

1 is authorized to transact business in this state if all of the following conditions are  
2 met:

3 SECTION 89. 66.04 (3) of the statutes is renumbered 66.0601 (2).

4 SECTION 90. 66.04 (4) of the statutes is renumbered 66.0603 <sup>4</sup> and amended  
5 to read:

6 66.0603 <sup>(4) (B)</sup> INVESTED FUND PROCEEDS IN POPULOUS CITIES, USE. In ~~any city of the~~  
7 ~~first a 1st class city,~~ all interest derived from invested funds held by the city treasurer  
8 in a custodial capacity on behalf of any political entity, except for pension funds, ~~shall~~  
9 ~~be deemed is~~ general revenues revenue of ~~such the~~ city and shall revert to the city's  
10 general fund, ~~conditioned~~ upon the approval by ~~such the~~ political entity evidenced  
11 by a resolution adopted for that purpose.

12 SECTION 91. Subchapter IV (title) of chapter 66 [precedes 66.0401] of the  
13 statutes is created to read:

14 CHAPTER 66

15 SUBCHAPTER IV

16 REGULATION

17 SECTION 92. 66.041 of the statutes is renumbered 66.0605 and amended to  
18 read:

19 <sup>Fix space</sup>  
20 66.0605 Local government audits and reports. Notwithstanding any other  
21 statute, the governing body of any a county, city, village or town may require or  
22 authorize a financial audit of any a municipal or county officer, department, board,  
23 commission, function or activity financed in whole or part from municipal or county  
24 funds, or if any portion of the funds ~~thereof~~ are the funds of ~~such the~~ county, city,  
village or town. The governing body may ~~likewise~~ require submission of periodic

1 financial reports by ~~any such~~ the officer, department, board, commission, function  
2 or activity.

3 **SECTION 93.** 66.0413 (1) (title) of the statutes is created to read:

4 66.0413 (1) (title) AUTHORITY AND PROCEDURE.

5 **SECTION 94.** 66.0413 (1) (a) and (b) of the statutes are created to read:

6 66.0413 (1) (a) *Definitions.* In this subsection:

7 1. "Building" includes any building or structure or any portion of a building or  
8 structure.

9 2. "Raze a building" means to demolish and remove the building and to restore  
10 the site to a dust-free and erosion-free condition.

11 (b) *Raze order.* The governing body, building inspector or other designated  
12 officer of a municipality may:

13 1. If a building is old, dilapidated or out of repair and consequently dangerous,  
14 unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to  
15 repair, order the owner of the building to raze the building or, if the building can be  
16 made safe by reasonable repairs, order the owner <sup>at the owner's option</sup> to make the  
17 building safe and sanitary or to raze the building <sup>at the owner's option</sup>

18 2. If there has been a cessation of normal construction of a building for a period  
19 of more than 2 years, order the owner of the building to raze the building.

NOTE: Paragraphs (a) and (b) restate s. 66.05 <sup>(19)</sup> and a portion of sub. (1m)  
(a). See SECTION 127 of the <sup>bill</sup> ~~statutes~~.



20 **SECTION 95.** 66.0413 (1) (br) (title) of the statutes is created to read:

21 66.0413 (1) (br) (title) *Notice of unfitness for occupancy or use; penalty.*

22 **SECTION 96.** 66.0413 (1) (br) 1. of the statutes is created to read:

1           66.0413 (1) (br) 1. If a building subject to an order under par. (b) is unsanitary  
2 and unfit for human habitation, occupancy or use and is not in danger of structural  
3 collapse, the building inspector or other designated officer shall post a placard on the  
4 premises containing the following notice: "This Building May Not Be Used For  
5 Human Habitation, Occupancy or Use." <sup>✓✓</sup> The building inspector or other designated  
6 officer shall prohibit use of the building for human habitation, occupancy or use until  
7 necessary repairs have been made.

NOTE: Restates the last 2 sentences of current s. 66.05 (2) (a), deleted by  
SECTION 131.

8           **SECTION 97.** 66.0413 (1) (d) of the statutes is created to read:

9           66.0413 (1) (d) *Service of order.* An order under par. (b) shall be served on the  
10 owner of record of the building that is subject to the order or on the owner's agent if  
11 the agent is in charge of the building in the same manner as a summons is served  
12 in circuit court. An order under par. (b) shall <sup>also</sup> be served on the holder of an  
13 encumbrance of record by 1st class mail at the holder's last-known address and by  
14 publication as a class 1 notice under ch. 985. If the owner and the owner's agent  
15 cannot be found or if the owner is deceased and an estate has not been opened, the  
16 order may be served by posting it on the main entrance of the building and by  
17 publishing it as a class 1 notice under ch. 985 before the time limited in the order  
18 begins to run. The time limited in the order begins to run from the date of service  
19 on the owner or owner's agent or, if the owner and agent cannot be found, from the  
20 date that the order was posted on the building.

NOTE: Restates a portion of s. 66.05 (1m) (a).

21           **SECTION 98.** 66.0413 (1) (k) of the statutes is created to read:

22           66.0413 (1) (k) *Public nuisance procedure.* A building which is determined  
23 under par. (b) 1. to be old, dilapidated or out of repair and consequently dangerous,

1 unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to  
2 repair may be proceeded against as a public nuisance under ch. 823.

NOTE: Restates for convenience, in renumbered s. 66.0413, current s. 823.21.

3 SECTION 99. 66.0413 (2) (a) 2. and 3. of the statutes are created to read:

4 66.0413 (2) (a) 2. "Public nuisance" means a building that, as a result of  
5 vandalism or any other reason, has deteriorated or is dilapidated or blighted to the  
6 extent that windows, doors or other openings, plumbing or heating fixtures, or  
7 facilities or appurtenances of the building are damaged, destroyed or removed so that  
8 the building offends the aesthetic character of the immediate neighborhood and  
9 produces blight or deterioration.

10 3. "Raze a building" means to demolish and remove the building and to restore  
11 the site to a dust-free and erosion-free condition.

NOTE: Restates s. 66.05 (8) (d), repealed by SECTION 139 of this ~~bill~~ bill

12 SECTION 100. 66.0413 (3) (title) of the statutes is created to read:

13 66.0413 (3) (title) RAZING HISTORIC BUILDINGS.

14 SECTION 101. 66.0413 (4) (title) of the statutes is created to read:

15 66.0413 (4) (title) FIRST CLASS CITIES; OTHER PROVISIONS.

16 SECTION 102. 66.042 of the statutes is renumbered 66.0607 and amended to  
17 read:

18 66.0607 Withdrawal or disbursement from local treasury. (1) Except as  
19 otherwise provided in subs. (2) to (5), in every a county, city, village, town and or  
20 school district, all disbursements from the treasury shall be made by the treasurer  
21 thereof upon the written order of the county, city, village, town or school clerk after  
22 proper vouchers have been filed in the office of the clerk; and in all cases where, If  
23 the statutes provide for payment by the treasurer without an order of the clerk, it

plain

## SECTION 102

*that*

1 ~~shall hereafter be the duty of the clerk to~~ shall draw and deliver to the treasurer an  
2 order ~~therefor~~ for the payment before or at the time when <sup>✓</sup> such ~~the~~ payment is  
3 required to be made by the treasurer. ~~The provisions of this~~ This section ~~shall apply~~  
4 applies to all special and general provisions of the statutes relative to the  
5 disbursement of money from the county, city, village, town or school district treasury  
6 except s. 67.10 (2).

7 (2) Notwithstanding other law, a county having a population of 500,000 or more  
8 may, by ordinance, adopt any other method of allowing vouchers, disbursing funds,  
9 reconciling outstanding county orders, reconciling depository accounts, examining  
10 county orders, and accounting ~~therefor~~ consistent with accepted accounting and  
11 auditing practices, ~~provided that if the ordinance shall~~ prior to its adoption be is  
12 submitted to the department of revenue, which shall submit its recommendations on  
13 the proposed ordinance to the county board of supervisors.

14 (3) Except as provided in subs. (2), (3m) and (5), disbursements of the county,  
15 city, village, town or school district funds from demand deposits shall be by draft or  
16 order check and withdrawals from savings or time deposits shall be by written  
17 transfer order. Written transfer orders may be executed only for the purpose of  
18 transferring deposits to an authorized deposit of the public depositor in the same or  
19 another authorized public depository. The transfer shall be made directly by the  
20 public depository from which the withdrawal is made. No draft or order check issued  
21 under this subsection may be released to the payee, nor is the draft or order check  
22 valid, unless signed by the clerk and treasurer. No transfer order is valid unless  
23 signed by the clerk and the treasurer. Unless otherwise directed by ordinance or  
24 resolution adopted by the governing body, a certified copy of which shall be filed with  
25 each public depository concerned, the chairperson of the county board, mayor, village

1 president, town chairperson or school district president, ~~as the case may be,~~ shall  
2 countersign all drafts or order checks and all transfer orders. The governing body  
3 may also, by ordinance or resolution, authorize additional signatures. In lieu of the  
4 personal signatures of the clerk and treasurer and ~~such~~ any other required signature  
5 as may be required, the facsimile signature adopted by the person and approved by  
6 the governing body ~~concerned~~ may be affixed to the draft, order check or transfer  
7 order. The use of a facsimile signature does not relieve ~~any~~ an official from any  
8 liability to which the official is otherwise subject, including the unauthorized use of  
9 the facsimile signature. ~~Any~~ A public depository ~~shall be~~ is fully warranted and  
10 protected in making payment on any draft or order check or transferring pursuant  
11 to a transfer order bearing a facsimile signature affixed as provided by this  
12 subsection notwithstanding that the facsimile signature may have been placed  
13 ~~thereon~~ affixed without the authority of the designated persons.

14 (3m) ~~Any~~ A county, city, village, town or school district may process periodic  
15 payments through the use of money transfer techniques, including direct deposit,  
16 electronic funds transfer and automated clearinghouse methods. The county,  
17 municipal or school district treasurer shall keep a record of the date, payee and  
18 amount of each disbursement made by a money transfer technique.

19 (4) Except as provided in sub. (3m), if ~~any~~ a board, commission or committee  
20 of ~~any~~ a county, city, village, town or school district is vested by statute with exclusive  
21 control and management of a fund, including the audit and approval of payments  
22 ~~therefrom~~ from the fund, independently of the governing body, ~~such~~ payments under  
23 this section shall be made by drafts or order checks issued by the county, city, village,  
24 town or school clerk upon the filing with ~~him or her~~ the clerk of certified bills,  
25 vouchers or schedules signed by the proper officers of such ~~the~~ board, commission or

1 committee, giving the name of the claimant or payee, and the amount and nature of  
2 each payment.

3 (5) In ~~cities of the~~ a 1st class city, municipal disbursements of public moneys  
4 shall be by draft, order, check, order check or as provided under sub. (3m). Checks  
5 or drafts shall be signed by the treasurer and countersigned by the comptroller.  
6 Orders shall be signed by the mayor and clerk and countersigned by the comptroller,  
7 as provided in the charter of ~~such~~ the city. Disbursements of school moneys shall be  
8 as provided by s. 119.50.

9 (6) Withdrawal or disbursement of moneys deposited in a public depository as  
10 defined in s. 34.01 (5) by a treasurer as defined in s. 34.01 (7), other than the elected,  
11 appointed or acting official treasurer of a county, city, village, town or school district,  
12 shall be by endorsement, written order, draft, share draft, check or other draft signed  
13 by the person or persons designated by written authorization of the governing board  
14 as defined in s. 34.01 (1). The authorization shall conform to any statute covering  
15 the disbursement of the funds. ~~Any~~ A public depository ~~shall be~~ is fully warranted  
16 and protected in making payment in accordance with the latest authorization filed  
17 with it.

18 (7) No order may be issued by ~~the~~ a county, city, village, town, special purpose  
19 district, school district, cooperative education service agency or technical college  
20 district clerk in excess of funds available or appropriated for the purposes for which  
21 the order is drawn, unless authorized by a resolution adopted by the affirmative vote  
22 of two-thirds of the entire membership of the governing body.

23 **SECTION 103.** 66.0423 (1) of the statutes is created to read:

24 66.0423 (1) In this section:

1 (a) "Sale of merchandise" includes a sale in which the personal services  
2 rendered upon or in connection with the merchandise constitutes the greatest part  
3 of value for the price received, but does not include a farm auction sale conducted by  
4 or for a resident farmer of personal property used on the farm or the sale of produce  
5 or other perishable products at retail or wholesale by a resident of this state.

6 (b) "Transient merchant" means a person who engages in the sale of  
7 merchandise at any place in this state temporarily and who does not intend to  
8 become and does not become a permanent merchant of that place.

NOTE: Incorporates a definition from s. 130.065 (1m), 1987 stats., into the  
current statute regarding the regulation of transient merchants. See SECTION  
244 of this ~~stat.~~ bill

9 SECTION 104. 66.0425 (10) of the statutes is created to read:

10 66.0425 (10) A privilege may be granted only as provided in this section.

11 SECTION 105. 66.0435 (10) of the statutes is created to read:

12 66.0435 (10) The powers conferred on licensing authorities by this section are  
13 in addition to all other grants of authority and are limited only by the express  
14 language of this section.

15 SECTION 106. 66.044 of the statutes is renumbered 66.0609, and 66.0609 (1) to  
16 (4), as renumbered, are amended to read:

17 66.0609 (1) The governing body of any a village or of any a city of the 2nd, 3rd  
18 or 4th class may by ordinance enact an alternative system of approving financial  
19 claims against the municipal treasury other than claims subject to s. 893.80. The  
20 ordinance shall provide that payments may be made from the city or village treasury  
21 after the comptroller or clerk of the city or village audits and approves each claim as  
22 a proper charge against the treasury, and endorses his or her approval on the claim  
23 after having determined that all of the following conditions have been complied with:



## SECTION 106

1 (a) That funds are available ~~therefor~~ for the claim pursuant to the budget  
2 approved by the governing body.

3 (b) That the item or service covered by ~~such~~ the claim has been duly authorized  
4 by the proper official, department head or board or commission.

5 (c) That the item or service has been actually supplied or rendered in  
6 conformity with ~~such~~ the authorization described in par. (b).

7 (d) That the claim is just and valid pursuant to law. The comptroller or clerk  
8 may require the submission of ~~such proof and evidence~~ to support the ~~foregoing claim~~  
9 as ~~in that officer's discretion may be deemed~~ the officer <sup>considers</sup> deems necessary.

10 (2) ~~Such~~ The ordinance under sub. (1) shall require that the clerk or  
11 comptroller ~~shall~~ file with the governing body not less than monthly a list of the  
12 claims approved, showing the date paid, name of claimant, purpose and amount.

13 (3) The ordinance under sub. (1) shall provide that the governing body of the  
14 city or village <sup>plain</sup> ~~(shall) authorize obtain~~ an annual detailed audit of its financial  
15 transactions and accounts by a public accountant licensed under ch. 442 and  
16 designated by the governing body.

17 (4) ~~Such~~ The system shall be under sub. (1) is operative only if the comptroller  
18 or clerk is covered by a fidelity bond of not less than \$5,000 in villages and ~~cities of~~  
19 ~~the fourth 4th class cities~~, of not less than \$10,000 in ~~cities of the third 3rd class cities~~,  
20 and of not less than \$20,000 in ~~cities of the second 2nd class cities~~.

21 **SECTION 107.** 66.045 of the statutes, as affected by 1997 Wisconsin Act 27, is  
22 renumbered 66.0425 and amended to read:

23 **66.0425 Privileges in streets.** (1) ~~Privilege for~~ In this section, "privilege"  
24 means the authority to place an obstruction or excavation beyond the a lot line, or

1 within a highway in ~~any a~~ town, village, or city, other than by general ordinance  
2 affecting the whole public, ~~shall be granted only as provided in this section.~~

3 (2) ~~Application therefor shall be made~~ A person may apply to the a town or  
4 village board or the common council, and the of a city for a privilege. A privilege shall  
5 may be granted only on condition that by its acceptance if the applicant shall become  
6 primarily liable assumes primary liability for damages to person or property by  
7 reason of the granting of the privilege, ~~be is~~ obligated to remove ~~the same an~~  
8 obstruction or excavation upon 10 days' notice by the state or the municipality and  
9 ~~waive~~ waives the right to contest in any manner the validity of this section or the  
10 amount of compensation charged ~~and that the.~~ The grantor of the privilege may  
11 require the applicant to file such a bond as the board or council require, not exceeding  
12 that does not exceed \$10,000 running; that runs to the town, village, or city, and such  
13 third to 3rd parties as that may be injured, to secure; and that secures the  
14 performance of these the conditions specified in this subsection. ~~But if~~ <sup>if</sup> there is no  
15 established lot line and the application is accompanied by a blue print, the town or  
16 village board or the common council of the city may make such impose any conditions  
17 on the privilege as they deem <sup>that</sup> it deems advisable. considers

18 (3) Compensation for ~~the special a~~ privilege shall be paid into the general fund  
19 and shall be fixed, ~~in towns by the chairperson, in villages by the president, and in~~  
20 ~~cities by a board consisting of the board or commissioner of public works, city~~  
21 ~~attorney and mayor by the governing body of a city, village or town or by the designee~~  
22 of the governing body.

23 (4) The holder of such ~~special a~~ privilege shall be is not entitled to ~~ne~~ damages  
24 for removal of ~~the an~~ obstruction or excavation, and if the holder shall does not

1 remove the same obstruction or excavation upon due notice, it shall be removed at  
2 the holder's expense.

3 (5) Third parties whose rights are interfered with by the granting of ~~such a~~  
4 privilege shall have a right of action against the holder of the special privilege only.

5 (6) Subsections (1) to (5) do not apply to telecommunications carriers, as  
6 defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10),  
7 alternative telecommunications utilities, as defined in s. 196.01 (1d), public service  
8 corporations, or to cooperative associations organized under ch. 185 to render or  
9 furnish telecommunications service, gas, light, heat or power, but ~~such the~~ carriers,  
10 utilities, corporations and associations shall secure a permit from the proper official  
11 for temporary obstructions or ~~excavation~~ excavations in a highway and ~~shall be~~ are  
12 liable for all injuries to person or property ~~thereby~~ caused by the obstructions or  
13 excavations.

14 (7) This section does not apply to ~~such an~~ an obstruction or excavation that is in  
15 place for ~~not longer~~ less than ~~3 months~~ 90 days, and for which a permit has been  
16 granted by the proper official.

17 (8) ~~Obstruction~~ This section applies to an obstruction or excavation by a city,  
18 village or town in any street, alley, or public place belonging to any other  
19 municipality ~~is included in this section~~.

20 (9) ~~Anyone causing any obstruction or excavation to~~ Any person ~~violating this~~  
21 section ~~may be made contrary to subs. (1) to (8) shall be liable to a fine of~~ fined not  
22 less than \$25 ~~and not~~ nor more than \$500, or ~~to imprisonment~~ may be imprisoned  
23 in the county jail for not less than 10 days nor more than 6 months, or ~~to both such~~  
24 fine and imprisonment.

**NOTE:** Amends sub. (3) regarding compensation for the municipal award of a privilege. Current law states that compensation is determined by specified municipal officers. Section 66.0425 (3) now provides that compensation will be determined by the governing body of a city, village or town or by the designee of the governing body.

1 ~~SECTION 108. 66.046 (title) of the statutes is renumbered 66.0429 (title).~~

2 SECTION 109. 66.046 of the statutes is renumbered 66.0429, and 66.0429 (1)  
3 and (3) (a), as renumbered, are amended to read:

4 66.0429 (1) The governing body of a city, village or town may set aside streets  
5 or roads that are not a part of any federal, state or county trunk highway system for  
6 the safety of children in coasting or other play activities, and may obstruct or  
7 barricade such the streets or roads to safeguard the children from accidents. The  
8 governing body of the city, village or town ~~shall~~ may erect and maintain ~~thereon on~~  
9 the streets or roads barriers or barricades, lights, or warning signs ~~therefor~~ and shall  
10 is not be liable for any damage caused thereby <sup>by the erection or maintenance</sup> ~~as a result of these activities.~~

11 (3) (a) The governing body of a city may monitor or limit access to streets that  
12 are not part of any federal, state or county trunk highway system or connecting  
13 highway, as described in s. 84.02 (11), for the purposes of security or public safety.  
14 The governing body of a city may authorize gates or security stations, or both, to be  
15 erected and maintained to monitor traffic or limit access on such these streets. The  
16 restriction of access to streets that is authorized under this subsection ~~may~~ does not  
17 affect a city's eligibility for state transportation aids.

18 SECTION 110. 66.047 of the statutes is renumbered 66.0829 and amended to  
19 read:

20 66.0829 Interference with public service structure. No A contractor  
21 having with a contract for any work upon, over, along or under any a public street  
22 or highway ~~shall~~ may not interfere with, destroy or disturb the structures of any a

① ②

① public utility as ~~defined under s. 196.01 (5), and~~ including a telecommunications  
 2 carrier as defined in s. 196.01 (8m), encountered in the performance of ~~such~~ the work  
 3 ~~so as to interrupt, impair or affect in a manner that interrupts, impairs or affects the~~  
 4 public service for which ~~such~~ the structures may be used, without first ~~procuring~~  
 5 ~~obtaining~~ written authority from the commissioner of public works, or other ~~properly~~  
 6 ~~constituted~~ appropriate authority. ~~It shall, however, be the duty of every~~ A public  
 7 utility, ~~whenever a~~ if given reasonable notice by the contractor of the need for  
 8 temporary protection of, or a temporary change in, its ~~the~~ utility's structures, located  
 9 ~~upon, over, along or under the surface of any public street or highway is deemed~~  
 10 determined by the commissioner of public works, or other ~~such~~ duly constituted  
 11 appropriate authority, to be reasonably necessary to enable the accomplishment of  
 12 ~~such~~ work, to ~~so~~ shall temporarily protect or change its said structures; ~~provided,~~  
 13 ~~that such contractor shall give reasonable notice of such required temporary~~  
 14 ~~protection or temporary change to the public utility, and~~ located upon, over, along or  
 15 under the surface of a public street or highway. The contractor shall pay or assure  
 16 to the public utility the reasonable cost thereof, ~~except when of the temporary~~  
 17 structure or change, unless the public utility is <sup>otherwise</sup> properly liable therefor under the law,  
 18 but in all cases where ~~such~~ if work is done by or for the state or by or for any county,  
 19 city, village, town sanitary district, metropolitan sewerage district created under ss.  
 20 ~~66.20 to 66.26~~ 200.01 to 200.15 or ~~66.88 to 66.918~~ 200.21 to 200.65 or town, the cost  
 21 of ~~such~~ the temporary protection or temporary change shall be borne by the public  
 22 utility.

(title)

23 SECTION 111. 66.048 of the statutes is renumbered 66.0915, and 66.0915 (1),  
 24 (2), (3) (a), (c) and (d) and (4), as renumbered, are amended to read:

①

66.0915 (1) ~~VIADUCTS, PRIVATE~~ PRIVATE VIADUCTS IN CITIES, VILLAGES AND TOWNS. The privilege of erecting a viaduct above a public street, road or alley, for the purpose of connecting buildings on each side thereof, may be granted by the city council, village board or town board upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be connected, and the owners of more than one-half of the frontage of the lots and lands abutting upon that portion of the remainder thereof which that lies within 2,650 feet from the ends of the portion proposed to be so connected. ~~Whenever any of the lots or lands aforesaid~~ If a lot or land is owned by the state, or by a county, city, village or town, or by a minor or incompetent person, or the title thereof to the lot or land is held in trust, ~~as to all lots and lands so owned or held, said~~ the petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of ~~any a~~ private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and describing the location of the proposed viaduct, shall be given by the city council, village board or town board by publication of a class 3 notice, under ch. 985.

(2) ~~VIADUCTS, REMOVAL~~ REMOVAL OF PRIVATE VIADUCTS. A viaduct in ~~any a~~ city, village or town may be discontinued by the city council, village board or town board, upon written petition of the owners of more than one-half of the frontage of the lots and lands abutting on the street or road approaching on each end of ~~such the~~ viaduct, which lies within 2,650 feet from the ends of ~~such the~~ viaduct. ~~Whenever any of the lots or lands aforesaid~~ If a lot or land is owned by the state, or by a county,

1 city, village or town, or by a minor or incompetent person, or the title thereof to the  
2 lot or land is held in trust <sup>plain</sup> ~~as to all lots and lands so owned or held, said the~~ petition  
3 may be signed by the governor, the chairperson of the county board, the mayor of the  
4 city, the president of the board of trustees of the village, the chairperson of the town  
5 board, the guardian of the minor or incompetent person, or the trustee, respectively,  
6 and the signature of ~~any~~ a private corporation may be made by its president,  
7 secretary or other principal officer or managing agent. Written notice stating when  
8 and where the petition will be acted upon, and stating what viaduct is proposed to  
9 be discontinued, shall be given by the city council, village board or town board by  
10 publication of a class 1 notice, under ch. 985, not less than one year before the day  
11 fixed for the hearing and a class 3 notice, under ch. 985, within the 30 days before  
12 the date of the hearing.

13 (3) (title) LEASE OF SPACE OVER PUBLIC PLACES BY CITIES, VILLAGES AND TOWNS. (a)  
14 Any A city, village or town may lease space over any street, road, alley or other public  
15 place in the city, village or town which is more than 12 feet above the level of the  
16 street, road, alley or other public place for any term not exceeding 99 years to the  
17 person who owns the fee in the property on both sides of the portion of the street, road,  
18 alley or other public place to be ~~so~~ leased, ~~whenever~~ if the governing body of the city,  
19 village or town ~~is of the opinion~~ determines that ~~such~~ the place is not needed for  
20 street, road, alley or other public purpose, and that the public interest will be served  
21 by ~~such~~ leasing.

22 (c) The lease shall be signed on behalf of the city, village or town by the mayor,  
23 village president or town board chairperson and shall be attested by the city, village  
24 or town clerk under the corporate seal. The lease shall also be executed by the lessee  
25 in ~~such a~~ manner ~~as necessary~~ to bind that binds the lessee. After being duly

1 executed and acknowledged the lease shall be recorded in the office of the register  
2 of deeds of the county in which ~~is located~~ the leased premises are located.

3 (d) If, ~~in the judgment of such governing body,~~ determines <sup>that</sup> the public interest  
4 requires that any building erected in the leased space be removed so that a street,  
5 road, alley or public place may be restored to its original condition, the lessor city,  
6 village or town may condemn the lessee's interest in the leased space by proceeding  
7 under ch. 32. After payment of such any damages as ~~may be fixed~~ in the  
8 condemnation proceedings, the city, village or town may remove all buildings or other  
9 structures from the leased space and restore the buildings adjoining the leased space  
10 to their original condition.

11 (4) ~~(4)~~ SALE OR LEASE OF SPACE OVER OR BELOW PUBLIC PLACE. (a) Any A city,  
12 village or town may sell or lease the space over or below ground level of any street,  
13 road, alley or public place or municipally owned real estate ~~or below ground level~~  
14 thereof to any person, if the governing body determines by resolution and states the  
15 reasons that such the action is in the best public interest ~~and states the reasons~~  
16 ~~therefor~~ and the prospective purchaser or lessee has provided for the removal and  
17 relocation expense for any facilities devoted to a public use where such relocation is  
18 necessary for the purposes of the purchaser or lessee. Leases shall be granted by  
19 ordinance and shall not exceed 99 years in length. No lease shall may be granted ~~nor~~  
20 or use authorized ~~hereunder~~ which substantially interferes with the public purpose  
21 for which the surface of the land is used.

22 (b) Leases A lease shall specify purposes for which the leased space is to be used.  
23 If the purpose is to erect in the space a building or a structure attached to the lot, the  
24 lease shall contain a reasonably accurate description of the building to be erected and  
25 of the manner in which it ~~shall be imposed~~ will impose upon or around the lot. The



## SECTION 111

1 lease shall also provide for use by the lessee of ~~such~~ those areas of the real estate as  
2 ~~are~~ <sup>plain</sup> essential for ingress and egress to the leased space, for the support of the building  
3 ~~or other structures to be erected and for the connection of essential public or private~~  
4 ~~utilities to the building or structure.~~ <sup>that</sup>

5 (c) Any building erected in the space leased shall be operated, as far as  
6 practicable, separately from the municipal use. ~~Such~~ The structure shall conform  
7 to all state and municipal regulations.

8 (d) ~~Any leases~~ A lease under this subsection ~~shall be~~ is subject to sub. (3) (c) and  
9 (d).

10 SECTION 112. 66.0485 of the statutes is renumbered 66.0141.

11 SECTION 113. 66.049 of the statutes is renumbered 66.0405 and amended to  
12 read:

13 **66.0405 Removal of rubbish.** Cities, villages and towns may cause the  
14 ~~removal of~~ remove ashes, garbage, and rubbish from ~~such~~ <sup>plain</sup> classes of places therein  
15 in the city, village or town as the board or council ~~shall direct~~ directs. The removal  
16 may be from all ~~such~~ <sup>of</sup> the places or from those whose owners or occupants desire the  
17 service. Districts may be created and removal provided for certain ~~of them~~ districts  
18 only, and different regulations may be applied to each removal district or class of  
19 property. The cost of removal may be ~~provided for~~ funded by special assessment  
20 against the property served, by general tax upon the property of the respective  
21 districts, or by general tax upon the property of the city, village or town. If a city,  
22 village or town contracts for ash, garbage or rubbish removal service, it may contract  
23 with one or more service providers.

NOTE: Amended to expressly authorize contracting with one or more service providers for removal of ash, garbage or rubbish. Express authority is extended

in order to mitigate possible antitrust issues if the city, village or town determines that the service can best be provided by one service provider.

1           **SECTION 114.** 66.0495 (title) of the statutes is renumbered 30.13 (5) (title). <sup>m</sup>

2           **SECTION 115.** 66.0495 (1) (title) of the statutes is repealed.

3 <sup>pd</sup>       **SECTION 116.** 66.0495 (1) (a) (title) of the statutes is repealed.

4           **SECTION 117.** 66.0495 (1) (a) of the statutes is renumbered 30.13 (5) (a) 1. and <sup>m</sup>

5 amended to read:

6           30.13 (5) <sup>m</sup> (a) 1. The governing body of a city, village or town or a designated  
7 officer may order the owner of a wharf or pier which constitutes an unlawful  
8 obstruction of navigable waters under ~~s. 30.13 sub.~~ (4) to remove that portion of the  
9 wharf or pier which constitutes an unlawful obstruction.

10          **SECTION 118.** 66.0495 (1) (b) (title) of the statutes is repealed.

11          **SECTION 119.** 66.0495 (1) (b) of the statutes is renumbered 30.13 (5) (a) 2. <sup>m</sup>

12          **SECTION 120.** 66.0495 (1) (d) (title) of the statutes is repealed.

13          **SECTION 121.** 66.0495 (1) (d) of the statutes is renumbered 30.13 (5) (a) 3. and <sup>m</sup>

14 amended to read:

15          30.13 (5) <sup>m</sup> (a) 3. An order under this ~~subsection~~ paragraph shall be served upon  
16 the owner or person responsible in the manner provided for the service of a summons  
17 in circuit court. If the owner or person responsible cannot be found, the order may  
18 be served by posting it on the wharf or pier and by publishing it as a class 3 notice  
19 under ch. 985. The order shall specify the action to be taken and the time within  
20 which it shall be complied with. At least 50 days must be allowed for compliance.

21          **SECTION 122.** 66.0495 (2) (title) <sup>and</sup> (a) (title) ~~and (b) (title)~~ of the statutes are  
22 repealed.

1 SECTION 123. 66.0495 (2) (a) ~~and (b)~~ of the statutes <sup>is</sup> ~~are~~ renumbered 30.13 (5) (5m)

2 (b) 1. ~~and 2.~~ and amended to read:

3 30.13 (5) <sup>m</sup> (b) 1. If the owner or person responsible fails to comply with an order  
4 issued under sub. (1) par. (a), the governing body of a city, village or town or a  
5 designated officer may cause the wharf or pier to be removed through any available  
6 public agency or by a contract or arrangement by a private person. The cost of the  
7 removal may be charged against the real estate on which or adjacent to which the  
8 wharf or pier is located, constitutes a lien against that real estate and may be  
9 assessed and collected as a special tax. The governing body of the city, village or town  
10 or the designated officer may sell any salvage or valuable material resulting from the  
11 removal at the highest price obtainable. The governing body of the city, village or  
12 town or the designated officer shall remit the net proceeds of any sale, after  
13 deducting the expense of the removal, to the circuit court for use of the person  
14 entitled to the proceeds subject to the order of the court. The governing body of the  
15 city, village or town or the designated officer shall submit a report on any sale to the  
16 circuit court which shall include items of expense and the amount deducted. If there  
17 are no net proceeds, the report shall state that fact.

18 2. If the owner or person responsible fails to comply with an order issued under  
19 sub. (1) par. (a), ~~the governing body of a city, village or town or a designated officer~~  
20 may commence an action in circuit court for a court order requiring the person to  
21 comply with the order issued under sub. (1) par. (a). The court shall give the hearing  
22 on this action precedence over other matters on the court's calendar. ~~Costs may be~~  
23 ~~assessed in the discretion of the court~~ and may assess costs.

24 SECTION 124. 66.0495 (3) (title) of the statutes is repealed.

SECTION . RP; 66.0495 (2)(b) (title)  
SECTION . RA; 66.0495 (2)(b); 30.13(5m)(b) 2.

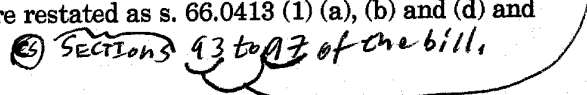
1 SECTION 125. 66.0495 (3) of the statutes is renumbered 30.13 (5)<sup>m</sup> (c) and  
2 amended to read:

3 30.13 (5)<sup>m</sup> (c) A person affected by an order issued under sub. (1) par. (a) may  
4 apply to circuit court within 30 days after service of the order for a restraining order  
5 prohibiting the governing body of the city, village or town or the designated officer  
6 from removing the wharf or pier. The court shall conduct a hearing on the action  
7 within 20 days after application. The court shall give this hearing precedence over  
8 other matters on the court's calendar. The court shall determine whether the order  
9 issued under sub. (1) par. (a) is reasonable. If the court finds that the order issued  
10 under sub. (1) par. (a) is unreasonable, it shall issue a restraining order or modify it  
11 as the circumstances require and the governing body of the city, village or town or  
12 the designated officer may not issue another order under sub. (1) par. (a) with respect  
13 to the wharf or pier unless its condition is substantially changed. ~~Costs may be~~  
14 ~~assessed in the discretion of the~~ The court may assess costs. The remedy provided  
15 under this subsection paragraph is exclusive and no person affected by an order  
16 issued under sub. (1) par. (a) may recover damages for the removal of a wharf or pier  
17 under this section.

18 SECTION 126. 66.05 (title) of the statutes is renumbered 66.0413 (title) and  
19 amended to read:

20 66.0413 (title) Razing buildings; excavations.

21 SECTION 127. 66.05 (1g) and (1m) (a) of the statutes are repealed.

NOTE: The repealed provisions are restated as s. 66.0413 (1) (a), (b) and (d) and  
the first sentence of par. (f). See  SECTION 93 to 97 of the bill.

*copy: auto ref. these SEC #15 as shown in this copy.*

22 SECTION 128. 66.05 (1m) (b) of the statutes is renumbered 66.0413 (1) (c) and  
23 amended to read:

SECTION 128

1           66.0413 (1) (c) ~~(title)~~ Reasonableness of repair: presumption. Except as  
 2 provided in sub. (9) (3), if a municipal governing body, building inspector of buildings  
 3 or designated officer determines that the cost of such repairs of a building described  
 4 in par. (b) 1. would exceed ~~50 per cent~~ 50% of the assessed value of such the building  
 5 divided by the ratio of the assessed value to the recommended value as last published  
 6 by the department of revenue for the municipality within which such the building  
 7 is located, such the repairs shall be are presumed unreasonable ~~and it shall be~~  
 8 ~~presumed for the purposes of this section that such building is a public nuisance for~~  
 9 purposes of par. (b) 1.

10           **SECTION 129.** 66.05 (1m) (c) of the statutes is renumbered 66.0413 (1) (L) 1. and  
 11 amended to read:

12           66.0413 (1) (L) (title) Effect of subsection. 1. Acts of municipal authorities  
 13 under this section shall subsection do not increase the liability of an insurer.

14           ~~SEC. → CR; 66.0413 (1) (L) (title) & 66.0413 (1) (L)~~  
 15           **SECTION 130.** 66.05 (1m) (d) of the statutes is renumbered 66.0413 (1) (e) and  
 16 amended to read:

17           66.0413 (1) (e) ~~(title)~~ Effect of recording order. If a raze order issued under par.  
 18 (a) (b) is recorded with the register of deeds in the county in which the building is  
 19 located, the order is considered to have been served, as of the date the raze order is  
 20 recorded, on any person claiming an interest in the building or the real estate as a  
 21 result of a conveyance from the owner of record unless the conveyance was recorded  
 22 before the recording of the raze order.

23           **SECTION 131.** 66.05 (2) (a) of the statutes is renumbered 66.0413 (1) (f) and  
 24 amended to read:

25           66.0413 (1) (f) ~~(title)~~ Failure to comply with order; razing building. An order  
 under par. (b) shall specify the time within which the owner of the building is

wpo: 14  
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1 ~~required to comply with the order and shall specify repairs, if any.~~ If the owner fails  
2 or refuses to comply within the time prescribed, the building inspector of buildings  
3 or other designated officer may ~~cause such building or part thereof to be razed and~~  
4 ~~removed and may restore the site to a dust-free and erosion-free condition either~~  
5 proceed to raze the building through any available public agency or by contract or  
6 arrangement with private persons, or ~~closed to secure the building and, if necessary,~~  
7 the property on which the building is located if unfit for human habitation,  
8 occupancy or use. The cost of ~~such razing, removal and restoration of the site to a~~  
9 ~~dust-free and erosion-free condition or closing~~ securing the building may be charged  
10 in full or in part against the real estate upon which ~~such~~ the building is located, and  
11 if that cost is so charged it is a lien upon ~~such~~ the real estate and may be assessed  
12 and collected as a special tax. Any portion of the cost charged against the real estate  
13 that is not reimbursed under s. 632.103 (2) from funds withheld from an insurance  
14 settlement may be assessed and collected as a special tax.

No B NOTE: 1. The first sentence is from s. 66.05 (1m) (a), repealed by SECTION 127.

2. Clarifies that an option upon failure to comply with an order is to secure the building and, if necessary, the property on which the building is located. The new language more accurately reflects current practice.

15 (i) ~~title~~ Sale of salvage. ~~When any building has been ordered razed and~~  
16 ~~removed and~~ If an order to raze a building has been issued to ~~restore the site to a~~  
17 ~~dust-free and erosion-free condition,~~ the governing body or other designated officer  
18 under ~~said~~ the contract or arrangement ~~aforesaid~~ to raze the building may sell the  
19 salvage and valuable materials at the highest price obtainable. The net proceeds of  
20 ~~such~~ the sale, after deducting the expenses of ~~such razing, removal and restoration~~  
21 ~~of the site to a dust-free and erosion-free condition~~ the building, shall be promptly  
22 remitted to the circuit court with a report of ~~such~~ the sale or transaction, including

## SECTION 131

1 the items of expense and the amounts deducted, for the use of the any person who ✓  
2 ~~may be entitled thereto to the net proceeds~~, subject to the order of the court. If there  
3 remains no surplus to be turned over to the court, the report shall so state. ~~If the~~  
4 ~~building or part thereof is insanitary and unfit for human habitation, occupancy or~~  
5 ~~use, and is not in danger of structural collapse the building inspector shall post a~~  
6 ~~placard on the premises containing the following words: "This Building Cannot Be~~  
7 ~~Used for Human Habitation, Occupancy or Use". And it is the duty of the building~~  
8 ~~inspector or other designated officer to prohibit the use of the building for human~~  
9 ~~habitation, occupancy or use until the necessary repairs have been made.~~

NOTE: The last 2 sentences are restated as s. 66.0413 (1) (br) 1. See SECTION 96.

10 SECTION 132. 66.05 (2) (b) of the statutes is renumbered 66.0413 (1) (g) and  
11 amended to read:

12 66.0413 (1) (g) ~~shall be~~ Court order to comply. Any A municipality, building  
13 ~~inspector of buildings~~ or designated officer may, ~~in his, her or its official capacity,~~  
14 commence and prosecute an action in circuit court for an order of the court requiring  
15 the owner to comply with an order to raze or remove any a building or part thereof  
16 issued under this ~~section~~ subsection if the owner fails or refuses to do so within the  
17 time prescribed in the order, or for an order of the court requiring any person  
18 occupying a building whose occupancy has been prohibited under this ~~section~~  
19 subsection to vacate the premises, or any combination of the court orders. Hearing  
20 A hearing on such actions under this paragraph shall be given preference. Costs  
21 ~~shall be~~ Court costs are in the discretion of the court.

NOTE: Clarifies that the costs referred to are court costs, not the cost of razing or securing a building.

1           **SECTION 133.** 66.05 (2) (c) of the statutes is renumbered 66.0413 (1) (br) 2. and  
2 amended to read:

3           66.0413 (1) (br) 2. Any person who rents, leases or occupies a building which  
4 has been condemned for human habitation, occupancy or use under subd. 1. shall be  
5 fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days for each  
6 week of ~~such~~ the violation, or both.

7           **SECTION 134.** 66.05 (3) of the statutes is renumbered 66.0413 (1) (h) and  
8 amended to read:

9           66.0413 (1) (h) ~~of the statutes~~ Restraining order. ~~Anyone~~ A person affected by ~~any such~~  
10 an order shall issued under par. (b) may within the time provided by s. 893.76 apply  
11 to the circuit court for an order restraining the building inspector of buildings or  
12 other designated officer from razing and removing the building or part thereof and  
13 restoring the site to a dust-free and erosion-free condition or forever be barred. The  
14 hearing shall be held within 20 days and shall be given preference. The court shall  
15 determine whether the raze order of the inspector of buildings is reasonable, and if,  
16 If the order is found reasonable the court shall dissolve the restraining order, and if,  
17 If the order is found not reasonable the court shall continue the restraining order or  
18 modify it as the circumstances require. Costs ~~shall be~~ are in the discretion of the  
19 court. If the court finds that the order of the inspector of buildings is unreasonable,  
20 the building inspector of buildings or other designated officer shall issue no other  
21 order under this section subsection in regard to the same building or part thereof  
22 until its condition is substantially changed. The remedies provided in this  
23 ~~subsection~~ paragraph are exclusive remedies and anyone affected by ~~such~~ an order  
24 of the inspector ~~shall issued under par. (b) is~~ not be entitled to recover any damages



1 for the razing and removal of any such of the building and the restoration of the site  
2 to a dust-free and erosion-free condition.

3 SECTION 135. 66.05 (5) of the statutes is renumbered 66.0413 (1) (i) and  
4 amended to read:

5 66.0413 (1) (i) ~~(b) (1)~~ Removal of personal property. If ~~any a~~ building ordered  
6 razed and removed and the site ordered restored to a dust-free and erosion-free  
7 condition or made safe and sanitary by repairs subject to an order under par. (b)  
8 contains personal property or fixtures which will unreasonably interfere with the  
9 razing or repair of such the building and restoration of such site or if the razing and  
10 removal of the building and the restoration of the site to a dust-free and erosion-free  
11 condition makes necessary the removal, sale or destruction of such the personal  
12 property or fixtures, the building inspector of buildings or other designated officer  
13 may order in writing the removal of such the personal property or fixtures by a date  
14 certain date. Such The order shall be served as provided in sub. (1m) par. (d). If the  
15 personal property or fixtures or both are not removed by the time specified the  
16 inspector may store the same, or may sell it, or, if it has no appreciable value he or  
17 she may, destroy the same personal property or fixture. In case if the property is  
18 stored the amount paid for storage shall be is a lien against such the property and  
19 against the real estate and, to the extent that the amount is not reimbursed under  
20 s. 632.103 (2) from funds withheld from an insurance settlement, shall be assessed  
21 and collected as a special tax against the real estate if the real estate is owned by the  
22 owner of the personal property and fixtures. If the property is stored the owner  
23 thereof of the property, if known, shall be notified of the place of its storage and if it  
24 be the property is not claimed by the owner it may be sold at the expiration of 6  
25 months after it has been stored. ~~In case of sale the~~ The handling of the sale and the

1 distribution of the net proceeds after deducting the cost of storage and any other costs  
2 shall be handled as specified in sub. (2) par. (j) and a report made to the circuit court  
3 as therein specified ~~in par. (j)~~ ~~Anyone~~ ~~A person~~ affected by any order made under  
4 this subsection paragraph may appeal as provided in sub. (3) par. (h).

5 SECTION 136. 66.05 (5m) of the statutes is renumbered 66.0413 (1) (L) 2. and  
6 amended to read:

7 66.0413 (1) (L) 2. This section ~~shall~~ does not limit powers otherwise granted  
8 to municipalities by other laws of this state.

9 SECTION 137. 66.05 (6) of the statutes is renumbered 66.0427 and amended to  
10 read:

11 **66.0427 ~~Open excavations in populous counties.~~** In any a town, city  
12 or village in any a county ~~having~~ with a population of 500,000 or more no excavation  
13 for building purposes, whether or not completed, ~~shall~~ may be left open for more than  
14 6 months without proceeding with the erection of a building ~~thereon~~ on the  
15 excavation. ~~In the event any such~~ If an excavation remains open for more than 6  
16 months, the building inspector of ~~buildings~~ or other designated officer ~~in such~~ of the  
17 town, village or city shall order that the erection of a building on the excavation begin  
18 forthwith or ~~in the alternative~~ that the excavation be filled to grade. The order shall  
19 be served upon the owner of the land or the owner's agent and upon the holder of any  
20 encumbrance of record as provided in sub. (1m) s. 66.0413 (1) (d). If the owner of the  
21 land fails to comply with the order within 15 days after service ~~thereof~~ of the order  
22 upon the owner, the building inspector of ~~buildings~~ or other designated officer shall  
23 cause fill the excavation ~~to be filled~~ to grade and the cost shall be charged against the  
24 real estate as provided in sub. (2) s. 66.0413 (1) (f). ~~Subsection (3) shall also apply~~

25 Section 66.0413 (1) (h) applies to orders issued under this subsection section. This

WPO: scot, out-of-order

Karen - WI Act 187 OK  
only affected p. 66.05(8)(b).  
I've made this change on village  
1999, ll 8 & 9. I did not  
think it wise to break this bill  
into 3 parts that affect 1) p. 66.05(8)(a) & (am)  
2) p. 66.05(8)(b) 1, and  
3) p. 66.05(8)(b) 2, and  
(bg) and (bm) because all 3  
will be recombined in the  
1999 draft, no one will see this  
& there will be no new sections off list

my 1997 Wisconsin

PROCEDURE.

1 shall not be construed to section does  
2 to enact ordinances in this field.

SEC. CR; 66.0413(2)(title) & 66.0413(2) (b)  
3 SECTION 138. 66.05 (8) (a) to (

4 (a) to (e) and amended to read:

5 66.0413 (2) ~~RAZING BUIL~~

6 (a) ~~RAZING BUIL~~ Definitions. In this subs

7 1. "Building" means a building, dwelling or structure.

8 (b) ~~RAZING BUIL~~ Notification of nuisance. Whenever an

9 in any a city, village or town permits the same, either as a result of vandalism or for

10 any other reason, to deteriorate or become dilapidated or blighted to the extent where

11 windows, doors or other openings or plumbing or heating fixtures or facilities or

12 appurtenances of such building are either deteriorated, damaged, destroyed or

13 removed so that such building offends the aesthetic character of the immediate

14 neighborhood or produces blight or deterioration by reason of such condition building

15 to become a public nuisance, the building inspector or other designated officer of such

16 the city, village or town shall issue a written notice respecting of the existence of such

17 defect; such that makes the building a public nuisance. The written notice shall be

18 served on the owner of such the building as set forth in provided under sub. (1m) (a)

19 (1) (d) and shall direct the owner of such building to promptly remedy the defect

20 within 30 days following the service of such notice.

21 (c) ~~RAZING BUIL~~ Failure to remedy; court order to remedy or raze. 1. If an owner fails

22 to remedy or improve the defect in accordance with the written notice furnished by

23 the building inspector or other designated officer under par. (am) (b) within the

24 30-day period specified in the written notice, the building inspector or other

25 designated officer shall apply to the circuit court of the county in which the building

1 is located for an order determining that the building constitutes a public nuisance.  
 2 As a part of the application for ~~such~~ the order from the circuit court the building  
 3 inspector or other designated officer shall file a verified petition which recites the  
 4 giving of ~~such~~ written notice, the defect ~~or defects~~ in ~~such~~ the building, the owner's  
 5 failure to comply with the notice and ~~such~~ other pertinent facts ~~as may be related~~  
 6 ~~thereto~~. A copy of the petition shall be served upon the owner of record or the owner's  
 7 agent if an agent is in charge of the building and upon the holder of any encumbrance  
 8 of record under sub. ~~(1m)(a)~~ and the ~~(1)(d)~~. The owner shall have reply to the petition  
 9 within 45 days following service upon the owner ~~in which to reply to such petition~~.  
 10 Upon application by the building inspector or other designated officer the circuit  
 11 court shall set promptly the petition for hearing. Testimony shall be taken by the  
 12 circuit court with respect to the allegations of the petition and denials contained in  
 13 the verified answer. If the circuit court after hearing the evidence ~~with respect to on~~  
 14 the petition and ~~the~~ answer determines that the building constitutes a public  
 15 nuisance, the court shall issue promptly an order directing the owner of the building  
 16 to remedy the defect and to make such repairs and alterations as may be required.  
 17 The court shall set a reasonable period of time in which the defect ~~shall~~ may be  
 18 remedied and the repairs or alterations completed. A copy of the order shall be  
 19 served upon the owner as provided in sub. ~~(1m)(a)~~ (1)(d). The order of the circuit  
 20 court shall state in the alternative that if the order of the court is not complied with  
 21 within the time fixed by the court, the court will appoint a receiver or authorize the  
 22 building inspector or other designated officer to proceed to raze ~~and remove~~ the  
 23 building ~~and restore the site to a dust-free and erosion-free condition under par. (bg)~~  
 24 (d).

From  
1997  
WS ACB  
187

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shall ~~may~~ be  
stet

1           2. In an action under this subsection, the circuit court before which the action  
2 is commenced shall exercise jurisdiction in rem or quasi rem over the property which  
3 is the subject of the action. The owner of record of the property, if known, and all other  
4 persons of record holding or claiming any interest in the property shall be made  
5 parties defendant and service of process may be ~~had~~ made upon them.

6           3. It ~~shall is~~ not be a defense to an action under this subsection that the owner  
7 of record of the property is a different person, ~~partnership or corporate entity~~ than  
8 the owner of record of the property on or after the date the action was commenced  
9 ~~or thereafter~~ if a lis pendens was filed before the change of ownership.

10           (d) ~~Failure to comply with court order~~. If the order of the circuit court  
11 under par. (b) (c) is not complied with within the time fixed by the court under par.  
12 (b) (c), the court shall authorize the building inspector or other designated officer to  
13 ~~raze and remove the building and restore the site to a dust-free and erosion-free~~  
14 ~~condition~~ or shall appoint a disinterested person to act as receiver of the property to  
15 do either of the following within a reasonable period of time set by the court:

16           1. Remedy the defect and make any repairs and alterations necessary to meet  
17 the standards required by the building code or any health order. A receiver appointed  
18 under this subdivision, with the approval of the circuit court, may borrow money  
19 against and mortgage the property held in receivership as security in any amount  
20 necessary to remedy the defect and make the repairs and alterations. For the  
21 expenses incurred to remedy the defect and make the repairs and alterations  
22 necessary under this subdivision, the receiver ~~shall have~~ has a lien upon the  
23 property. At the request of and with the approval of the owner, the receiver may sell  
24 the property at a price equal to at least the ~~appraisal~~ appraised value of the property

1 plus the cost of any repairs made under this subdivision. The selling owner ~~shall be~~  
2 is liable for ~~such~~ those costs.

3 2. Secure and sell the building to a buyer who demonstrates to the circuit court  
4 an ability and intent to rehabilitate the building and to ~~cause~~ have the building to  
5 be reoccupied in a legal manner.

6 (e) ~~(d)~~ Receiver; order to raze. 1. ~~Any~~ A receiver appointed under par. (b) ~~(g)~~  
7 ~~(d)~~ shall collect all rents and profits accruing from the property held in receivership  
8 and pay all costs of management, including all general and special real estate taxes  
9 or assessments and interest payments on first mortgages on the property. A receiver  
10 under par. (b) ~~(g)~~ (d) shall apply moneys received from sale of property held in  
11 receivership to pay all debts due on the property in the order set by law and shall pay  
12 any balance to the selling owner if the circuit court approves.

13 2. The circuit court shall set the fees and bond of a receiver appointed under  
14 par. (b) ~~(g)~~ (d) and may discharge the receiver as the court ~~deems~~ considers appropriate.

15 3. Nothing in this subsection relieves the owner of ~~any~~ property for which a  
16 receiver has been appointed under par. (b) ~~(g)~~ (d) from any civil or criminal  
17 responsibility or liability except that the receiver ~~shall have~~ has civil and criminal  
18 responsibility and liability for all matters and acts directly under the receiver's  
19 authority or performed at his or her discretion.

20 4. If a defect is not remedied and repairs and alterations are not made within  
21 the time limit set by the circuit court under par. (b) ~~(g)~~ (d), the court shall order that  
22 the building inspector or other designated officer proceed to raze and remove the  
23 building and restore the site to a dust-free and erosion-free condition.

*plain space*



1 destroy the device after a judicial determination that it was used solely for gambling  
2 or found in actual use for gambling; ~~and~~ *and*

3 (bm) Enact and enforce an ordinance to prohibit the possession of 25 grams or  
4 less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41  
5 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any  
6 person who is charged with possession of more than 25 grams of marijuana, or who  
7 is charged with possession of any amount of marijuana following a conviction for  
8 possession of marijuana, in this state shall not be prosecuted under this paragraph;  
9 and.

10 SECTION 144. 66.051 (1) (c) of the statutes is repealed.

NOTE: <sup>Section</sup> Paragraph (c) of ~~66.051 (1)~~ <sup>(c)</sup> is repealed as unnecessary given the  
general provision of s. 66.051 (2), renumbered s. 66.0107 (2), that nothing in the  
section may be construed to preclude cities, villages and towns from prohibiting  
conduct which is the same or similar to that prohibited by chs. 941 to 948.  
Under par. (c), towns, villages and cities may:

11 ¶ "Prohibit conduct which is the same as or similar to that prohibited by s. 947.01,  
12 947.012 or 947.0125."

13 SECTION 145. 66.051 (2) and (3) of the statutes are renumbered 66.0107 (2) and  
14 (3).

15 SECTION 146. 66.0517 of the statutes is created to read:

16 66.0517 Weed commissioner. (1) DEFINITION. In this section, "noxious  
17 weeds" has the meaning given <sup>in</sup> ~~under~~ <sup>66.0407</sup> s. ~~66.0407~~ (1) (b).

18 (2) APPOINTMENT. (a) *Town, village and city weed commissioner.* The  
19 chairperson of each town, the president of each village and the mayor of each city may  
20 appoint one or more commissioners of noxious weeds on or before May 15 in each  
21 year. A weed commissioner shall take the official oath and the oath shall be filed in  
22 the office of the town, village or city clerk. A weed commissioner shall hold office for  
23 one year and until a successor has qualified or the town chairperson, village



1 president or mayor<sup>✓</sup> determines not to appoint a weed commissioner. If more than one  
2 commissioner is appointed, the town, village or city shall be divided into districts by  
3 the officer making the appointment and each commissioner shall be assigned to a  
4 different district. The town chairperson, village president or ~~mayor~~<sup>LAWYER</sup> mayor may appoint  
5 a resident of any district to serve as weed commissioner in any other district of the  
6 same town, village or city.

7 (b) *County weed commissioner.* A county may by resolution adopted by its  
8 county board provide for the appointment of a county weed commissioner and  
9 determine the duties, term and compensation for the county weed commissioner.  
10 When a weed commissioner has been appointed under this paragraph and has  
11 qualified, the commissioner has the powers and duties of a weed commissioner  
12 described in this section. Each town chairperson, village president or ~~mayor~~<sup>LAWYER</sup> mayor may  
13 appoint one or more deputy weed commissioners, who shall work in cooperation with  
14 the county weed commissioner in the district assigned by the appointing officer.

15 (3) POWERS, DUTIES AND COMPENSATION. (a) *Destruction of noxious weeds.* A weed  
16 commissioner shall investigate the existence of noxious weeds in his or her district.  
17 If a person in a district neglects to destroy noxious weeds as required under s. <sup>66.0407</sup>~~86.0429~~  
18 (3), the weed commissioner shall destroy, or have destroyed, the noxious weeds in the  
19 most economical manner. A weed commissioner may enter upon any lands that are  
20 not exempt under s. <sup>66.0407(5)</sup>~~86.0429(4)~~ and cut or otherwise destroy noxious weeds without  
21 being liable to an action for trespass or any other action for damages resulting from  
22 the entry and destruction, if reasonable care is exercised.

23 (b) *Compensation of weed commissioner.* 1. Except as provided in sub. (2) (b),  
24 a weed commissioner shall receive compensation for the destruction of noxious weeds  
25 as determined by the town board, village board or city council upon presenting to the

1 proper treasurer the account for noxious weed destruction, verified by oath and  
2 approved by the appointing officer. The account shall specify by separate items the  
3 amount chargeable to each piece of land, describing the land and shall, after being  
4 paid by the treasurer, be filed with the town, village or city clerk. The clerk shall  
5 enter the amount chargeable to each tract of land in the next tax roll in a column  
6 headed "For the Destruction of Weeds", as a tax on the lands upon which the weeds  
7 were destroyed. The tax shall be collected under ch. 74, except in case of lands which  
8 are exempt from taxation, railroad lands or other lands for which taxes are not  
9 collected under ch. 74. A delinquent tax may be collected as is a delinquent real  
10 property tax under chs. 74 and 75 or as is a delinquent personal property tax under  
11 ch. 74. In case of railroad lands or other lands for which taxes are not collected under  
12 ch. 74, the amount chargeable against these lands shall be certified by the town,  
13 village or city clerk to the state treasurer who shall add the amount designated to the  
14 sum due from the company owning, occupying or controlling the lands specified. The  
15 state treasurer shall collect the amount chargeable as prescribed in subch. I of ch.  
16 76 and return the amount collected to the town, city or village from which the  
17 certification was received.

18 2. For the performance of duties other than the destruction of noxious weeds,  
19 a weed commissioner shall receive compensation to be determined by the town board,  
20 village board or city council.

NOTE: Creates s. 66.0517 of the statutes in order to combine the provisions  
regarding weed commissioners contained in ss. 66.97 to 66.99. The latter  
statutes are repealed in SECTION 534 of this ~~draft~~ bill. The new provision specifies  
that the appointment of a town, village or city weed commissioner is optional.  
The provision also differs from s. 66.97 by treating a 1st class city in the same  
manner as any other city. Otherwise, ss. 66.97 to 66.99 are restated.

21 SECTION 147. 66.052 of the statutes is renumbered 66.0415 and amended to  
22 read:

SECTION 147

1           **66.0415 Offensive industry.** (1) ~~Any~~ The common council of a city or village  
 2 board may direct the location, management and construction of, and license,  
 3 regulate or prohibit, any industry, thing or place where any nauseous, offensive or  
 4 unwholesome business is carried on, that is within the city or village or within 4 miles  
 5 of the boundaries of the city or village, except that the Milwaukee, Menominee and  
 6 Kinnickinnic rivers with their branches to the outer limits of the county of  
 7 Milwaukee, and all canals connecting with said these rivers, together with the lands  
 8 adjacent to said these rivers and canals or within 100 yards of them, are ~~deemed to~~  
 9 ~~be~~ within the jurisdiction of the city of Milwaukee. ~~Any~~ A town board ~~shall have~~ has  
 10 the same powers as are provided in this section for cities and villages, as to the area  
 11 within the town that is not licensed, regulated or prohibited by ~~any a~~ city or village  
 12 under this section. ~~Any~~ A business that is conducted in violation of ~~any a~~ city, village  
 13 or town ordinance ~~that~~ <sup>is authorized to be enacted under this section</sup> is a public  
 14 nuisance. An action for the abatement or removal of the business or ~~to obtain~~ an  
 15 injunction to prevent operation of the business may be brought and maintained by  
 16 the common council or village or town board in the name of this state on the relation  
 17 of ~~such~~ the city, village or town as provided in ss. 823.01, 823.02 and 823.07, or as  
 18 provided in s. 254.58. Section 97.42 ~~may~~ does not limit the powers granted by this  
 19 section. Section 95.72 ~~may~~ does not limit the powers granted by this section to cities  
 20 or villages but powers granted to towns by this section are limited by s. 95.72 and by  
 21 any orders and rules promulgated under s. 95.72.

22           (2) ~~Any a~~ <sup>To prevent nuisance, a</sup> city or village may, subject to the approval of the appropriate town  
 23 board of ~~such town~~, by ordinance enact reasonable regulations <sup>to prevent nuisance</sup>  
 24 governing areas where refuse, rubbish, ashes or garbage ~~shall be~~ are dumped or

1 accumulated in ~~any a~~ town within one mile of the corporate limits of ~~such the~~ city or  
2 village, ~~so as to prevent nuisance.~~

3 **SECTION 148.** 66.053 of the statutes is renumbered 66.0433, and 66.0433 (1)(a),  
4 (am) and (c) and (2), as renumbered, are amended to read:

5 66.0433 (1) (a) ~~Each A~~ town board, village board ~~and or~~ common council ~~shall~~  
6 ~~may~~ grant licenses to ~~such persons as they deem it~~ <sup>considers</sup> ~~deems~~ proper for the sale of  
7 beverages containing less than ~~one-half of one per centum~~ 0.5% of alcohol by volume  
8 to be consumed on the premises where sold and to manufacturers, wholesalers,  
9 retailers and distributors of ~~such these~~ beverages, ~~for which.~~ The fee for a license fee  
10 of shall be not less than \$5 nor more than \$50, to be fixed by the board or council, shall  
11 be paid, except that <sup>✓</sup> where ~~such these~~ beverages are sold, ~~not to be consumed on for~~  
12 consumption off the premises, <sup>✓</sup> the license fee shall be \$5. ~~Such~~ The license shall be  
13 issued by the town, village or city clerk, shall designate the specific premises for  
14 which granted and shall expire the thirtieth day of next June 30 ~~thereafter~~ after  
15 issuance. The full license fee shall be charged for the whole or a fraction of the year.  
16 No ~~such~~ beverages ~~shall~~ described in this paragraph may be manufactured, sold at  
17 wholesale or retail or sold for consumption on the premises, or kept for sale at  
18 wholesale or retail, or for consumption on the premises where sold, without ~~such a~~  
19 license issued under this paragraph.

20 (am) ~~In case of removal of the~~ If a place of business moves from the premises  
21 designated in the license to another location in the town, village or city within the  
22 license period, the licensee shall give notice of ~~such the~~ change of location, and the  
23 license shall be amended accordingly without payment of an additional fee. ~~No such~~  
24 A license, however, shall be is not transferable from one person to another.

1 (c) Each A town board, village board and or common council shall have  
2 authority may by resolution or ordinance to adopt such regulations as it may deem  
3 reasonable and necessary regulations regarding the location of licensed premises,  
4 the conduct thereof of the licensed premises, the sale of beverages containing less  
5 than one-half of one per centum 0.5% of alcohol by volume and the revocation of any  
6 license or permit.

7 (2) SODA WATER BEVERAGES. Each A town board, village board and or common  
8 council of any city may grant licenses to such persons as they deem it proper <sup>considers</sup>  
9 for the sale of soda water beverages, as defined in s. 97.34, to be consumed on or off  
10 the premises where sold. Such A license fee shall be fixed by such the governing body  
11 of such the city, village or town but shall not exceed \$5. The license shall be issued  
12 by the town, city or village clerk, shall designate the specific premises for which  
13 granted and shall expire on the thirtieth day of next June thereafter 30 after  
14 issuance. Each such The governing body shall have authority may by resolution or  
15 ordinance to adopt such regulations as it may deem reasonable and necessary  
16 regulations regarding the location of licensed premises, the conduct thereof of the  
17 licensed premises and the revocation of any such license.

18 SECTION 149. 66.057 of the statutes is renumbered 157.129, and 157.129 (title),  
19 as renumbered, is amended to read:

20 157.129 (title) **Minimum acreage of cemeteries; local ordinance.**

21 SECTION 150. 66.058 of the statutes, as affected by 1997 Wisconsin Act 27, is  
22 renumbered 66.0435, and 66.0435 (1) (intro.) and (e), (2) ~~(title) (a) to (d)~~, (3) (a) ~~(intro.)~~  
23 (c) 1. (intro.), 2. and 4. to 8. and (d) to (h) and (5) to (8), as renumbered, are amended  
24 to read:

25 66.0435 (1) (intro.) For the purposes of In this section:

*[Handwritten scribbles and signatures]*

CS DEFINITIONS.

1 (e) "Mobile home park" means any plot or plots of ground upon which 2 or more  
2 units, occupied for dwelling or sleeping purposes are located, regardless of whether  
3 ~~or not~~ a charge is made for such the accommodation.

4 (2) ~~LICENSE AND REVOCATION OR SUSPENSION THEREOF~~ GRANTING, REVOKING  
5 OR SUSPENDING LICENSE. (a) It ~~shall be~~ is unlawful for any person to maintain or

6 operate a mobile home park within the limits of ~~any a~~ city, town or village, ~~any mobile~~  
7 ~~home park~~ unless such the person ~~shall first obtain~~ has received a license from the  
8 city, town or village a license therefor. ~~All such parks in existence on August 9, 1953~~

9 ~~shall within 90 days thereafter, obtain such license, and in all other respects comply~~  
10 ~~fully with the requirements of this section except that the licensing authority shall~~  
11 ~~upon application of a park operator, waive such requirements that require~~  
12 ~~prohibitive reconstruction costs if such waiver does not affect sanitation~~  
13 ~~requirements of the city, town or village or create or permit to continue any hazard~~  
14 ~~to the welfare and health of the community and the occupants of the park.~~ *fair* ✓

15 (b) In order to protect and promote the public health, morals and welfare and  
16 to equitably defray the cost of municipal and educational services required by  
17 persons and families using or occupying trailers, mobile homes, trailer camps or  
18 mobile home parks for living, dwelling or sleeping purposes, ~~each~~ a city council,  
19 village board <sup>✓</sup> and town board may ~~establish~~ do any of the following:

20 1. Establish and enforce by ordinance reasonable standards and regulations  
21 for every trailer and trailer camp and every mobile home and mobile home park;  
22 require.

23 2. Require an annual license fee to operate ~~the same~~ a trailer and trailer camp  
24 or mobile home and mobile home park and levy and collect special assessments to

1 defray the cost of municipal and educational services furnished to such the trailer  
2 and trailer camp, or mobile home and mobile home park. ~~They may limit~~

3 3. Limit the number of units, trailers or mobile homes that may be parked or  
4 kept in any one camp or park, ~~and limit.~~

5 4. Limit the number of licenses for trailer camps or parks in any common school  
6 district, if the mobile housing development would cause the school costs to increase  
7 above the state average or if an exceedingly difficult or impossible situation exists  
8 with regard to providing adequate and proper sewage disposal in the particular area.  
9 ~~The power conferred on cities, villages and towns by this section is in addition to all~~  
10 ~~other grants and shall be deemed limited only by the express language of this section.~~

11 (c) In ~~any a~~ town in which the town board enacts an ordinance regulating  
12 trailers under the ~~provisions of~~ this section and has also enacted and approved a  
13 county zoning ordinance under the provisions of s. 59.69, the provisions of the  
14 ordinance which is most restrictive shall apply with respect to the establishment and  
15 operation of ~~any a~~ trailer camp in said the town.

16 (d) ~~Any A~~ license granted under the ~~provisions of~~ this section shall be is subject  
17 to revocation or suspension for cause by the ~~common council, village board or town~~  
18 ~~board~~ licensing authority that issued the license upon complaint filed with the clerk  
19 of the city, village or town licensing authority <sup>if the complaint is</sup> signed by ~~any a~~ law enforcement officer,  
20 local health officer, as defined in s. 250.01 (5), or building inspector <sup>✓</sup> after a public  
21 hearing upon the complaint, ~~provided that the.~~ The holder of the license shall be  
22 given 10 days' <sup>written</sup> notice ~~in writing~~ of the hearing, and the holder of the license shall be  
23 is entitled to appear and be heard as to why the license shall should not be revoked.  
24 ~~Any A~~ holder of a license that is revoked or suspended by the governing body of ~~any~~  
25 city, ~~village or town~~ licensing authority may within 20 days of the date of the

1 revocation or suspension appeal ~~therefrom~~ the decision to the circuit court of the  
2 county in which the trailer camp or mobile home park is located by filing a written  
3 notice of appeal with the ~~city, village or town~~ clerk of the licensing authority, together  
4 with a bond executed to the ~~city, village or town~~ licensing authority, in the sum of  
5 \$500 with 2 sureties or a bonding company approved by the ~~said~~ clerk, conditioned  
6 for the faithful prosecution of the appeal and the payment of costs adjudged against  
7 the license holder.

8 (3) (a) The licensing authority shall ~~exact collect~~ <sup>nor</sup> from the licensee an annual  
9 license fee of not less than \$25 ~~and not~~ <sup>✓</sup> more than \$100 for each 50 spaces or fraction  
10 thereof of <sup>50</sup> ~~a space~~ within each mobile home park within its limits, ~~except that where~~.  
11 If the park lies in more than one municipality the amount of the license fee shall be  
12 such fraction thereof as the number of spaces in the park in the municipality bears  
13 to the entire number of spaces in the park determined by multiplying the gross fee  
14 by a fraction the numerator of which is the number of spaces in the park in a  
15 municipality and the denominator of which is the entire number of spaces in the  
16 park.

17 (c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each ~~local~~  
18 ~~taxing~~ licensing authority shall collect from each mobile home occupying space or  
19 lots in a park in the ~~city, town or village~~ licensing authority, except from mobile homes  
20 that constitute improvements to real property under s. 70.043 (1) and from  
21 recreational mobile homes and camping trailers as defined in s. 70.111 (19), a  
22 monthly parking permit fee computed as follows:

23 2. The monthly parking permit fee ~~shall be~~ is applicable to mobile homes  
24 moving into the tax district any time during the year. The park operator shall furnish  
25 information to the tax district clerk and the assessor on mobile homes added to the



1 park within 5 days after their arrival, on forms prescribed by the department of  
2 revenue. As soon as the assessor receives the notice of an addition of a mobile home  
3 to a park, the assessor shall determine its fair market value and notify the clerk of  
4 that determination. The clerk shall equate the fair market value established by the  
5 assessor and shall apply the appropriate tax rate, divide the annual parking permit  
6 fee thus determined by 12 and notify the mobile home owner of the monthly fee to  
7 be collected from the mobile home owner. Liability for payment of the fee shall begin  
8 ~~begins~~ on the first day of the next succeeding month and ~~shall remain on the mobile~~  
9 ~~home only continues~~ for such the months as in which the mobile home remains in the  
10 tax district.

11 4. The valuation established ~~shall be~~ is subject to review as are other values  
12 established under ch. 70. If the board of review reduces a valuation on which  
13 previous monthly payments have been made the tax district shall refund past excess  
14 fee payments.

15 5. The monthly parking permit fee shall be paid by the mobile home owner to  
16 the local taxing authority on or before the 10th of the month following the month for  
17 which ~~such~~ the parking permit fee is due.

18 6. The licensee of a park ~~shall be~~ is liable for the monthly parking permit fee  
19 for any mobile home occupying space therein in the park as well as the owner and  
20 occupant ~~thereof~~ of the mobile home ~~occupying space~~. A municipality, by  
21 ordinance, may require the mobile home park operator to collect the monthly parking  
22 permit fee from the mobile home owner.

23 7. No monthly parking permit fee ~~shall~~ may be imposed for any space occupied  
24 by a mobile home accompanied by an automobile for an accumulating period not to  
25 exceed 60 days in any 12 months if the occupants of the mobile home are tourists or

1 vacationists. Exemption certificates in duplicate shall be accepted by the treasurer  
2 of the licensing authority from qualified tourists or vacationists in lieu of monthly  
3 mobile home parking permit fees.

4 8. The credit under s. 79.10 (9) (bm), as it applies to a parcel of taxable property  
5 ~~shall apply, applies~~ to the estimated fair market value of a mobile home. The  
6 treasurer shall reduce the owner's parking permit fee by the amount of any allowable  
7 credit. The treasurer shall furnish notice of all amounts for credits under this  
8 subdivision to the department of revenue as provided under s. 79.10 (1m).

9 (d) This section ~~shall~~ does not apply ~~where~~ <sup>to</sup> a mobile home park <sup>that</sup> is owned and  
10 operated by any county under the provisions of s. 59.52 (16) (b).

11 (e) If a mobile home is permitted by local ordinance to be located outside of a  
12 licensed park, the monthly parking permit fee shall be paid by the owner of the land  
13 on which it stands, and the owner of such the land shall ~~be required to~~ comply with  
14 the reporting requirements of par. (c). The owner of the land may collect the fee from  
15 the owner of the mobile home and, on or before January 10 and on or before July 10,  
16 shall transmit to the taxation district all fees owed for the 6 months ending on the  
17 last day of the month preceding the month when the transmission is required.

18 (f) Nothing ~~contained~~ in this subsection shall ~~prohibit~~ prohibits the regulation  
19 thereof by local ordinance of a mobile home park.

20 (g) Failure to timely pay the tax ~~hereunder~~ prescribed in this subsection shall  
21 be treated ~~in all respects like~~ as a default in payment of personal property tax and  
22 ~~shall be~~ is subject to all procedures and penalties applicable ~~thereto~~ under chs. 70  
23 and 74.

24 (h) Each local governing body ~~is empowered to~~ may enact an ordinance  
25 providing a forfeiture of up to \$25 for ~~the~~ <sup>✓</sup> failure to comply with the reporting

1 requirements of par. (c) or (e). Each failure to report shall be regarded as is a separate  
2 offense.

3 (5) PLANS AND SPECIFICATIONS TO BE FILED. ~~Accompanying, and to be filed with~~  
4 ~~an original application for a mobile home park, shall be plans~~ Plans and  
5 specifications ~~which shall be in compliance with all applicable city, town or village~~  
6 ordinances of the licensing authority and provisions of the department of health and  
7 family services shall be filed with an original application for a mobile home park. The  
8 clerk, after approval of the application by the ~~governing body~~ licensing authority and  
9 upon completion of the work according to the plans, shall issue the license. A mobile  
10 housing development harboring only nondependent mobile homes as defined in sub.  
11 (1) (f) ~~shall is~~ not ~~be~~ required to provide a service building.

12 (6) RENEWAL OF LICENSE. Upon application by any licensee ~~and, after approval~~  
13 ~~by the governing body of the city, town or village~~ licensing authority and upon  
14 payment of the annual license fee, the clerk of the ~~city, town or village~~ licensing  
15 authority shall issue a certificate renewing the license for another year, unless  
16 sooner revoked. The application for renewal shall be in writing, signed by the  
17 applicant on forms furnished by the ~~city, town or village~~ licensing authority.

18 (7) TRANSFER OF LICENSE; FEE. Upon application for a transfer of license the clerk  
19 of the ~~city, town or village~~ licensing authority after approval of the application by the  
20 ~~governing body~~ licensing authority shall issue a transfer upon payment of the  
21 required \$10 fee.

22 (8) DISTRIBUTION OF FEES. The ~~municipality~~ licensing authority may retain 10%  
23 of the monthly parking permit fees collected in each month, without reduction for any  
24 amounts deducted under sub. (3m), to cover the cost of administration. The  
25 ~~municipality~~ licensing authority shall pay to the school district in which the park is

*plain*

1 located, within 20 days after the end of each month, ~~such the~~ proportion of the  
2 remainder of the fees collected in the preceding month ~~as~~ the ratio of the most recent  
3 property tax levy for school purposes bears to the total tax levy for all purposes in the  
4 municipality licensing authority. If the park is located in more than one school  
5 district, each district shall receive a share in the proportion that its property tax levy  
6 for school purposes bears to the total school tax levy.

7 ~~SECTION 151. 66.0585 (title) of the statutes is repealed.~~ *renumbered 66.0435 (9) (title)*

8 **SECTION 152.** 66.0585 of the statutes is renumbered 66.0435 (9) and amended  
9 to read:

*(CS) Municipalities; parking fees on mobile homes.*

10 66.0435 (9) Any municipality A licensing authority may assess parking fees at  
11 the rates under ~~s. 66.058~~ this section on mobile homes, as defined in s. 70.111 (19)  
12 except mobile homes which are located in campgrounds licensed under s. 254.47 and  
13 mobile homes which are located on land where the principal residence of the owner  
14 of the mobile home is located, regardless of whether ~~or not~~ the mobile home is  
15 occupied during all or part of any calendar year.

16 **SECTION 153.** 66.059 of the statutes is renumbered 66.0619, and 66.0619 (1)  
17 (intro.), (b) and (c), (2), (2m) (a) and (d), (4) (a) and (c) and (5) to (7), as renumbered,  
18 are amended to read:

19 66.0619 (1) (intro.) ~~Any county, town, sanitary district, public inland lake~~  
20 ~~protection and rehabilitation district, city or village~~ A municipality, in addition to  
21 any other authority to borrow money and issue its municipal obligations, may also  
22 borrow money and issue its public improvement bonds to finance the cost of  
23 construction or acquisition, including site acquisition, of any revenue-producing  
24 public improvement of ~~such the~~ municipality. In this section, unless the context or  
25 subject matter otherwise requires:

1 (b) "Deficiency" means the amount by which debt service required to be paid  
2 in ~~any~~ a calendar year exceeds the amount of revenues estimated to be derived from  
3 the ownership and operation of the public improvement for ~~such~~ the calendar year,  
4 after first subtracting from the estimated revenues the estimated cost of paying the  
5 expenses of operating and maintaining the public improvement for ~~such~~ the calendar  
6 year.

7 (c) "Municipality" means a county, sanitary district, public inland lake  
8 protection and rehabilitation district, town, city or village.

9 (2) The governing body of the municipality proposing to issue public  
10 improvement bonds shall adopt a resolution authorizing their issuance. The  
11 resolution shall set forth the amount of bonds authorized, or a sum not to exceed a  
12 stated amount, and the purpose for which the bonds are to be issued. The resolution  
13 shall prescribe the terms, form and contents of the bonds and ~~such~~ other matters as  
14 <sup>that</sup> the governing body ~~deems~~ <sup>considers</sup> necessary or advisable. The bonds may be in any  
15 denomination of not less than \$1,000, shall bear interest payable annually or  
16 semiannually, shall be payable not later than 20 years from the date of the bonds, at  
17 <sup>that</sup> such times and places as the governing body determines, and may be subject to  
18 redemption prior to maturity on ~~such~~ terms and conditions as the governing body  
19 determines. The bonds may be issued either payable to bearer with interest coupons  
20 attached ~~thereto~~ to the bonds or may be registered under s. 67.09. The bonds may  
21 be sold at public competitive sale or by private negotiation ~~at the discretion of the~~  
22 ~~governing body.~~ Sections 67.08 and 67.10 apply to public improvement bonds, except  
23 insofar as they are in conflict <sup>plain period</sup> ~~herewith~~ with this section, in which case this section  
24 controls.

1           (2m) (a) A resolution, adopted under sub. (2) by the governing body of a  
2           municipality, need not be submitted to the electors of the municipality for approval,  
3           unless within 30 days after the resolution is adopted there is filed with the clerk of  
4           the municipality a petition, conforming to the requirements of s. 8.40 <sup>and</sup> requesting a  
5           referendum ~~thereon~~ on the resolution, signed by electors numbering at least 10% of  
6           the votes cast in the municipality for governor at the last general election. ~~Any A~~  
7           resolution, adopted under sub. (2) ~~at the discretion of the municipal governing body,~~  
8           may be submitted by the governing body of the municipality to the electors without  
9           waiting for the filing of a petition.

10           (d) The ~~election~~ referendum shall be held and conducted and the votes cast  
11           ~~thereat~~ shall be canvassed as at regular municipal elections and the results certified  
12           to the municipal clerk. A majority of all votes cast in the municipality ~~shall decide~~  
13           decides the question.

14           (4) (a) Gross revenues derived from the ownership and operation of the public  
15           improvement shall be first pledged to debt service on issued public improvement  
16           bonds. When in excess of ~~such obligation~~ debt service, the revenues ~~shall be~~ are  
17           subject to all of the following requirements set by resolution or ordinance of the  
18           governing body fixing:

19           1. The proportion of revenues of the public improvement necessary for the  
20           reasonable and proper operation and maintenance ~~thereof; and~~ of the public  
21           improvement.

22           2. The proportion of revenues necessary for the payment of debt service on the  
23           public improvement bonds. ~~Such~~ The revenues shall be paid into a special fund in  
24           the treasury of the municipality known as the "Public Improvement Bond Account".

1 (c) All funds on deposit in a public improvement bond account, which are not  
2 immediately required for the purposes specified in this section, shall be invested in  
3 accordance with s. ~~66.04~~ 66.0605.

4 (5) Annually, on or before August 1 the officer or department of the municipality  
5 responsible for the operation of the public improvement shall file with the governing  
6 body, or its designated representative, a detailed statement setting forth the amount  
7 of the debt service on the public improvement bonds issued for the public  
8 improvement for the succeeding calendar year and an estimate for ~~such~~ that year of  
9 the total revenues to be derived from the ownership and operation of the public  
10 improvement and the total cost of operating and maintaining the public  
11 improvement.

12 (6) (a) If it is determined that there will be a deficiency for the ensuing calendar  
13 year, the municipality shall make up the deficiency, but the obligation to do so ~~shall~~  
14 ~~be is~~ limited to a sum which ~~shall~~ does not cause the municipality to exceed its  
15 municipal debt limits. The deficiency may be made up by the municipality from any  
16 ~~revenues available therefor~~ revenues, including a tax levy. The amount contributed  
17 by the municipality shall be deposited in the public improvement bond account and  
18 applied to the payment of debt service. Taxes levied under this paragraph ~~shall~~ are  
19 not be subject to statutory limitations of rate or amount.

20 (b) The amount of any deficiency determined under par. (a) for the ensuing  
21 calendar year shall be related to the total debt service for ~~such~~ that year. ~~Such~~ The  
22 ratio ~~shall determine~~ determines the outstanding indebtedness of the issue to be  
23 reflected as part of the municipality's indebtedness for the year.

24 (7) ~~Whenever~~ If revenue bonds have been issued by a municipality pursuant  
25 to law and an ordinance authorizing their issuance without limitation as to amount

1 has been enacted by the governing body of the municipality, public improvement  
2 bonds may be issued under the ordinance with the same effect as though they were  
3 revenue bonds. ~~Such~~ The bonds shall be ~~are~~ public improvement bonds and this  
4 section ~~shall apply thereto~~ applies to the bonds, except that nothing contained in this  
5 subsection shall ~~in any way~~ impair the contract between the municipality and the  
6 holders of ~~any~~ outstanding revenue bonds. ~~Whatever liens have been~~ Liens created  
7 in favor of any outstanding revenue bonds issued under the ordinance ~~shall~~ apply to  
8 public improvement bonds ~~so~~ issued under this subsection. The public improvement  
9 bonds ~~shall be~~ are payable on a parity with the revenue bonds issued under the  
10 ordinance if the public improvement bonds are issued in compliance with the  
11 requirements of the ordinance for the issuance of parity bonds under the ordinance.

12 **SECTION 154.** 66.06 of the statutes is repealed.

NOTE: Replaced by s. 66.0725, created by SECTION 227.

13 **SECTION 155.** Subchapter VI (title) of chapter 66 [precedes 66.0601] of the  
14 statutes is created to read:

15 **CHAPTER 66**

16 **SUBCHAPTER VI**

17 **FINANCE; REVENUES**

18 **SECTION 156.** 66.0601 (1) (title) of the statutes is created to read:

19 66.0601 (1) (title) PROHIBITED APPROPRIATIONS.

20 **SECTION 157.** 66.0601 (1) (b) (title) of the statutes is created to read:

21 66.0601 (1) (b) (title) *Payments for abortions restricted.*

22 **SECTION 158.** 66.0601 (1) (c) (title) of the statutes is created to read:

23 66.0601 (1) (c) (title) *Payments for abortion-related activity restricted.*

24 **SECTION 159.** 66.0603 (title) of the statutes is created to read:



1           **66.0603** (title) **Investments.**

2           **SECTION 160.** 66.061 of the statutes is renumbered 66.0815, and 66.0815 (title),  
3 (1) (a), (c) and (d) and (2), as renumbered, are amended to read:

4           **66.0815** (title) **Franchises; Public utility franchises and service**

5 **contracts.** (1) ~~Franchises~~ (a) ~~Any~~ A city, village or town may grant to any person  
6 ~~or corporation~~ the right to construct and operate therein a water system or to furnish  
7 ~~light, heat or power~~ a public utility in the city, village or town, subject to reasonable  
8 rules and regulations prescribed by ordinance.

NOTE: Expands the franchise authority under sub. (1) to include any public utility.

9           (c) ~~No such ordinance shall be operative~~ An ordinance under sub. (1) may not  
10 take effect until 60 days after passage and publication unless sooner approved by a  
11 referendum. Within ~~that time~~ the 60-day period electors equal in number to ~~20 per~~  
12 ~~cent~~ 20% of those voting at the last regular municipal election, may ~~demand~~ petition  
13 for a referendum. The ~~demand~~ petition shall be in writing and filed with the clerk.  
14 Each signer shall state his or her ~~occupation and~~ residence and signatures shall be  
15 verified by the affidavit of an elector. The referendum shall be held at the next  
16 regular municipal election, or at a special election within 90 days of the filing of the  
17 ~~demand, and the~~ petition. The ordinance shall ~~may not be effective~~ take effect unless  
18 approved by a majority of the votes cast ~~thereon~~. This paragraph shall does not apply  
19 to extensions by a utility previously franchised by the village ~~or~~ city or town.

20           (d) ~~Whenever any~~ If a city or village at the time of its incorporation included  
21 within its corporate limits territory in which a public utility, ~~prior to such~~ before the  
22 incorporation, had been lawfully engaged in rendering public utility service, ~~such the~~  
23 public utility shall be ~~deemed to possess~~ possesses a franchise to operate in such the

1 city or village to the same extent as ~~though such~~ if the franchise had been formally  
2 granted by ordinance ~~duly~~ adopted by the governing body of ~~such~~ the city or village.  
3 This paragraph ~~shall~~ does not apply to any public utility organized under this  
4 chapter.

5 (2) SERVICE CONTRACTS. (a) ~~Cities, villages and towns~~ A city, village or town may  
6 contract for furnishing light, heat, water, <sup>or</sup> motor bus or other systems of public  
7 transportation to the municipality or ~~to the~~ its inhabitants thereof for a period of not  
8 more than 30 years or for an indeterminate period if the prices are subject to  
9 adjustment at intervals of not greater than 5 years. The public service commission  
10 ~~shall have~~ has jurisdiction relative to over the rates and service to any city, village  
11 or town where light, heat or water is furnished to ~~such~~ the city, village or town under  
12 any contract or arrangement, to the same extent that the public service commission  
13 has jurisdiction where that service is furnished directly to the public.

14 (b) When a city, village or town has contracted for water, lighting service, <sup>or</sup>  
15 motor bus or other systems of public transportation to the municipality the cost may  
16 be raised by tax levy. In making payment to the owner of the utility a sum equal to  
17 the amount due the city, village or town from ~~such~~ the owner for taxes or special  
18 assessments may be deducted.

19 (c) This subsection ~~shall apply~~ applies to every city, village and town regardless  
20 of any charter limitations on the tax levy for water or light.

21 (d) ~~When any~~ If a privately owned motor bus or public transportation system  
22 in a city, village or town fails to provide service for a period in excess of 30 days, and  
23 the owner or stockholders of the privately owned motor bus or public transportation  
24 system have announced an intention to abandon service, the governing body of the  
25 affected municipality may without referendum furnish or contract for the furnishing

## SECTION 160

1 of other motor bus or public transportation service to the municipality and its  
2 inhabitants and to the users of the defaulting prior service for a period of not more  
3 than one year. This section shall paragraph does not authorize a municipality to hire,  
4 directly or indirectly, any strikebreaker or other person for the purpose of replacing  
5 employes of said the motor bus or public transportation system engaged in a strike.

6 SECTION 161. 66.0627 of the statutes is created to read:

7 **66.0627 Special charges for current services. (1)** In this section, "service"  
8 includes snow and ice removal, weed elimination, street sprinkling, oiling and  
9 tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal,  
10 recycling, storm water management, including construction of storm water  
11 management facilities, tree care, removal and disposition of dead animals under s.  
12 60.23 (20), <sup>soil</sup> conservation work under s. <sup>Kapasis</sup> ~~62.117~~, and snow removal under s. 86.105. ✓

13 (2) Except as provided in sub. (5), the governing body of a city, village or town  
14 may impose a special charge against real property for current services rendered by  
15 allocating all or part of the cost of the service to the property served. The authority  
16 under this section is in addition to any other method provided by law.

17 (3) (a) Except as provided in par. (b), the governing body of the city, village or  
18 town may determine the manner of providing notice of a special charge.

19 (b) Before a special charge for street tarring or the repair of sidewalks, curbs  
20 or gutters may be imposed, a public hearing shall be held by the governing body on  
21 whether the service in question will be funded in whole or in part by a special charge.  
22 Any interested person may testify at the hearing. Notice of the hearing shall be by  
23 class 1 notice under ch. 985, published at least 20 days before the hearing. A copy  
24 of the notice shall be mailed at least 10 days before the hearing to each interested  
25 person whose address is known or can be ascertained with reasonable diligence. The

1 notice under this paragraph shall state the date, time and location of the hearing,  
2 the subject matter of the hearing and that any interested person may testify.

3 (4) A special charge is not payable in instalments. If a special charge is not paid  
4 within the time determined by the governing body, the special charge is delinquent.  
5 A delinquent special charge becomes a lien on the property against which it is  
6 imposed as of the date of delinquency. The delinquent special charge shall be  
7 included in the current or next tax roll for collection and settlement under ch. 74.

8 (5) Except with respect to storm water management, including construction of  
9 storm water management facilities, no special charge may be imposed under this  
10 section to collect arrearages owed a municipal public utility.

11 (6) If a special charge imposed under this section is held invalid because this  
12 section is found unconstitutional, the governing body may reassess the special  
13 charge under any applicable law.

NOTE: Restates s. 66.60 (16), relating to special charges, and rennumbers the provision to make it a separate section within ch. 66.

In addition:

1. Expands the examples in the definition of "service" to expressly include removal and disposition of dead animals under s. 60.23 (20), conservation work under s. 92.115 [as renumbered by this ~~act~~] and snow removal under s. 86.105. Previously, these services were authorized to be funded by special assessment under s. 66.345, repealed by this ~~act~~. See SECTION 343 of this ~~act~~.

*bill*

2. Expands the examples in the definition of "service" to expressly include "recycling" to reflect prevailing interpretation and current practice.

14 SECTION 162. 66.064 of the statutes is renumbered 66.0807 and amended to  
15 read:


16 **66.0807 ~~Joint operation of public utility or public transportation~~**  
17 **system. Any** ← *WFO: don't move*

18 **(2) A** city, village or town served by any a privately owned public utility, motor  
19 bus or other systems of public transportation rendering local service may contract

✓  
✓  
✓

1 with the owner thereof of the utility or system for the leasing, public operation, joint  
2 operation, extension and improvement of the utility or system by the municipality;  
3 or, with funds loaned by the municipality, may contract for the stabilization by  
4 municipal guaranty of the return upon or for the purchase by instalments out of  
5 earnings or otherwise of that portion of ~~said~~ the public utility or system which is  
6 operated within ~~such~~ the municipality and any territory immediately adjacent and  
7 tributary thereto to the municipality; or may contract for the accomplishment of any  
8 object agreed upon between the parties relating to the use, operation, management,  
9 value, earnings, purchase, extension, improvement, sale, lease or control of ~~such~~ the  
10 utility or system property. The provisions of s. ~~66.07~~ 66.0817 relating to preliminary  
11 agreement, and approval by the department of transportation or public service  
12 commission, ~~and ratification by the electors, shall be applicable~~ apply to the  
13 contracts authorized by this section. The department of transportation or public  
14 service commission shall, when ~~any such~~ a contract under this section is approved  
15 by it and consummated, cooperate with the parties in respect to making valuations,  
16 appraisals, estimates and other determinations specified in ~~such~~ the contract to be  
17 made by it.

NOTE: In order to facilitate public-private cooperation, deletes the referendum  
requirement for preliminary contracts.

  
¶ See, also, SECTION 229.

18 SECTION 163. 66.065 (title) of the statutes is renumbered 66.0803 (title) and  
19 amended to read:  
20 **66.0803 (title) Acquisition of public utility or bus transportation**  
21 **system.**

1           **SECTION 164.** 66.065 (1), (2), (3), (4) and (4a) of the statutes are renumbered  
2           66.0803 (1) (a), (b), (c), (d) and (e), and 66.0803 (1) (a) and (c) to (e), as renumbered,  
3           are amended to read:

4           66.0803 (1) (a) ~~Any~~ A town, village or city may construct, acquire or lease any  
5           plant and equipment located ~~within or without~~ in or outside the municipality, ~~and~~  
6           including interest in or lease of land, for furnishing water, light, heat, or power, to  
7           the municipality, or ~~to~~ its inhabitants; may acquire a controlling portion of the stock  
8           of any corporation owning private waterworks or lighting plant and equipment; and  
9           may purchase the equity of redemption in a mortgaged or bonded waterworks or  
10          lighting system, including the cases where the municipality ~~shall~~ in the franchise  
11          have has reserved right to purchase. The character or duration of the franchise,  
12          permit or grant under which any public utility is operated, ~~shall~~ does not affect the  
13          power to acquire the ~~same hereunder~~ public utility under this subsection. Two or  
14          more public utilities owned by the same person or corporation, or 2 or more public  
15          utilities subject to the same lien or charge, may be acquired as a single enterprise  
16          ~~under any proceeding heretofore begun or hereafter commenced, and the.~~ The board  
17          or council may ~~at any time~~ agree with the owner or owners of any public utility or  
18          utilities as to on the agreed value thereof, ~~of the utility or utilities and to~~ <sup>✓ may</sup> contract to  
19          purchase or acquire the ~~same hereunder~~ at such that value, upon such those terms  
20          and conditions as ~~may be~~ mutually agreed upon between ~~said~~ the board or council  
21          and ~~said~~ the owner or owners.

22          (c) The notice of the referendum shall include a general statement of the plant  
23          and equipment ~~or part thereof it is proposed to acquire or construct~~ be constructed,  
24          acquired or leased and of the manner of payment.

1 (1) ~~Referendum elections~~ <sup>da</sup> Referenda under this section shall may not be held oftener than  
2 once a year, except that a referendum so held for the acquisition, lease or construction  
3 of any of the types of property enumerated in ~~sub. (1) shall~~ par. (a) does not bar the  
4 holding of one referendum in the same year for the acquisition and operation of a bus  
5 transportation system by the municipality.

6 (e) The provisions of ~~subs. (2), (3) and (4) shall~~ pars. (b) to (d) do not apply to  
7 the acquisition of any plant, equipment or public utility for furnishing water service  
8 when ~~such~~ the plant, equipment or utility is acquired by the municipality by  
9 dedication or without monetary or financial consideration. After a public utility is  
10 constructed, acquired or leased under this subsection, pars. (b) to (d) do not apply to  
11 any subsequent construction, acquisition or lease in connection with that public  
12 utility.

NOTE: The 2nd sentence of par. (e) clarifies that once a successful referendum is held on a public utility acquisition, construction or lease, no additional referenda are required for any subsequent construction, acquisition or lease in connection with that public utility.

13 SECTION 165. 66.065 (5), (6) and (7) of the statutes are renumbered 66.0803 (2)  
14 (a) to (c) and amended to read:

15 66.0803 (2) (a) ~~Any~~ A city, village or town may by action of its governing body  
16 and with a referendum vote provide, acquire, own, operate or engage in a municipal  
17 bus transportation system where no existing bus, rail or other local transportation  
18 system exists in ~~such~~ the municipality. ~~Any~~ A city, village or town in which there  
19 exists any local transportation system by similar action and referendum vote may  
20 acquire, own, operate or engage in the operation of a municipal bus transportation  
21 system upon acquiring the local transportation system by voluntary agreement with  
22 the owners ~~thereof~~ of the system, or pursuant to law, or upon securing a certificate  
23 from the department of transportation under s. 194.23.

1 (b) ~~Any~~ A street motor bus transportation company operating pursuant to ch.  
2 194 shall, by acceptance of authority under that chapter, be deemed to have  
3 consented to a purchase of its property actually used and useful for the convenience  
4 of the public by the municipality in which the major part of ~~such~~ the property is  
5 situated or operated.

6 (c) ~~Any~~ A city, village or town providing or acquiring a motor bus transportation  
7 system under ~~the provisions of~~ this section may finance ~~such~~ the construction or  
8 purchase in any manner ~~now authorized in respect of~~ for the construction or  
9 purchase of a public utility.

10 **SECTION 166.** 66.066 (title), (1) to (1m) and (2) (intro.) and (a) to (i) of the  
11 statutes, as affected by 1997 Wisconsin Act 35, are renumbered 66.0621 (title), (1)  
12 to (3) and (4) (intro.) and (a) to (i), and 66.0621 (1) (a) and (b), (2), (3) and (4) (intro.)  
13 and (a) to (i), as renumbered, are amended to read:

14 66.0621 (1) (a) “Municipality” means ~~any~~ a city, village, town, county,  
15 commission created by contract under s. ~~66.30~~ 66.0301, public inland lake protection  
16 and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan  
17 sewerage district created under ss. ~~66.20 to 66.26 or 66.88 to 66.918~~ 200.01 to 200.15  
18 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local  
19 professional baseball park district created under subch. III of ch. 229 or a municipal  
20 water district or power district under ch. 198 and any other public or quasi-public  
21 corporation, officer, board or other public body empowered to borrow money and issue  
22 obligations to repay the ~~same~~ money and obligations out of revenues. “Municipality”  
23 does not include the state or a local exposition district created under subch. II of ch.  
24 229.



1 (b) ~~For purposes of financing under this section, "public~~ "Public utility" means  
2 any revenue producing facility or enterprise owned by a municipality and operated  
3 for a public purpose as defined in s. 67.04 (1) (b) ~~or undertaken by a municipality~~  
4 ~~under s. 66.067 including garbage incinerators, toll bridges, swimming pools, tennis~~  
5 ~~courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting,~~  
6 ~~city halls, village halls, town halls, courthouses, jails, schools, cooperative~~  
7 ~~educational service agencies, hospitals, homes for the aged or indigent, child care~~  
8 ~~centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal~~  
9 ~~operations, systems of sewerage, local professional baseball park facilities and any~~  
10 ~~other necessary public works projects undertaken by a municipality.~~

11 (2) ~~Nothing in this~~ This section shall be ~~construed to~~ does not limit the  
12 authority of ~~any~~ a municipality to acquire, own, operate and finance in the manner  
13 provided in this section ~~a~~ source of water and necessary transmission facilities,  
14 including all real and personal property, beyond its corporate limits. A source of  
15 water 50 miles beyond a municipality's corporate limits shall be within the  
16 municipality's authority.

17 (3) ~~Any~~ A municipality may, by action of its governing body, provide for  
18 purchasing, acquiring, leasing, constructing, extending, adding to, improving,  
19 conducting, controlling, operating or managing a public utility, motor bus or other  
20 systems of public transportation from the general fund, or from the proceeds of  
21 municipal obligations, including revenue bonds. ~~Any~~ An obligation created  
22 ~~pursuant to subs. (2) to (4) shall~~ under ~~(4) or (5) is not be considered~~ under sub. an indebtedness of ~~such~~  
23 ~~the~~ municipality, and shall not be included in arriving at the constitutional debt  
24 limitation.

①

(4) <sup>(inter.)</sup> Where if payment of obligations is provided by revenue bonds, the following is the procedure for payment ~~shall be in the manner~~ following:

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(a) 1. The governing body of the municipality, by ordinance or resolution, shall order the issuance and sale of bonds, executed as provided in s. 67.08 (1) and payable at ~~such~~ <sup>✓</sup> times not exceeding 40 years from the date ~~thereof~~ of issuance, and at ~~such~~ places, ~~as~~ <sup>✓ that</sup> the governing body of such the municipality shall ~~determine~~, which determines. The bonds shall be payable only out of the special redemption fund. Each ~~such~~ bond shall include a statement that it is payable only from the special redemption fund, naming the ordinance or resolution creating it, and that it does not constitute an indebtedness of ~~such~~ the municipality. The bonds may be issued either as registered bonds under s. 67.09 or as coupon bonds payable to bearer. Bonds shall be sold in ~~such~~ the manner and upon ~~such~~ <sup>the</sup> terms as determined by the governing body ~~deems for the best interests of said~~ the municipality.

2. Interest, if any, on bonds shall be paid at least annually to bondholders. Payment of principal on the bonds shall commence not later than 3 years after the date of issue or 2 years after the estimated date that construction will be completed, whichever is later. ~~Thereafter~~ After the commencement of the payment of principal on the bonds, at least annually, the municipality shall make principal payments and, if any, interest payments to bondholders or provide by ordinance or resolution that payments be made into a separate fund for payment to bondholders as specified in the ordinance or resolution authorizing the issuance of the bonds. The amount of the annual debt service payments made or provided for shall be reasonable in accordance with prudent municipal utility management practices.

3. All ~~such~~ revenue bonds may contain a provision authorizing redemption ~~thereof~~ of the bonds, in whole or in part, at stipulated prices, at the option of the

1 municipality on any interest payment date. The governing body of a municipality  
2 may provide in ~~any a~~ contract for purchasing, acquiring, leasing, constructing,  
3 extending, adding to, improving, conducting, controlling, operating or managing a  
4 public utility, that payment ~~thereof~~ shall be made in such bonds at not less than 95%  
5 of the par value ~~thereof~~ of the bonds.

6 (b) All moneys received from ~~any~~ bonds issued under this section shall be  
7 applied solely for purchasing, acquiring, leasing, constructing, extending, adding to,  
8 improving, conducting, controlling, operating or managing a public utility, and in the  
9 payment of the cost of ~~any~~ subsequent necessary additions, improvements and  
10 extensions. Bonds issued under this section shall be secured by a pledge of the  
11 revenues of the public utility to the holders of the bonds and to the holders of ~~any~~  
12 coupons of the bonds and may be additionally secured by a mortgage lien upon the  
13 public utility to the holders of the bonds and to the holders of ~~any~~ coupons of the  
14 bonds. If a mortgage lien is created by ordinance or resolution, the lien ~~shall be is~~  
15 perfected by publication of the ordinance or resolution or by recording of the  
16 ordinance or resolution in the records of the municipality. In addition, the  
17 municipality may record the lien by notifying the register of deeds of the county in  
18 which the public utility is located concerning its issuance of bonds. If the register of  
19 deeds receives notice from the municipality, the register of deeds shall record any  
20 mortgage lien created. The public utility ~~shall remain~~ remains subject to the pledge  
21 and, if created, the mortgage lien until the payment in full of the principal and  
22 interest of the bonds. Upon repayment of bonds for which a mortgage lien has been  
23 created, the register of deeds shall, upon notice from the municipality, record a  
24 satisfaction of the mortgage lien. Any holder of a bond or of ~~any~~ coupons attached  
25 to a bond may ~~either at law or in equity~~ protect and enforce this pledge and, if created,

1 the mortgage lien and compel performance of all duties required of the municipality  
2 by this section. ~~Any~~ A municipality may provide for additions, extensions and  
3 improvements to a public utility that it owns by additional issues of bonds under this  
4 section. ~~Such~~ The additional issues of bonds ~~shall be~~ are subordinate to all prior  
5 issues of bonds under this section, but a municipality may in the ordinance or  
6 resolution authorizing bonds permit the issue of additional bonds on a parity  
7 ~~therewith~~ with prior issues. ~~Any~~ A municipality may issue new bonds under this  
8 section to provide funds for refunding any outstanding municipal obligations,  
9 including interest, issued for any of the purposes stated in sub. ~~(1m)~~ (3). Refunding  
10 bonds issued under this section are subject to all of the following provisions:

11 1. Refunding bonds may be issued to refinance more than one issue of  
12 outstanding municipal obligations notwithstanding that ~~such~~ the outstanding  
13 municipal obligations may have been issued at different times and may be secured  
14 by the revenues of more than one public utility. ~~Any such public~~ Public utilities may  
15 be operated as a single public utility, subject ~~however~~ to contract rights vested in  
16 holders of bonds or promissory notes being refinanced. A determination by the  
17 governing body of a municipality that any refinancing is advantageous or necessary  
18 to the municipality ~~shall be~~ is conclusive.

19 4. The refunding bonds ~~shall~~ are not be considered an indebtedness of ~~such a~~  
20 municipality, and shall not be included in arriving at the constitutional debt  
21 limitation.

22 5. The governing body of a municipality may, ~~in addition to other powers~~  
23 ~~conferred by this section,~~ include a provision in any ordinance or resolution  
24 authorizing the issuance of refunding bonds pledging all or any part of the revenues  
25 of any public utility or utilities ~~or combination thereof~~ originally financed or,

1 extended or improved from the proceeds of any of the municipal obligations being  
2 refunded, and pledging all or any part of the surplus income derived from the  
3 investment of ~~any a~~ trust created in relation to the refunding.

4 6. This subsection, ~~without reference to any other laws of this state, shall~~  
5 ~~constitute~~ constitutes full authority for the authorization and issuance of refunding  
6 bonds hereunder and for ~~the doing of~~ all other acts authorized by this subsection to  
7 be done or performed and ~~such~~ the refunding bonds may be issued hereunder under  
8 this subsection without regard to the requirements, restrictions or procedural  
9 provisions contained in any other law.

10 (c) The governing body of a municipality shall, in the ordinance or resolution  
11 authorizing the issuance of bonds, establish a system of funds and accounts and  
12 provide for sufficient revenues to operate and maintain the public utility and to  
13 provide fully for annual debt service requirements of bonds issued under this section.  
14 The governing body of a municipality may establish a fund or account for  
15 depreciation of assets of the public utility.

16 (d) If a governing body of a municipality creates a depreciation fund under par.  
17 (c) it shall use the funds set aside to restore any deficiency in the special redemption  
18 fund specified in par. (e) for the payment of the principal and interest due on the  
19 bonds and for the creation and maintenance of any reserves established by the bond  
20 ordinance or resolution to secure these payments. If the special redemption fund is  
21 sufficient for these purposes, moneys in the depreciation fund may be expended for  
22 repairs, replacements, new constructions, extensions or additions of the public  
23 utility. ~~Any accumulations~~ Accumulations of the depreciation fund may be invested,  
24 and ~~if invested~~, the income from the investment shall be deposited in the  
25 depreciation fund.

1 (e) The governing body of ~~the~~ a municipality shall by ordinance or resolution  
2 create a special fund in the treasury of the municipality to be identified as “the ....  
3 special redemption fund” into which shall be paid the amount which ~~shall be~~ is set  
4 aside for the payment of the principal and interest due on the bonds and for the  
5 creation and maintenance of any reserves established by bond ordinance or  
6 resolution to secure these payments.

7 (f) At the close of the public utility’s fiscal year, if any surplus has accumulated  
8 in any of the ~~above~~ funds specified in this subsection, it may be disposed of in the  
9 order set forth under s. ~~66.069 (1) (e)~~ 66.0811 (2).

10 (g) The reasonable cost and value of any service rendered to ~~such~~ a municipality  
11 by ~~such~~ a public utility shall be charged against the municipality and shall be paid  
12 by it in instalments.

13 (h) The rates for all services rendered by ~~such~~ a public utility to the a  
14 municipality or to other consumers, <sup>✓</sup> shall be reasonable and just, taking into account  
15 and consideration the value of the said public utility, the cost of maintaining and  
16 operating the ~~same~~ public utility, the proper and necessary allowance for  
17 depreciation ~~thereof~~ of the public utility, and a sufficient and adequate return upon  
18 the capital invested.

19 (i) The governing body ~~shall have full power to~~ of a municipality may adopt all  
20 ordinances and resolutions necessary to carry into effect this subsection. Any An  
21 ordinance or resolution providing for the issuance of bonds may contain ~~such~~ <sup>plain</sup>  
22 provisions or covenants, without limiting the generality of the power to adopt ~~such~~  
23 an ordinance or resolution, as <sup>✓</sup> ~~is deemed~~ <sup>are</sup> necessary or desirable for the security of  
24 bondholders or the marketability of the bonds, including. The provisions or  
25 covenants may include but are not limited to provisions <sup>✓</sup> as relating to the sufficiency of the

1 rates or charges to be made for service, maintenance and operation, improvements  
2 or additions to and sale or alienation of the public utility, insurance against loss,  
3 employment of consulting engineers and accountants, records and accounts,  
4 operating and construction budgets, establishment of reserve funds, issuance of  
5 additional bonds, and deposit of the proceeds of the sale of the bonds or revenues of  
6 the public utility in trust, including the appointment of depositories or trustees. ~~Any~~  
7 An ordinance or resolution authorizing the issuance of bonds or other obligations  
8 payable from revenues of a public utility ~~shall constitute~~ constitutes a contract with  
9 the holder of ~~any~~ bonds or other obligations issued pursuant to ~~such~~ the ordinance  
10 or resolution.

11 **SECTION 167.** 66.066 (2) (j) of the statutes is repealed.

**NOTE:** Repeals an archaic provision of the statutes regulating proceedings  
relating to a public utility that were begun prior to May 6, 1911.

12 **SECTION 168.** 66.066 (2) (k) to (m), (4) and (5) of the statutes are renumbered  
13 66.0621 (4) (j) to (L), (5) and (6), and 66.0621 (4) (j) to (L) and (5), as renumbered, are  
14 amended to read:

15 66.0621 (4) (j) ~~Under this paragraph, the~~ The ordinance or resolution required  
16 under par. (c) may set apart bonds equal to the amount of any secured debt or charge  
17 subject to which a public utility may be purchased, acquired, leased, constructed,  
18 extended, added to or improved, ~~and.~~ The ordinance or resolution shall set aside for  
19 interest and debt service fund from the income and revenues of the public utility a  
20 sum sufficient to comply with the requirements of the instrument creating the lien,  
21 or, if the instrument does not make any provision for it, the ordinance or resolution  
22 shall fix the amount which shall be set aside into a secured debt fund from month to  
23 month for interest on the secured debt, and a fixed amount or proportion not

(1) exceeding a stated sum, which shall be not less than ~~one percent~~<sup>✓ ✓ 1%</sup> of the principal, to  
2 be set aside into the fund to pay the principal of the debt. Any surplus after satisfying  
3 the debt may be transferred to the special redemption fund. Public utility bonds set  
4 aside for the debt may ~~from time to time~~ be issued to an amount sufficient with the  
5 amount then in the debt service fund to pay and retire the debt or any portion of it;  
6 ~~the.~~ The bonds may be issued at not less than 95% of the par value in exchange for,  
7 or satisfaction of, the secured debt, or may be sold in the manner provided in this  
8 paragraph, and the proceeds applied in payment of the secured debt at maturity or  
9 before maturity by agreement with the holder. The governing body of a municipality  
10 and the owners of any a public utility acquired, purchased, leased, constructed,  
11 extended, added to or improved under this paragraph may, ~~upon such terms and~~  
12 ~~conditions as are satisfactory,~~ contract that public utility bonds providing for the  
13 secured debt or for the whole purchase price shall be deposited with a trustee or  
14 depository and released from deposit ~~from time to time on the terms and conditions~~  
15 ~~necessary~~ to secure the payment of the debt.

✓16 (k) Any A municipality purchasing, acquiring, leasing, constructing,  
17 extending, adding to or improving, conducting, controlling, operating or managing  
18 a public utility subject to a mortgage or deed of trust by the vendor or the vendor's  
19 predecessor in title to secure the payment of outstanding and unpaid bonds made by  
20 the vendor or the vendor's predecessor in title, may readjust, renew, consolidate or  
21 extend the obligation evidenced by the outstanding bonds and continue the lien of  
22 the mortgage, securing the ~~same mortgage~~ by issuing bonds to refund the  
23 ~~outstanding mortgage or revenue bonds at or prior to~~<sup>before</sup> their maturity, ~~which.~~ The  
24 refunding bonds ~~shall be~~ are payable only out of a special redemption fund ~~to be~~  
25 created and set aside by ordinance or resolution under par. (e). The refunding bonds



1 shall be secured by a mortgage lien upon the public utility, and the municipality is  
2 ~~authorized to~~ may adopt all ordinances or resolutions and take all proceedings,  
3 following the procedure under this subsection. The lien ~~shall have~~ has the same  
4 priority on the public utility as the mortgage securing the outstanding bonds, unless  
5 otherwise expressly provided in the proceedings of the governing body of the  
6 municipality.

7 (L) 1. If the governing body of any a municipality, by ordinance or resolution,  
8 declares its intentions to authorize the issuance or sale of revenue bonds under this  
9 section, the governing body may, prior to issuance of the bonds and in anticipation  
10 of their sale, authorize the issuance of bond anticipation notes by the adoption of a  
11 resolution or ordinance. The notes shall be named "bond anticipation notes." Bond  
12 anticipation notes may be issued for the purposes for which the municipality has  
13 authority to issue revenue bonds. The ordinance or resolution authorizing the bond  
14 anticipation notes shall state the purposes for which the bond anticipation notes are  
15 to be issued and shall set forth a covenant of the municipality to issue the revenue  
16 bonds in an amount sufficient to retire the outstanding bond anticipation notes. The  
17 ordinance or resolution may contain other covenants and provisions, including a  
18 description of the terms of the revenue bonds to be issued. The municipality may  
19 pledge revenues of the public utility to payment of the principal and interest on the  
20 bond anticipation notes. Prior to issuance of the bond anticipation notes, the  
21 governing body may adopt an ordinance or resolution authorizing the revenue bonds.

22 2. Bond anticipation notes may be issued for periods of up to 5 years and may,  
23 by ordinance or resolution of the governing body of a municipality, be refunded one  
24 or more times, if the refunding bond anticipation notes do not exceed 5 years in term  
25 and if they will be paid within 10 years after the date of issuance of the original bond

Strike  
period

score  
period

1 anticipation notes. Bond anticipation notes shall be executed as provided in s. 67.08  
2 (1) and may be registered under s. 67.09. These notes shall state the sources from  
3 which they are payable. Bond anticipation notes are not an indebtedness of the  
4 municipality issuing them, and no lien may be created or attached with respect to  
5 any property of the municipality as a consequence of the issuance of such the notes.

6 3. Any funds derived from the issuance and sale of revenue bonds under this  
7 section and issued subsequent to the execution and sale of bond anticipation notes  
8 ~~shall~~ constitute a trust fund, and ~~such~~ the fund shall be expended first for the  
9 payment of principal and interest of ~~such~~ the bond anticipation notes, and then may  
10 be expended for ~~such~~ other purposes as are set forth in the ordinance or resolution  
11 authorizing the revenue bonds. No bond anticipation notes may be issued unless a  
12 financial officer of the municipality certifies to the governing body of the  
13 municipality that contracts with respect to additions, improvements and extensions  
14 are to be let and that the proceeds of ~~such~~ the notes ~~shall be~~ are required for the  
15 payment of ~~such~~ the contracts.

16 4. Following the issuance of the bond anticipation notes, revenues of the public  
17 utility may be paid into a fund to pay principal and interest on the bond anticipation  
18 notes, which moneys or any part of them may, by the ordinance or resolution  
19 authorizing the issuance of bond anticipation notes, be pledged for the payment of  
20 the principal of and interest on ~~such~~ the notes. The ordinance or resolution shall  
21 pledge to the payment of the principal of the notes the proceeds of the sale of the  
22 revenue bonds in anticipation of the sale of which the notes were authorized to be  
23 issued and may provide for use of revenue of the public utility or other available  
24 funds for payment of principal on the notes. The notes ~~shall constitute~~ are negotiable  
25 instruments.

1           6. ~~Any~~ A municipality authorized to issue or sell bond anticipation notes under  
2 this paragraph may, in addition to the revenue sources or bond proceeds, appropriate  
3 funds out of its annual tax levy for the payment of ~~such~~ the notes. The payment of  
4 ~~such~~ the notes out of funds from a tax levy ~~shall is not be construed as constituting~~  
5 an obligation of ~~such~~ the municipality to make any other ~~such~~ appropriation.

6           7. ~~Such bond~~ Bond anticipation notes ~~shall constitute~~ are a legal form of  
7 investment for municipal funds under s. ~~66.04 (2)~~ 66.0605 (1).

8           (5) ~~Any~~ A municipality which may own, purchase, acquire, lease, construct,  
9 extend, add to, improve, conduct, control, operate or manage any public utility may  
10 also, by action of its governing body, in lieu of issuing bonds or levying taxes and in  
11 addition to any other lawful methods of paying obligations, provide for or secure the  
12 payment of the cost of purchasing, acquiring, leasing, constructing, extending,  
13 adding to, improving, conducting, controlling, operating or managing a public utility  
14 by pledging, assigning or otherwise hypothecating, shares of stock evidencing a  
15 controlling interest ~~therein in a public utility~~, or the net earnings or profits derived,  
16 or to be derived, from the operation of the public utility. The municipality may enter  
17 into the contracts and may mortgage the public utility and issue obligations to carry  
18 out this subsection. ~~Any~~ A municipality may issue additional obligations under this  
19 ~~subsection or elsewhere in this section~~, but those obligations ~~shall be~~ are subordinate  
20 to all prior obligations, except that the municipality may in the ordinance or  
21 resolution authorizing obligations under this subsection permit the issue of  
22 additional obligations on a parity with those previously issued.

23           **SECTION 169.** 66.067 of the statutes, as affected by 1997 Wisconsin Act 27, is  
24 repealed.

NOTE: Repeals s. 66.067, relating to permissible public works projects, since the substance of the section has been incorporated into s. 66.0621 (1) (b).

1 SECTION 170. 66.068 (title) of the statutes is renumbered 66.0805 (title) and  
2 amended to read:

3 **66.0805 (title) Management of municipal public utility by commission.**

4 SECTION 171. 66.068 (1) of the statutes is repealed.

NOTE: The repealed subsection is restated as s. 66.0805 (1), created by SECTION 228.

5 SECTION 172. 66.068 (2) to (4) of the statutes are renumbered 66.0805 (2) to (4),  
6 and 66.0805 (3) and (4), as renumbered, are amended to read:

7 66.0805 (3) ~~The commissioners commission~~ shall choose from among their  
8 number a president and a secretary ~~from its membership.~~ The commission may  
9 appoint and establish the compensation of a manager. ~~They~~ The commission may  
10 command the services of the city, village or town engineer and may employ and fix  
11 the compensation of such subordinates as shall be necessary. ~~They~~ The commission  
12 may make rules for ~~their own~~ its proceedings and for the government of ~~their~~ the  
13 department. ~~They~~ The commission shall keep books of account, in the manner and  
14 form prescribed by the department of transportation or public service commission,  
15 which shall be open to the public.

NOTE: The 2nd sentence restates a portion of s. 66.068 (1), repealed by SECTION 171.

16 (4) (a) ~~It may be provided~~ The governing body of the city, village or town may  
17 provide that departmental expenditures be audited by such the commission, and if  
18 approved by the president and secretary of the commission, be paid by the city,  
19 village or town clerk and treasurer as provided by s. ~~66.042~~ 66.0607; that the utility  
20 receipts be paid to a bonded cashier ~~or cashiers~~ appointed by the commission, to be  
21 turned over to the city, village or town treasurer at least once a month; and that the

1 commission have ~~such~~ designated general powers in the construction, extension,  
 2 improvement and operation of the utility as shall be designated. ~~Where in any~~  
 3 ~~municipality.~~ Actual construction work shall be under the immediate supervision of  
 4 the board of public works or corresponding authority.

5 (b) If water mains have been installed or extended in a municipality and the  
 6 cost ~~thereof~~ of installation or extension has been in some instances assessed against  
 7 the abutting owners and in other instances paid by the municipality or ~~any~~ a utility  
 8 therein, ~~it may be provided by~~ the governing body of ~~such~~ the municipality may  
 9 provide that all persons who paid ~~any~~ such the assessment against any lot or parcel  
 10 of land may be reimbursed the amount of ~~such~~ the assessment regardless of when  
 11 such assessment was made or paid. ~~Such reimbursement~~ Reimbursement may be  
 12 made from ~~such~~ plain funds or earnings of ~~said~~ the municipal utility or from ~~such~~ funds  
 13 of the municipality as the governing body determines. *plain*

NOTE: The new sentence at the end of par. (a) restates s. 66.068 (5), repealed by SECTION 173.

14 SECTION 173. 66.068 (5) of the statutes is repealed.

NOTE: The repealed provision is restated in renumbered s. 66.0805 (4) (a). See SECTION 172.

15 SECTION 174. 66.068 (6) and (7) of the statutes are renumbered 66.0805 (5) and  
 16 (6) and amended to read:

17 66.0805 (5) Two or more public utilities acquired as a single enterprise  
 18 ~~hereunder~~ may be operated under this section as a single enterprise.

19 (6) In a 2nd, 3rd or 4th class city, a village or a town, the council or board may  
 20 provide for the operation of a public utility ~~or utilities~~ by the board of public works  
 21 or by another officer ~~or officers~~, in lieu of the commission ~~above~~ provided for in this  
 22 section.

1           **SECTION 175.** 66.069 (title) of the statutes is renumbered 66.0809 (title) and  
2 amended to read:

3           **66.0809** (title) ~~Charges; outside services~~ **Municipal public utility**  
4 **charges.**

5           **SECTION 176.** 66.069 (1) (title) of the statutes is repealed.

6           **SECTION 177.** 66.069 (1) (a) to (bn) of the statutes, as affected by 1997 Wisconsin  
7 Act 27, are renumbered 66.0809 (1) to (5), and 66.0809 (1), (2), (3), (4) (intro.) and (a)  
8 and (5) (a) (intro.) and (b) to (d), as renumbered, are amended to read:

9           66.0809 (1) Except as provided in ~~par. (am)~~ sub. (2), the governing body of ~~any~~  
10 a town, village or city operating a public utility may, by ordinance, fix the initial rates  
11 and shall provide for this collection monthly, bimonthly or quarterly in advance or  
12 otherwise. The rates shall be uniform for like service in all parts of the municipality  
13 and shall include the cost of fluorinating the water. The rates may also include  
14 standby charges to property not connected but for which ~~such~~ public utility facilities  
15 have been made available. The charges shall be collected by the treasurer or other  
16 officer or employe designated by the city, village or town.

NOTE: Authorizes, as an alternative to the treasurer collecting utility charges, a  
city, village or town to designate another officer to collect the charges.  
Apparently, in a number of municipalities, utility commissions have their own  
bonded clerk collect charges.

17           **(2)** If, on June 21, 1996, it is the practice of a governing body of a town, village  
18 or city operating a public utility to collect utility service charges using a billing period  
19 other than one permitted under ~~par. (a)~~ sub. (1), the governing body may continue  
20 to collect utility service charges using that billing period.

21           **(3)** Except as provided in ~~pars. (bg) and (bn)~~ subs. (4) and (5), on October 15 in  
22 each year notice shall be given to the owner or occupant of all lots or parcels of real  
23 estate to which utility service has been furnished prior to October 1 by a public utility

## SECTION 177

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

1 the return and sale of property for delinquent taxes shall apply to said the tax if the  
2 ~~same~~ it is not paid within the time required by law for payment of taxes upon real  
3 estate. Under this ~~paragraph~~ subsection, if an arrearage is for utility service  
4 furnished and metered by the utility directly to a mobile home unit in a licensed  
5 mobile home park, the notice shall be given to the owner of the mobile home unit and  
6 the delinquent amount ~~shall become~~ becomes a lien on the mobile home unit rather  
7 than a lien on the parcel of real estate on which the mobile home unit is located. A  
8 lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).  
9 This ~~paragraph~~ subsection does not apply to arrearages collected using the  
10 procedure under s. ~~66.60 (16)~~ 66.0627.

11 (4) (intro.) A municipal utility may use the procedures under ~~par. (b)~~ sub. (3)  
12 to collect arrearages for electric service only if one of the following applies:

13 (a) The municipality has enacted an ordinance that authorizes the use of the  
14 procedures under ~~par. (b)~~ sub. (3) for the collection of arrearages for electric service  
15 provided by the municipal utility.

16 (5) (a) (intro.) This ~~paragraph~~ subsection applies only if all of the following  
17 conditions are met:

18 (b) If this ~~paragraph~~ subsection applies, a municipal public utility may use ~~par.~~  
19 ~~(b)~~ sub. (3) to collect arrearages incurred after the owner of a rental dwelling unit has  
20 provided the utility with written notice under ~~subd. 1. par. (a)~~ only if the municipality  
21 complies with at least one of the following:

22 1. In order to comply with this ~~subd. 2. a. subdivision~~, a municipal public utility  
23 shall send bills for water or electric service to a customer who is a tenant in the  
24 tenant's own name. Each time that a municipal public utility notifies a customer who  
25 is a tenant that charges for water or electric service provided by the utility to the



1 customer are past due for more than one billing cycle, the utility shall also serve a  
2 copy of the notice on the owner of the rental dwelling unit in the manner provided  
3 in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit,  
4 and the owner of the rental dwelling unit provides the municipal public utility, no  
5 later than 21 days after the date on which the tenant vacates the rental dwelling  
6 unit, with a written notice that contains a forwarding address for the tenant and the  
7 date that the tenant vacated the rental dwelling unit, the utility shall continue to  
8 send past-due notices to the customer at his or her forwarding address until the  
9 past-due charges are paid or until notice has been provided under ~~par. (b)~~ sub. (3).

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

16 (c) A municipal public utility may demonstrate compliance with the notice  
17 requirements of ~~subd. 2. a. or b.~~ par. (b) 1. or 2. by providing evidence of having sent  
18 the notice by U.S. mail.

19 (d) If this ~~paragraph~~ subsection applies and a municipal public utility is  
20 permitted to collect arrearages under ~~par. (b)~~ sub. (3), the municipal public utility  
21 shall provide all notices under ~~par. (b)~~ sub. (3) to the owner of the property.

22 **SECTION 178.** 66.069 (1) (c) and (d) of the statutes are renumbered 66.0811 (2)  
23 and (3) and amended to read:

24 66.0811 (2) The income of a municipal public utility ~~owned by a municipality,~~  
25 shall first be used to make payments to meet operation, maintenance, depreciation,