

No. 316, A.]

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CHAPTER 301.

AN ACT to renumber 60.31 and to create 60.31 of the statutes, relating to alteration of sanitary districts.

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

SECTION 1. 60.31 of the statutes is renumbered 60.65.

SECTION 2. 60.31 of the statutes is created to read:

60.31 ALTERATION OF SANITARY DISTRICTS. (1) (a) When any territory which includes an entire town sanitary district shall be incorporated as a city or village, or when such territory shall be annexed to any city or village, such sanitary district shall thereupon be dissolved. In the case of situations described in subsection (1) (a) which have already occurred the sanitary district shall be dissolved when this act becomes effective. All acts of the sanitary district commission occurring before the effective date of this act are hereby validated.

(b) The property of such district shall pass to the city or village and all assets and liabilities of any such district shall be assumed by such city or village. If any mortgage bonds or mortgage certificates are outstanding the transfer of the property shall be subject to such bonds or certificates. If any general obligation bonds are outstanding the city or village shall cause to be levied and collected upon all taxable property in such city or village in one sum or in annual instalments an irrevocable tax in an amount necessary to pay the interest and principal of such bonds when due.

(c) Special assessments levied by the former district shall continue to be collected by the city or village and shall be applied to the purpose for which the original assessment was made.

(2) (a) When any territory which includes less than an entire town sanitary district shall be incorporated as a city or village or when such territory shall be annexed to a city or village then paragraphs (b) and (c) shall apply as of the date of incorporation or annexation as to future incorporations and annexations and as of the date this act becomes effective as to incorporations or annexations which have previously occurred.

(b) There shall be a division of assets and liabilities in accordance with 66.03, except that the ownership of any water or sewerage system shall be determined as provided by (c) of this subsection.

(c) Any water or sewerage system, including all mains and all property of the system, shall belong to and be operated by the sanitary district or the city or village, in whichever the major portion of the patrons shall reside on the date specified in (a), unless other provision shall be made by agreement of the governing body of the city or village and the sanitary district commission. Express power is hereby granted to the governing body of the city or village and the sanitary district commission to contract with each other relative to the operation and property of any water or sewerage system. Special assessments levied theretofore shall continue to be collected by the district or city or village which is operating the facilities and shall be applied to the purpose for which the original assessment was made.

(d) In determining the major portion of the patrons each location served shall be considered as one patron irrespective of the manner in which the title to the property may be held.

(e) When the responsibility for continuing the operation is vested in the sanitary district it shall continue, except by agreement, until the proportion of users changes so that a majority of the patrons shall reside in the city or village, at which time the property and the responsibility shall shift to the city or village.

(3) No city or village which secures a system pursuant to 60.31 shall be required to serve an area outside its corporate limits greater than that included in the district at the time of annexation or incorporation, but shall continue to serve the area previously included within the sanitary district.

Approved June 6, 1951.
