

CHAPTER 316, Laws of 1977

AN ACT to amend 289.70 (2) (a) and (b); and to create 289.70 (2) (d) of the statutes, relating to maintenance liens.

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

SECTION 1. 289.70 (2) (a) and (b) of the statutes are amended to read:

289.70 (2) (a) Upon the adoption and approval of the annual budget by a majority of the ~~membership~~ members entitled to vote as established by the articles of incorporation and bylaws of the corporation and by rules validly adopted by resolution of the governing board of the corporation, at a regular meeting or adjournment thereof, the governing board of ~~such~~ the corporation may levy an assessment not in excess of 8 mills on each dollar of assessed valuation, to be known as a maintenance assessment, against all of the lots, the ownership of which entitles the owner thereof to the use and enjoyment of the properties controlled by ~~such~~ the corporation, but the limitation of 8 mills on each dollar of assessed valuation shall not apply in any case in which the property owners or their predecessors in title have, by written contract, or by the terms of their deeds of conveyance, assumed and agreed to pay the costs of maintaining those properties in which the owners have common rights of usage and enjoyment.

(b) The assessment ~~so~~ levied under this section shall be either equal in rate against the assessed value of each lot or equal in amount against each lot, at the option of the governing board as it directs each year, except as provided in ~~par. pars.~~ (c) and (d), and shall be levied at the same time once in each year upon all lots. Assessed value shall include the value of the land comprising the lot and the improvements thereon.

SECTION 2. 289.70 (2) (d) of the statutes is created to read:

289.70 (2) (d) If property owners or their predecessors in title have, by written contract, or by the terms of their deeds of conveyance, agreed to pay unequal amounts, dues or assessments to maintain those properties in which the owners have common rights of usage and enjoyment and if those amounts, dues or assessments which are not based on assessed valuations do not vary more than \$25 between lots, then the governing board may apportion the costs of maintaining those properties in proportion to the amounts, dues or assessments specified in the agreement.
