

1991 Assembly Bill 516

Date of enactment: **April 27, 1992**
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1991 WISCONSIN ACT 237

AN ACT to amend 66.54 (7) (e) and 66.54 (7) (f); and to create 66.54 (7) (fm) of the statutes, relating to: the election of a property owner to pay a special assessment in a lump sum or on an instalment basis.

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

SECTION 1. 66.54 (7) (e) of the statutes is amended to read:

66.54 (7) (e) Whenever the governing body determines to permit any special assessments for any local improvements to be paid in instalments it shall publish a class 1 notice, under ch. 985. Such notice shall be substantially in the following form:

INSTALMENT ASSESSMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvement) and that the amount of the special assessment therefor has been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the clerk; it is proposed to collect the same in instalments, as provided for by section 66.54 of the Wisconsin statutes, with interest thereon at per cent per year; that all assessments will be collected in instalments as above provided except such assessments on property where the owner of the same shall file with the clerk within 30 days from date of this notice a written notice that he elects to pay the special assessment on his property, describing the same, to the treasurer on or before the next succeeding November 1, unless the election is revoked. If, after making such election, said property owner fails to make the payment to the treasurer, the clerk shall place the entire assessment on the next succeeding tax roll.

Dated

.... [Clerk of (name of municipality)]

SECTION 2. 66.54 (7) (f) of the statutes is amended to read:

66.54 (7) (f) After the time for making ~~such election shall have expired~~ an initial election expires, any assessment may be paid in full before due, only upon the payment of such portion of the interest to become due thereon as the governing body shall determine.

SECTION 3. 66.54 (7) (fm) of the statutes is created to read:

66.54 (7) (fm) 1. Between the time that a property owner elects to pay the special assessment in full under par. (e) and 30. days before the time that payment is due, the property owner may revoke his or her initial election and, subject to subds. 2 and 3, shall pay the special assessment in instalments if the governing body that levied the special assessment adopts a resolution consenting to the revocation.

2. If the first instalment has been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who revoked his or her initial election to make a lump sum payment shall include all of the following amounts:

a. An amount equal to what the first instalment would have been under par. (b) if the property owner's initial election had been to pay the special assessment in instalments.

b. Interest on that amount at the rate used by the municipality for instalment payments under par. (b), covering the period between the date that the initial election

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was made under par. (e) and the date on which the instalment is paid.

c. The amount of the 2nd instalment, as calculated under par. (b).

3. If the first instalment has not been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who

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revoked his or her initial election to make a lump sum payment shall be an amount calculated under par. (b) plus interest on that amount at the rate used by the municipality for instalment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the instalment is paid.

SECTION 4. Initial applicability. This act first applies to special assessments that are noticed on the effective date of this SECTION.
