

### 2001 DRAFTING REQUEST

#### Senate Amendment (SA-SSA1-SB55)

Received: 07/17/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

LFB:.....Olin -

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**Topic:**

The imposition of special charges by a city, village, or town; public hearing, notice requirements

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**Instructions:**

LRB b0816/1, bill section 2023ke. from b1542/2, and add the notice requirements from section 2023ke to the resolution adopted by an adjacent muni under s. 66.0707 (2) in bill section 2023 of b0816. ALSO see -1870/2

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 07/17/2001	gilfokm 07/17/2001		_____			
/1			pgreensl 07/17/2001	_____	barmamj 07/17/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	shoveme 07/18/2001	csicilia 07/18/2001	rschluct 07/19/2001	_____	lrb_docadmin 07/19/2001		

FE Sent For:

<END>

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/?	shoveme 07/17/2001	gilfokm 07/17/2001		_____			
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/1			pgreensl 07/17/2001	_____	barmamj 07/17/2001		
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12 MES 7/18/01

7-29-1

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

2 cjs 7/18  
01

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1?	shoveme	1-7/17 King	7/17	7/17			
11	ME 67/17/01		PS	PS/17			

FE Sent For:

<END>

DOA:.....Ziegler – Special charges for municipal services

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Instructions

1 AN ACT ...; relating to: the imposition of special charges by a city, village, or town.

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*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

**OTHER LOCAL GOVERNMENT**

Under current law, a municipality (a city, village, or town) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. Also under current law, a municipality may impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the municipality in which the property is located approves the imposition. A "service" under current law includes snow and ice removal, weed elimination, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, tree care, and other similar services that are not specified in the definition. Special charges are not payable in installments. If a special charge is not paid within the time specified by the municipality, the special charge is delinquent and becomes a lien on the property against which it is imposed.

A recent court of appeals decision, *Town of Janesville v. Rock County*, 153 Wis. 2d 538, 546-547 (1989), interpreted current law to mean that special charges may be imposed "only for services which are actually performed" and that the statute limits a municipality to "charging only for services actually provided and not for services that may be available but not utilized."

Under this bill, special charges may be imposed for services that are available, without regard to whether the services are actually rendered, and may be allocated

to the property that is served or that is eligible to be served. This change also applies to special charges imposed against real property in an adjacent municipality, under the same terms and conditions that exist under current law.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 66.0627 (title) of the statutes is amended to read:

2           **66.0627 (title) Special charges for current services.**

3           **SECTION 2.** 66.0627 (2) of the statutes is amended to read:

4           66.0627 (2) Except as provided in sub. (5), the governing body of a city, village  
5 or town may impose a special charge against real property for ~~current~~ services that  
6 are available, regardless of whether the services are actually rendered, by allocating  
7 all or part of the cost of the service to the property that is served or that is eligible  
8 to be served. The authority under this section is in addition to any other method  
9 provided by law.

10          **SECTION 3.** 66.0707 (2) of the statutes is amended to read:

11          66.0707 (2) A city, village or town may impose a special charge under s. 66.0627  
12 against real property in an adjacent city, village or town that is served by ~~current~~  
13 services that are available, regardless of whether the services are actually rendered  
14 by the municipality imposing the special charge if the municipality in which the  
15 property is located approves the imposition by resolution. The owner of the property  
16 is entitled to the use and enjoyment of the service for which the special charge is  
17 imposed on the same conditions as the owner of property within the city, village or  
18 town.

19          **SECTION 9359. Initial applicability; other.**







State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb2120/1

MES.....

*RMNR*

LFB:.....Olin – The imposition of special charges by a city, village, or town;  
public hearing, notice requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

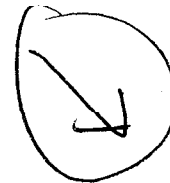
TO 2001 SENATE BILL 55

1

*[Handwritten wavy line]* At the locations indicated, amend the bill as follows:

2

*[Handwritten signature]*  
(END)



SDC:.....Keckhaver – CN1109, The imposition of special charges by a city,  
village or town

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 680, line 5: after that line insert:

3 “**SECTION 2021.** 66.0627 (title) of the statutes is amended to read:

4 **66.0627 (title) Special charges for current services.**

5 **SECTION 2022.** 66.0627 (2) of the statutes is amended to read:

6 66.0627 (2) Except as provided in sub. (5), the governing body of a city, village ✓  
7 or town may impose a special charge against real property for current services that  
8 are available, regardless of whether the services are actually rendered, by allocating  
9 all or part of the cost of the service to the property that is served or that is eligible

1 to be served. The authority under this section is in addition to any other method  
2 provided by law.

INS  
2-2

3 SECTION 2023. 66.0707 (2) of the statutes is amended to read:

4 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627  
5 against real property in an adjacent city, village or town that is served by current  
6 services that are available, regardless of whether the services are actually rendered  
7 by the municipality imposing the special charge if the municipality in which the  
8 property is located approves the imposition by resolution. The owner of the property  
9 is entitled to the use and enjoyment of the service for which the special charge is  
10 imposed on the same conditions as the owner of property within the city, village or  
11 town.”.

12 ✓ 2. Page 1415, line 14: after that line insert:

82

13 “(1) SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections 66.0627  
14 ✓ and (3)(a) ✓  
14 (2) and 66.0707 (2) of the statutes first applies to special charges that are imposed  
15 on the effective date of this subsection.”.

16 (END)

except that such a resolution may not be approved  
before the municipality governing body holds a public  
hearing on the imposition. Notice of the public hearing  
shall be by class 1 notice under ch. 985, and the  
notice shall specify where a copy of the proposed  
ordinance relating to the special charge may be  
obtained

~~66.0617 (10) APPEAL. A political subdivision municipality that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection, or use of the impact fee to the governing body of the political subdivision municipality.~~

SECTION ~~2023ks.~~ <sup>2022e</sup> 66.0627 (3) (a) of the statutes is amended to read:

66.0627 (3) (a) Except as provided in par. (b), before a special charge may be imposed a public hearing shall be held on the imposition of the proposed special charge by the governing body of the city, village, or town may determine the manner of providing notice of a special charge. Notice of the hearing shall be by class 1 notice under ch. 985, and the notice shall specify where a copy of the proposed ordinance relating to the special charge may be obtained.

~~SECTION 2023ks. 66.0821 (4) (b) of the statutes is amended to read:~~

~~66.0821 (4) (b) For the purpose of making equitable charges for all services rendered by the sanitary sewerage system to the municipality or to citizens, corporations, and other users, the property benefited thereby may be classified, taking into consideration the volume of water, including surface or drain waters, the character of the sewage or waste and the nature of the use made of the sewerage system, including the sewage disposal plant. The Subject to sub. (8), the charges may also include standby charges to property not connected but for which such facilities have been made available.~~

~~SECTION 2023ksb. 66.0821 (4) (c) of the statutes is amended to read:~~

~~66.0821 (4) (c) For the purpose of making equitable charges for all services rendered by a storm water and surface water sewerage system to users, the property served may be classified, taking into consideration the volume or peaking of storm~~

INS  
2-2

## Shovers, Marc

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**From:** Olin, Rick  
**Sent:** Tuesday, July 17, 2001 6:24 PM  
**To:** Shovers, Marc  
**Cc:** Ammerman, Fred  
**Subject:** LRBb2120/1

Please consider the following modifications:

Page 2, Line 18: change chs. to ch.

Page 2, Line 19: change ordinance to resolution

I'll be out of the office tommorrow. If you have any questions, please call Fred.

Thanks,

Rick



§ cjs

RMR

LFB:.....Olin – The imposition of special charges by a city, village, or town;  
public hearing, notice requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 680, line 5: after that line insert:

3 “SECTION 2021. 66.0627 (title) of the statutes is amended to read:

4 **66.0627 (title) Special charges for current services.**

5 SECTION 2022. 66.0627 (2) of the statutes is amended to read:

6 66.0627 (2) Except as provided in sub. (5), the governing body of a city, village

7 or town may impose a special charge against real property for ~~current services~~ that

8 are available, regardless of whether the services are actually rendered, by allocating

9 all or part of the cost of the service to the property that is served or that is eligible

1 to be served. The authority under this section is in addition to any other method  
2 provided by law.

3 **SECTION 2022e.** 66.0627 (3) (a) of the statutes is amended to read:

4 66.0627 (3) (a) Except as provided in par. (b), before a special charge may be  
5 imposed a public hearing shall be held on the imposition of the proposed special  
6 charge by the governing body of the city, village or town may determine the manner  
7 of providing notice of a special charge. Notice of the hearing shall be by class 1 notice  
8 under ch. 985, and the notice shall specify where a copy of the proposed ordinance  
9 relating to the special charge may be obtained.

10 **SECTION 2023.** 66.0707 (2) of the statutes is amended to read:

11 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627  
12 against real property in an adjacent city, village or town that is served by current  
13 services that are available, regardless of whether the services are actually rendered  
14 by the municipality imposing the special charge if the municipality in which the  
15 property is located approves the imposition by resolution, except that such a  
16 resolution may not be approved before the governing body of the municipality in  
17 which the property is located holds a public hearing on the imposition. Notice of the  
18 public hearing shall be by class 1 notice under ch. 985, and the notice shall specify  
19 where a copy of the proposed <sup>resolution and</sup> ordinance relating to the special charge may be  
20 obtained. The owner of the property is entitled to the use and enjoyment of the  
21 service for which the special charge is imposed on the same conditions as the owner  
22 of property within the city, village or town.”.

23 **2.** Page 1415, line 14: after that line insert:



1           “(8z) SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections  
2           66.0627 (2) and (3) (a) and 66.0707 (2) of the statutes first applies to special charges  
3           that are imposed on the effective date of this subsection.”

4

**(END)**



LFB:.....Olin – The imposition of special charges by a city, village, or town;  
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6 charge by the governing body of the city, village or town ~~may determine the manner~~  
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14 by the municipality imposing the special charge if the municipality in which the  
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16 resolution may not be approved before the governing body of the municipality in  
17 which the property is located holds a public hearing on the imposition. Notice of the  
18 public hearing shall be by class 1 notice under ch. 985, and the notice shall specify  
19 where a copy of the proposed resolution and ordinance relating to the special charge  
20 may be obtained. The owner of the property is entitled to the use and enjoyment of  
21 the service for which the special charge is imposed on the same conditions as the  
22 owner of property within the city, village or town.”.

23 **2.** Page 1415, line 14: after that line insert:

