service addresses, by a public inland lake protection and rehabilitation district
23 under subch. IV of ch. 33 that has sewerage connections serving more than 700
24 service addresses or by a municipal public utility.

1 b. The owner of the rental dwelling unit notifies the utility in writing of the
2 name and address of the owner.

3 c. The owner of the rental dwelling unit notifies the utility in writing of the
4 name and address of the tenant who is responsible for payment of the utility charges.

5 d. The owner of the rental dwelling unit provides the utility with a copy of the
6 rental or lease agreement in which the tenant assumes responsibility for the
7 payment of the utility charges.

8 2. If this paragraph applies, a municipal public utility may use par. (b) to collect
9 arrearages incurred after the owner of a rental dwelling unit has provided the utility
10 with written notice under subd. 1. only if the municipality complies with at least one
11 of the following:

12 a. In order to comply with this subd. 2. a., a municipal public utility shall send
13 bills for water or electric service to a customer who is a tenant in the tenant's own
14 name. Each time that a municipal public utility notifies a customer who is a tenant
15 that charges for water or electric service provided by the utility to the customer are
16 past due for more than one billing cycle, the utility shall also serve a copy of the notice
17 on the owner of the rental dwelling unit in the manner provided in s. 801.14 (2). If
18 a customer who is a tenant vacates his or her rental dwelling unit, and the owner of
19 the rental dwelling unit provides the municipal public utility, no later than 21 days
20 after the date on which the tenant vacates the rental dwelling unit, with a written
21 notice that contains a forwarding address for the tenant and the date that the tenant
22 vacated the rental dwelling unit, the utility shall continue to send past-due notices
23 to the customer at his or her forwarding address until the past-due charges are paid
24 or until notice has been provided under par. (b).

1 b. In order to comply with this subd. 2. b., if a customer who is a tenant has
2 charges for water or electric service provided by the utility that are past due, the
3 municipal public utility shall serve notice of the past-due charges on the owner of
4 the rental dwelling unit within 14 days of the date on which the tenant's charges
5 became past due. The municipal public utility shall serve notice in the manner
6 provided in s. 801.14 (2).

7 2m. A municipal public utility may demonstrate compliance with the notice
8 requirements of subd. 2. a. or b. by providing evidence of having sent the notice by
9 U.S. mail.

10 3. If this paragraph applies and a municipal public utility is permitted to collect
11 arrearages under par. (b), the municipal public utility shall provide all notices under
12 par. (b) to the owner of the property.

13 **SECTION 5.** 66.071 (1) (e) of the statutes is amended to read:

14 66.071 (1) (e) All water rates for water furnished to any building or premises,
15 and the cost of repairing meters, service pipes, stops or stop boxes, shall be a lien on
16 the lot, part of lot or parcel of land on which such building or premises shall be
17 situated. If any water rates or bills for the repairing of meters, service pipes, stops
18 or stop boxes remain unpaid on the first day of October, in any year, the same shall
19 be certified to the city comptroller of such city on or before the first day of November
20 next following, and shall be placed by the comptroller upon the tax roll and collected
21 in the same manner as other taxes on real estate are collected in said city. The charge
22 for water supplied by the city in all premises where meters are attached and
23 connected, shall be at rates fixed by the commissioner of public works and for the
24 quantity indicated by the meter. If in any case, the commissioner of public works
25 shall determine that the quantity indicated by the meter is materially incorrect or

1 if a meter has been off temporarily on account of repairs, the commissioner of public
2 works shall determine in the best manner in the commissioner's power the quantity
3 used, and such determination shall be conclusive. No water rate or rates duly
4 assessed against any property shall be thereafter remitted or changed except by the
5 council of such city. Under this paragraph, if an unpaid charge or bill is for utility
6 service furnished and metered by the waterworks directly to a mobile home unit in
7 a licensed mobile home park, the delinquent amount shall become a lien on the
8 mobile home unit rather than a lien on the parcel of real estate on which the mobile
9 home unit is located. A lien on a mobile home unit may be enforced using the
10 procedures under s. 779.48 (2).

11 **SECTION 6.** 66.071 (1) (en) of the statutes is created to read:

12 66.071 (1) (en) 1. This paragraph applies only if all of the following conditions
13 are met:

14 a. The waterworks provides water service to a rental dwelling unit.

15 b. The owner of the rental dwelling unit notifies the commissioner of public
16 works in writing of the name and address of the owner.

17 c. The owner of the rental dwelling unit notifies the commissioner of public
18 works in writing of the name and address of the tenant who is responsible for
19 payment of the utility charges.

20 d. The owner of the rental dwelling unit provides the commissioner of public
21 works with a copy of the rental or lease agreement in which the tenant assumes
22 responsibility for the payment of the utility charges.

23 2. If this paragraph applies, the commissioner of public works may use par. (e)
24 to collect unpaid charges and bills incurred after the owner of a rental dwelling unit

1 has provided the commissioner of public works with written notice under subd. 1.
2 only if the commissioner of public works complies with at least one of the following:

3 a. In order to comply with this subd. 2. a., the commissioner of public works
4 shall send bills for water service to a customer who is a tenant in the tenant's own
5 name. Each time that a commissioner of public works notifies a customer who is a
6 tenant that charges for water service provided by the waterworks to the customer are
7 past due for more than one billing cycle, the commissioner of public works shall also
8 serve a copy of the notice on the owner of the rental dwelling unit in the manner
9 provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental
10 dwelling unit, and the owner of the rental dwelling unit provides the commissioner
11 of public works, no later than 21 days after the date on which the tenant vacates the
12 rental dwelling unit, with a sworn affidavit that contains a forwarding address for
13 the tenant, the date that the tenant vacated the rental dwelling unit and a meter
14 reading reflecting the service for which the tenant is responsible, the commissioner
15 of public works shall continue to send past-due notices to the customer at his or her
16 forwarding address until the past-due charges are paid or until the past-due
17 charges have been certified to the comptroller under par. (e).

18 b. In order to comply with this subd. 2. b., if a customer who is a tenant has
19 charges for water service provided by the waterworks that are past due, the
20 commissioner of public works shall serve notice of the past-due charges on the owner
21 of the rental dwelling unit within 14 days of the date on which the tenant's charges
22 became past due. The commissioner of public works shall serve notice in the manner
23 provided in s. 801.14 (2).

1 2m. The commissioner of public works may demonstrate compliance with the
2 notice requirements of subd. 2. a. or b. by providing evidence of having sent the notice
3 by U.S. mail.

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

5 66.60 (16) (a) In addition to all other methods provided by law, special charges
6 for current services rendered may be imposed by the governing body by allocating all
7 or part of the cost to the property served. Such may include, without limitation
8 because of enumeration, snow and ice removal, weed elimination, street sprinkling,
9 oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse
10 disposal, ~~sewer service~~ storm water management, including construction of storm
11 water management facilities, and tree care. The provisions for notice of such charge
12 shall be optional with the governing body except that in the case of street tarring and
13 the repair of sidewalks, curb or gutters, a class 1 notice, under ch. 985, shall be
14 published at least 20 days before the hearing or proceeding and a copy of the notice
15 shall be mailed at least 10 days before the hearing or proceeding to every interested
16 person whose post-office address is known, or can be ascertained with reasonable
17 diligence. Such notice shall specify that on a certain date a hearing will be held by
18 the governing body as to whether the service in question shall be performed at the
19 cost of the property owner, at which hearing anyone interested will be heard.

20 **SECTION 8.** 66.60 (16) (d) of the statutes is created to read:

21 66.60 (16) (d) Except with respect to storm water management services,
22 including construction of storm water management facilities, a municipal public
23 utility may not use the procedures under this subsection to collect arrearages.

24 **SECTION 7. Initial applicability.**

