

No. 257, S.]

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CHAPTER 385

AN ACT to amend 59.96 (6) (a) and (q), (7) (a) and (c) and (9) (c); to repeal and recreate 59.96 (5); and to create 59.96 (7) (f) of the statutes, relating to metropolitan sewerage commissions in counties containing a city of the first class.

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

SECTION 1. 59.96 (5) of the statutes is repealed and recreated to read:

59.96 (5) NAME; ENTITY; ADDING AREA. (a) Upon the establishment of the boundary as herein provided, the district shall be a municipal body corporate. The name of such district shall be the metropolitan sewerage district of the county in which it is established. Such district shall act through the agency of the metropolitan sewerage commission herein provided for and of the sewerage commission of the city of the first class. Such district may sue or be sued, and in addition to the other powers granted such metropolitan sewerage district may in its judgment build treatment plants within such county for the treatment or disposal of sewage coming from within or without such district.

(b) The metropolitan sewerage commission may by resolution add to the area of such district and may include therein other areas within such county, the sewage from which does or may drain into any lake or river or stream which flows into any lake which is or may be used as a source of drinking water, and the sewage from which area may be cared for by any treatment or disposal plant owned or operated by said district or any of its agencies. Before the adoption of any such resolution adding additional area to such district, the metropolitan sewerage commission shall first obtain the consent of the sewerage commission of the city of the first class and of the governing body of the municipality in which such area is located, and shall hold a public hearing thereon. Notice of such hearing, stating the time and place thereof, together with a copy of the proposed resolution, shall be sent by mail to the clerk of each city, town and village lying wholly or partially within the proposed area to be added not less than 30 days prior to such hearing and a copy of such notice, together with the proposed resolution, shall be published in a newspaper of general circulation within such district at least 30 days prior to the date of such hearing. Such proposed resolution shall contain the description by metes and bounds of each area added to such metropolitan sewerage district.

(c) Such area shall become a part of such district for all purposes upon the filing of a certified copy of such resolution describing such area in the office of the county clerk of such county. Like certified copies of

such resolution shall be filed in the office of the register of deeds for such county and with the clerk of each city, town and village in such district and with the state board of health.

SECTION 2. 59.96 (6) (a) and (q) and (7) (a) and (c) of the statutes are amended to read:

59.96 (6) (a) The metropolitan sewerage commission shall * * * project, plan * * * and construct * * * in such county outside of the city limits of such city of the first class but within the * * * metropolitan sewerage district, main sewers, pumping and temporary disposal works * * * for the collection and transmission of house, industrial and other sanitary sewage to and into the intercepting sewerage system of such * * * district, and may improve * * * any watercourse within the district by deepening and widening or otherwise changing the same where in the judgment of the commission it may be necessary in order to carry off surface or drainage water, and such power may be exercised outside the district in any case where any such watercourse flows from within the district to a point outside the district and then returns to the district.

(q) When any such main sewer, * * * pumping and temporary disposal works are completed * * * they shall thereafter be operated, maintained and kept in repair and in sanitary condition by the sewerage commission of said city of the first class, * * * for the benefit of the metropolitan sewerage district.

(7) (a) Whenever said metropolitan sewerage commission requires funds out of which to pay for the projection, planning * * * and construction * * * of said main sewers, pumping and temporary disposal works * * * or for improving any watercourse within the district by deepening and widening or otherwise changing the same in the judgment of the commission pursuant to the exercise of the powers set forth in sub. (6) (a) or in other respects in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof * * * . Thereupon such board of supervisors is required and directed to provide by resolution for the amount so required by tax levy or by issuing corporate bonds of such * * * metropolitan sewerage district, or by a combination of a tax levy and corporate bonds, and make such amount available within the period of time designated in the resolution of said metropolitan sewerage commission, which period shall not be less than 90 days from the date said resolution is filed with the county board of supervisors. Such bonds shall be payable at such time not longer than 20 years from the date of their issue as shall be determined by said resolution of the board of supervisors, provided that when any part of an issue shall have a maturity greater than 10 years, such resolution shall require payment of the principal in substantially equal annual instalments during the life of such issue. Such bonds shall be payable in lawful money of the United States, bearing interest at a rate to be determined in said resolution * * * . Such bonds shall be in such form as may be prescribed by such resolution * * * , shall be signed by the chairman of said board and by the clerk thereof * * * , shall be called metropolitan sewerage bonds * * * , shall be consecutively numbered * * * , shall have interest coupons attached * * * and shall show on their face that the same are issued for the benefit of * * * the metropolitan sewerage district * * * . There shall be annually levied by said county board a direct tax upon all taxable property in said * * * district sufficient to pay the annual interest thereon, and also to pay and discharge the principal thereof at maturity, and there shall be included in said tax levy an amount estimated by the board of supervisors to be sufficient to cover the loss and cost of the collection thereof, which

tax shall be collected as provided in sub. (10). It shall not be necessary to submit any such bond issue to the vote of the people. The tax hereinabove provided to be levied shall not be included within the provisions of any county, town, city or village tax limitation statute.

(c) Whenever the sewerage commission of such city of the first class requires funds out of which to pay for the projection, planning, construction and maintenance of a sewerage system for the collection, transmission and *treatment or disposal of house, unpolluted industrial and processed waters* and other sewage, or for the improvement of * * * *any watercourse within the district by deepening and widening or otherwise changing the same for constructing, maintaining and operating flushing stations and tunnels* or for constructing, building and maintaining its sewage disposal * * * or *treatment plants* in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for the amount so required by tax levy or by issuing corporate bonds of such * * * *metropolitan sewerage district*, or by a combination of a tax levy and corporate bonds, and make such amount available within the period of time designated in the resolution of said sewerage commission, which period shall not be less than 90 days from the date * * * *such* resolution is filed with the county board of supervisors. Such bonds shall be payable at such time not longer than 20 years from the date of their issue as shall be determined by said resolution of the board of supervisors, provided that when any part of an issue shall have a maturity greater than 10 years, such resolution shall require payment of the principal in substantially equal annual instalments during the life of such issue. Such bonds shall be payable in lawful money of the United States, bearing interest at a rate to be determined in said resolution and such bonds shall be in such form as may be prescribed by such resolution * * * , shall be signed by the chairman of said board and by the clerk thereof * * * , shall be called metropolitan sewerage bonds * * * , shall be consecutively numbered * * * , shall have interest coupons attached, and shall show on their face that the same are issued for the benefit of * * * *the metropolitan sewerage district*. There shall be annually levied by said county board a direct tax upon all taxable property in such * * * *district* sufficient to pay the annual interest thereon, and also to pay and discharge the principal thereof at maturity, and there shall be included in said tax levy an amount estimated by the board of supervisors to be sufficient to cover the loss and cost of the collection thereof, which tax shall be collected as provided in sub. (10). It shall not be necessary to submit any such bond issue to the vote of the people. The tax hereinabove provided to be levied shall not be included within the provisions of any county, town, city or village tax limitation statute.

SECTION 3. 59.96 (7) (f) of the statutes is created to read:

59.96 (7) (f) Any part or all of any tax levied by the county board against an entire city, village or town and certified to a city, village or town clerk, may be paid in whole or in part out of the general fund of the city, village or town in lieu of placing said tax upon the local tax roll. Any city, village or town which shall, prior to the time for the levy of taxes, have money in its general fund appropriated for that purpose, may by resolution determine that the taxes levied pursuant to pars. (a) and (c) and apportioned to it shall be paid to the county in whole or in part from such money in the general fund, which money, in the amount determined by such resolution, shall thereupon be segregated and used for no

other purpose. The amount of such tax thereafter spread on the tax rolls of such city, village or town may be reduced by the amount so segregated from the general fund.

SECTION 4. 59.96 (9) (c) of the statutes is amended to read:

59.96 (9) (c) The metropolitan sewerage commission and the sewerage commission of a city of the first class *acting jointly* are authorized and empowered * * * *on behalf of the metropolitan sewerage district* to contract with any *city, town, village, * * * sanitary district or metropolitan sewerage district organized * * * pursuant to ss. 66.20 to 66.209* in such county wholly or partly outside * * * the boundaries * * * *of the metropolitan sewerage district*, or wholly or partly outside of such county but in the same *general drainage area as the * * * said metropolitan sewerage district* for the transmission * * * , *treatment or disposal* of sewage from any territory located in such *city, town, village, * * * sanitary district or metropolitan sewerage district so organized * * **. Before *any such city, town, village, * * * sanitary district or metropolitan sewerage district so organized * * ** shall be permitted to connect its sewers with or use any main sewers, such sewers shall be approved as provided by * * * *sub. (6) (n)*. The * * * *governing board* of any such *city, town, village, * * * sanitary district or metropolitan sewerage district organized under ss. 66.20 to 66.209* by a vote of three-fourths of its members is hereby authorized to enter into such contract and to levy irrevocable taxes for the term covered by such contract for the cost of such service as determined by such contract upon the whole *city, town, village, * * * sanitary district or metropolitan sewerage district organized under said sections*, or upon such part thereof as the governing board determines by such vote to be benefited thereby.

Approved August 28, 1959.
