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1977 Assembly Bill 1111

Date published: **May 22, 1978**

CHAPTER 379, Laws of 1977

AN ACT to amend chapter 62 (title) and 823.02 of the statutes; and to create subchapter III (title) of chapter 62, 62.60 (title), (1) (k) 62.61 (title), and (3) of

the statutes; to repeal sections 5 (g), 9, 10 1 and 3 to 5, 12, 13, 15 and 16 of chapter 608, laws of 1913, as last affected by chapter 336, laws of 1957; to renumber section 5 (L) of chapter 608, laws of 1913; and to renumber and amend sections 1, 2, 3, 4, 5 (intro.), (a) to (f), (h) (intro.), 1 (intro.), a and b, 2 (intro.), a to c, 3 and 4 and (i) to (k), 6 to 8 and 10 2, 11 and 14 of chapter 608, laws of 1913, as last affected by chapter 390, laws of 1975, relating to placing chapter 608 (except section 15), laws of 1913, as amended, in the statutes, sewerage commissions in cities of the 1st class and metropolitan sewerage districts.

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

SECTION 1. Chapter 62 (title) of the statutes, as affected by chapter 151, laws of 1977, is amended to read:

CHAPTER 62

CITIES AND SEWERAGE COMMISSION IN CITIES OF THE 1ST CLASS

SECTION 2. Subchapter III (title) of chapter 62 of the statutes is created to read:

CHAPTER 62

SUBCHAPTER III

SEWERAGE COMMISSION OF CITIES OF THE 1ST CLASS

(to precede s. 62.60)

SECTION 3. 62.60 (title) of the statutes is created to read:

62.60 (title) Sewerage commission; city of the 1st class.

SECTION 4. 62.61 (title), (1) (k) and (3) of the statutes are created to read:

62.61 (title) Duties. (1) (k) To elect by a resolution approved by at least 3 of the members of the commission, notwithstanding par. (f), to be included under ss. 63.18 to 63.52, the rules adopted under those sections, and the charter ordinances applying to the city service commission as if the sewerage commission were a department of the city which established it. Election shall be effective as of the date that the resolution is filed with the city service commission. The sewerage commission may, notwithstanding ss. 63.23 and 63.40, specify in the resolution that a position shall not be included in the classified service. Any person who is the incumbent of a position placed under the classified service by election under this section shall be required to serve a period of probation determined by rule of the city service commission, except any incumbent who has been employed by the sewerage commission continuously for the year immediately prior to the effective date of election may retain his or her position without probation unless removed, discharged, reduced or suspended as provided by s. 63.44. No provision of law or charter ordinance requiring employes of the city to reside within its boundaries shall apply to a sewerage commission electing under this section.

(3) The enumeration of special powers in this section does not restrict the general powers conferred under this section or s. 59.96 on a sewerage commission established under this subchapter.

SECTION 5. 823.02 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

823.02 Injunction against public nuisance, time extension. An action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general on information obtained by the department of justice, or upon the relation of a private individual, sewerage commission created under ss. 66.20 to 66.26 or a county, having first obtained leave therefor from the court. An action to enjoin a public nuisance may be commenced and prosecuted by a city, village ~~or~~, town ~~or~~ a sewerage commission of a city of the 1st class and a metropolitan sewerage commission created under s. 59.96 in its ~~own~~ the name of the municipality or metropolitan

sewerage district, and it is not necessary to obtain leave from the court to commence or prosecute the action. The same rule as to liability for costs shall govern as in other actions brought by the state. No stay of any order or judgment enjoining or abating, in any action under this section, may be had unless the appeal is taken within 5 days after notice of entry of the judgment or order or service of the injunction. Upon appeal and stay, the return to the court of appeals or supreme court shall be made immediately.

SECTION 6. Section 1 of chapter 608, laws of 1913, as last affected by chapter 208, laws of 1959, is renumbered 62.60 (1) of the statutes and amended to read:

62.60 (1) Whenever the common council of any city of the ~~first~~ 1st class, whether organized under a special charter or under the general laws of ~~the~~ this state, ~~shall~~ by a resolution passed by a majority vote of the ~~members elect~~ members-elect, ~~declare~~ declares that it is necessary to provide sewage disposal works for ~~such~~ the city, if there ~~be~~ is no existing sewage disposal works, or ~~shall~~ in like manner ~~declare~~ declares that a material enlargement, extension, improvement or addition to the existing sewage disposal works of ~~such~~ the city is necessary, ~~it shall be the duty of the mayor of such city~~ within 30 days of the passage of ~~such~~ the resolution ~~to~~ shall appoint 5 citizens, ~~who are~~ residents of ~~such~~ the city, ~~and~~ who shall be known as the "Sewerage Commission of the City of ..., " ~~such appointment~~. ~~The appointments~~ shall be confirmed by a majority of the ~~members elect~~ members-elect of the common council of ~~such~~ the city. The commissioners ~~in office on January 1, 1953, first appointed by the mayor after passage of the resolution~~ shall be designated by the mayor to serve ~~their~~ terms of 1, 2, 3, 4 and 5 years from ~~January 1, 1953~~ the date 30 days after the date of passage of the resolution. Thereafter the term of office shall be 5 years. A commissioner shall hold office until ~~his~~ a successor has been appointed, confirmed and has qualified. No person holding any city, county or state office other than that of a notary public, ~~shall be~~ is eligible to be a member of ~~such~~ board ~~the sewerage commission~~. All vacancies in the office of commissioner shall be filled in the same manner as ~~hereinbefore provided~~ for original appointment.

SECTION 7. Section 2 of chapter 608, laws of 1913, as last affected by chapter 208, laws of 1959, is renumbered 62.60 (2) of the statutes and amended to read:

62.60 (2) Each appointee, before entering upon the duties of ~~his~~ the office, shall take and subscribe the oath of office prescribed by the constitution of ~~the~~ this state and file the ~~same~~ oath, duly certified by the official administering ~~such~~ the oath, with the clerk of ~~such~~ the city. ~~He~~ The appointee shall furnish a bond to the city for the faithful discharge of the duties of ~~his~~ the office in a sum to be determined upon by the common council of ~~such~~ the city ~~of the 1st class and with such the sureties as the common council of such the city may prescribe; the of the 1st class requires~~. The bond so taken shall be deposited with the comptroller of ~~such~~ the city. ~~Each of said commissioners~~ commissioner shall receive ~~his~~ actual and necessary expenses incurred while in the performance of ~~his~~ the duties ~~of the office~~ and, in addition ~~thereto~~, may receive a sum not to exceed \$600 annually, ~~such~~. ~~The compensation to~~ shall be paid at the time and in the same manner that the salaries of employees of the ~~said~~ sewerage commission are paid. No commissioner or person holding appointment under ~~said~~ the commission ~~shall~~ may be interested directly or indirectly in any contract entered into under ~~the provisions of this act~~ subchapter. The removal of any commissioner from ~~such~~ the city ~~which established the sewerage commission~~ shall operate as a resignation of ~~his~~ that commissioner's office. Any commissioner may be removed for misfeasance, malfeasance or nonfeasance in the manner provided for in the removal of city officers for any of ~~such~~ those causes ~~according to~~ under the laws applicable to ~~any~~ such ~~the~~ city ~~at the time this act shall be effective therein when removal is sought~~. Political activity upon the part of ~~any~~ a commissioner in taking an active part in supporting or promoting the candidacy of any candidate for office in ~~such~~ the city or other active political work shall constitute a cause for removal, and ~~such~~ removal shall be brought about by a resolution passed by a two-thirds vote of all the ~~members elect~~ members-elect of the common council of ~~any~~ such ~~the~~ city. ~~Any~~ A sewage commissioner may be removed from office as provided in ~~section 94j-1 of the statutes~~

s. 9.10 as if the office of commissioner were an elective city office. For the purpose of s. 9.10 a petition may be filed one year after the date on which the commissioner takes office. The petition shall be filed with the city clerk.

SECTION 8. Section 3 of chapter 608, laws of 1913, as last affected by chapter 208, laws of 1959, is renumbered 62.60 (3) of the statutes and amended to read:

62.60 (3) A majority of ~~said the sewerage~~ commissioners shall be a lawful quorum for the transaction of business. As soon as the commissioners first appointed under this act in any such city subchapter enter upon the duties of their office, they shall ~~organize by the election of~~ elect one of the members of ~~said the sewerage~~ commission as ~~chairman~~ chairperson of ~~said the~~ commission, who shall be removable at pleasure by ~~said the~~ commission; ~~he~~. The chairperson shall preside over the meetings of ~~said the~~ commission and shall perform ~~such~~ other duties as which are imposed upon ~~him the~~ chairperson of the sewerage commission by this act subchapter or ~~as may be~~ assigned to ~~him~~ by ~~said the~~ commission. At the same time the ~~said~~ commission shall elect a secretary, not a member of ~~said the~~ commission, who shall be removable at pleasure by ~~said the~~ commission and shall receive ~~such the~~ compensation as the ~~said~~ commission ~~may determine, such~~ determines. The salary to ~~shall~~ be paid at the time and in the same manner that the salaries of other employees of ~~said the~~ commission are paid; ~~such~~. The secretary shall enter in a ~~well-bound~~ bound book and carefully preserve neat, legible and accurate minutes of all matters concerning ~~said the~~ commission and perform ~~such the~~ other duties as which usually appertain to the office of secretary of a private corporation, or as are imposed upon ~~him the~~ secretary by this act subchapter or ~~as may be~~ which are assigned to ~~him~~ by ~~said the~~ commission. All sessions or meetings of ~~said~~ commission shall be open and public and all its records shall be public records and it subject to s. 19.21 (1) to (4) and subch. IV of ch. 19 shall govern all meetings and sessions. The commission shall, annually, ~~make furnish~~ to the mayor and common council of ~~said the~~ city, ~~which established the sewerage commission~~ a detailed report of all its official transactions and expenditures.

SECTION 9. Section 4 of chapter 608, laws of 1913, is renumbered 62.60 (4) and amended to read:

62.60 (4) The proper officers of ~~any such the~~ city which established a sewerage commission under this section shall upon the request of ~~such the~~ commission provide adequate space for the purposes and uses of ~~such the~~ commission in ~~the city hall or any other proper a~~ public building of ~~such the~~ city, if ~~such~~ space is available; ~~all~~. All rentals, light, heat and other proper charges shall be paid by ~~such the~~ commission out of the ~~sewerage commission~~ fund ~~hereinafter created~~ to the proper officers of ~~such the~~ city; ~~provided, however, that such~~. The commission may rent space in any other buildings or places in ~~such the~~ city or within the county in which ~~such the~~ city is situated for all necessary purposes and pay all proper charges arising out of ~~such renting out of the rental from~~ the fund ~~hereinafter created~~, with the approval of the ~~common council~~ under this subchapter.

SECTION 10. Section 5 (intro.) and (a) to (c) of chapter 608, laws of 1913, are renumbered 62.61 (1) (intro.) and (a) to (c) of the statutes and amended to read:

62.61 (1) (intro.) ~~Said A~~ sewerage commission established under this subchapter shall ~~be charged with the duty of projecting, planning, constructing and establishing project, plan, construct, maintain and establish~~ a sewerage system for the collection, transmission and disposal of ~~the house and other~~ all sewage and drainage of ~~any such the~~ city which established it, including, either as a combined or separate feature of ~~said the~~ system, the collection, transmission and disposal of storm and ~~ground-water~~ groundwater, respectively, and shall ~~be clothed with every and all powers which may be have the power necessary or proper for these such purposes, or either of them, among which powers shall be the following, to wit including, without limitation by enumeration:~~

(a) To make all ~~such~~ preliminary investigations and to do all ~~such~~ preliminary work as should, in ~~its the~~ commission's judgment, precede the actual projection, planning, construction and establishment of ~~said the~~ sewerage system of sewerage.

(b) To project, plan and adopt ~~such a sewerage system of sewerage as it may deem~~ which the commission deems best calculated to promote the objects of this ~~act~~ subchapter.

(c) To compel any owner or occupant of any premises located along the line of any intercepting sewer or of any of its branches, who is ~~now~~ engaged in discharging sewage, refuse, ~~factory waste or trade-wastes~~ industrial wastes of any kind into any river or canal within ~~any such~~ the city, to so change or rebuild any drain or sewer as to discharge all ~~such the~~ sewage, refuse, factory-wastes or trade-wastes industrial wastes into ~~said the~~ intercepting sewer and under such regulations as said determined by the commission may determine.

SECTION 11. Section 5 (d) of chapter 608, laws of 1913, as last affected by chapter 304, laws of 1917, is renumbered 62.61 (1) (d) of the statutes and amended to read:

62.61 (1) (d) To plan, construct and establish all ~~such~~ local, district, lateral, intercepting, outfall or other sewers, and all ~~such~~ conduits, drains and pumping or other plants, and all ~~such~~ buildings, structures, works, apparatus or agencies, and to lay all ~~such~~ mains and pipes, and to create or use, ~~or create and use~~ all such instrumentalities and means within ~~any such the~~ the city which established the commission or any counties of the state, including all public highways and submerged as well as other lands, as it ~~may deem deems~~ deems expedient or necessary for carrying said the sewerage system of sewerage, projected, planned and adopted as aforesaid, under this subchapter into full effect. ~~And said~~ The commission is ~~hereby specifically empowered to may~~ lay or, construct, and any such city thereafter to maintain, without compensation to the state, any part or parts of said the sewerage system of sewerage, or of its works or appurtenances, over or, upon or under any part or parts of the bed or beds of any river or rivers or their its branches flowing through any such the city, or of any land covered by any of the navigable waters of this state, the title to which is held by this state, any part or parts of said system of sewerage, or of its and over, upon or under canals or other waterways and under rights-of-way rights-of-way of railroads, interurban and electric railway companies, and if the same be is deemed advisable by the said commission, the proper officers of the this state of Wisconsin are hereby authorized and directed shall, upon the application of said the commission ~~to, execute, acknowledge and deliver to the proper officers of any such city such the commission any deed or deeds or other instruments instrument~~ as may be proper for the purpose of fully confirming this grant.

SECTION 12. Section 5 (e) of chapter 608, laws of 1913, is renumbered 62.61 (1) (e) of the statutes and amended to read:

62.61 (1) (e) To incorporate with said the sewerage system of sewerage, or otherwise utilize for the purposes of this ~~act~~ subchapter, so far as it ~~may deem deems~~ deems expedient, any or all existing public sewers or drains, including storm-water sewers and drains, in ~~any such the~~ the city, and any or all of their appurtenances, either in their ~~then~~ existing condition or with such repairs, modifications or changes as said the commission may see fit to make makes and to condemn, close up, abolish or destroy, in its discretion; any ~~and all such then existing of those~~ public sewers and drains, or to alter their functions or to increase their burdens, as it may deem deems necessary to carry out the purposes of this act subchapter.

SECTION 13. Section 5 (f) of chapter 608, laws of 1913, is renumbered 62.61 (1) (f) of the statutes and amended to read:

62.61 (1) (f) To appoint or employ ~~a chief engineer and such other~~, professional or technical advisers and experts, and such ~~agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds,~~ other personnel as it ~~may deem requisite the~~ commission requires for the ~~due and~~ proper execution of the duties devolved upon it by this ~~act, or any of them~~ subchapter, and to fix their respective compensations and to remove or discharge ~~them the~~ employes at pleasure (except such highly trained, experienced or skilled ~~individuals~~ employes as ~~it may agree the~~ commission agrees to appoint or employ upon special terms, for definite and fixed periods of time), and to

exact from ~~them~~ such employees indemnity bonds for the proper performance of their respective duties, as ~~it may deem~~ the commission deems proper. No law respecting civil service applies to the sewerage commission established under this subchapter or to the sewerage commission employees.

SECTION 14. Section 5 (g) of chapter 608, laws of 1913, is repealed.

SECTION 15. Section 5 (h) (intro.), 1 (intro.), a and b and 2 (intro.), a and b of chapter 608, laws of 1913, as repealed and recreated by chapter 336, laws of 1957, are renumbered 62.61 (2) (intro.), (a) (intro.), 1 and 2 and (b) (intro.), 1 and 2 of the statutes and amended to read:

62.61 (2) (intro.) Whenever necessary in order to promote the best results from the construction, operation and maintenance of the sewerage system ~~herein provided for in this subchapter~~ and of the sewerage systems of the several towns, villages, cities, sanitary districts, and metropolitan sewerage districts which connect with or use the sewerage system ~~herein provided for~~, and to prevent damage to the ~~same~~ sewerage system from misuse, injury to employees, surcharging the sewerage system or any portion thereof, or interference with the process of sewage treatment or disposal, the commission, acting on behalf of the metropolitan sewerage district created under ~~section s. 59.96 of the statutes, as amended~~, and acting jointly with the metropolitan sewerage commission created ~~thereunder~~ under s. 59.96 as to all matters of ~~rule making~~ rule-making and issuance of special orders which in any way come within the jurisdiction of either or both of ~~said agencies~~ the commissions, ~~shall have power to may:~~

(a) (intro.) Adopt ~~such~~ rules for the supervision, protection, management and use of ~~such that sewerage~~ system as it ~~may deem~~ deems expedient. ~~Such The~~ rules may, without limitation by enumeration, prohibit discharge into the sewerage system ~~herein provided for~~, either directly or indirectly, of any liquid, gaseous, or solid wastes deemed detrimental to ~~such the~~ system, or to its employees, or to the process of sewage treatment or disposal, or prescribe the conditions upon which ~~such~~ wastes may be discharged; ~~and. The rules~~ may prescribe standards of sewer design, construction, operation, alteration and maintenance applicable to any sewerage system connecting with or using the sewerage system herein provided for and the conditions upon and the manner in which connections to main sewers and intercepting sewers and replacement of existing sewers shall be made; ~~provided, that this enumeration shall not be construed as limiting to any degree the scope of the general rule-making powers hereinbefore conferred upon said commission. Such The~~ rules shall be applicable throughout the territory served by ~~the that~~ sewerage system ~~herein provided for~~, and shall have precedence over any conflicting ordinance, code, or regulations of, or permit issued by, any town, village, or city within the territory served by ~~such the~~ sewerage system.

1. A rule shall be adopted, amended or repealed by the commission, acting jointly with the metropolitan sewerage commission created under ~~section s. 59.96 of the statutes~~, only after notice and public hearing ~~thereon~~; ~~provided, except~~ that if the preservation of the public health, safety or welfare necessitates putting a rule into effect prior to the time it could be put into effect if the ~~said~~ commissions were to comply with the notice and hearing requirements ~~hereof of this subdivision~~, the ~~said~~ commissions may adopt ~~such the~~ rule as an emergency rule effective only for a period of 120 days. The ~~said~~ commissions shall fix a time and place for hearing on any proposed rule, except an emergency rule, and shall cause notice by publication to be made of the proposed rule, or an informative summary thereof, or a description of the subject matter to be discussed, and of the time and place of ~~such the~~ hearing. ~~Such The~~ publication shall be made at least once not less than 30 days prior to ~~such the~~ hearing in a newspaper of general circulation in the county in which ~~such the~~ city of the ~~first 1st~~ class is located. At least 30 days' notice in writing shall be given to each city, village and town in ~~said the~~ district, by mailing a copy of ~~such the~~ notice to the clerk thereof. The ~~said~~ commissions shall take ~~such~~ other steps as they ~~deem determine are~~ necessary to convey effective notice to persons who are likely to have an interest in the proposed ~~rule-making~~ rule-making. Failure of any person to receive notice of a hearing on proposed ~~rule-making is~~ rule-making shall not be grounds for

invalidating the resulting rule if notice of the hearing was published as provided ~~herein in this subdivision~~. Insofar as applicable, ~~the provisions of section s. 227.022 of the statutes shall govern the conduct of such the hearings~~. A rule adopted by the ~~said~~ commissions shall be effective upon its publication in a newspaper of general circulation in the county in which ~~such the~~ city of the first 1st class is located. ~~The rules of the commission adopted prior to the effective date hereof shall continue in effect for a period of 120 days from the effective date hereof, pending the re-adoption, amendment or repeal of such rules in accordance with this subsection.~~

2. Except as provided in ~~section s. 227.05 (3) of the statutes (2)~~, the exclusive means of judicial review of the validity of a rule shall be an action for declaratory judgment as to the validity of ~~such the~~ rule brought in the circuit court for the county in which ~~such the~~ city of the first 1st class is located. The summons in ~~such the~~ action shall be served by delivering a copy to any member of the ~~said~~ commissions or to the secretary thereof. The court shall render a declaratory judgment in ~~such the~~ action only when it appears from the complaint and the evidence presented in support thereof that the rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the ~~said~~ commissions to pass upon the validity of the rule in question. Insofar as applicable ~~section s. 227.05 (2), (3), and (4), and (5) of the statutes shall govern any declaratory judgment proceeding hereunder under this subdivision.~~

(b) (intro.) Issue special orders directing particular users of the sewerage system ~~herein provided for~~ to comply with the rules of ~~said the~~ commissions within a specified time. All ~~such special~~ orders shall be in writing and shall specifically state what action is required to ~~effect compliance therewith~~ comply with the order. Service and proof of service of any ~~such special~~ order may be made in the manner provided for service of summons and proof thereof.

1. Any person aggrieved by a special order of the ~~said~~ commissions which directly affects the legal rights, duties or privileges of ~~such the~~ person may secure a review of the necessity for and reasonableness of ~~such the~~ order in the following manner: Within 30 days after service of ~~such the~~ special order, ~~such the~~ person may file with the ~~said~~ commissions a verified petition setting forth specifically the modification or change desired in ~~such the~~ order. Upon receipt of ~~such the~~ petition, the ~~said~~ commissions shall order a public hearing thereon on the petition and make ~~such~~ further investigations ~~as they shall deem determine~~ advisable. Insofar as applicable, ~~sections 227.10 to 227.14 of the statutes ss. 227.07 (6), (7) and (8) and 227.08 to 227.11 shall govern any such the proceeding~~. The determination of the ~~said~~ commissions upon any ~~such~~ petition shall be subject to review in a proceeding brought within 30 days after service of notice thereof ~~in of the determination of~~ the circuit court from the county in which ~~such the~~ city of the first 1st class is located. Insofar as applicable ~~sections ss. 227.15 to 227.21 of the statutes shall govern any proceeding for judicial review hereunder under this subdivision.~~

2. If ~~any~~ a person fails to comply with a special order of ~~said the~~ commissions within the time specified or, in case of a proceeding for review ~~thereof of the special order~~, within 20 days after the determination thereof ~~shall have become~~ becomes final, or to in good faith begin to obey, ~~such the~~ person is declared to be creating a public nuisance enjoynable under ~~section 280.02 of the statutes s. 823.02~~, and shall forfeit to the metropolitan sewerage district not more than \$1,000 for each day ~~such the~~ failure continues, to be recovered by the metropolitan sewerage district in a civil action brought by the commission in the name of ~~such the~~ district and paid into the general funds of the commission for the benefit of ~~such the~~ district.

SECTION 16. Section 5 (h) 2. c of chapter 608, laws of 1913, as created by chapter 236, laws of 1961, is renumbered 62.61 (2) (b) 3 of the statutes and amended to read:

62.61 (2) (b) 3. Notwithstanding any other ~~provision of law, such the~~ rules and regulations, or any special orders issued ~~thereunder~~ under the rules and regulations,

may be enforced under ~~section 280.02 of the statutes s. 823.02~~, and the violation of any rule or regulation or any special order lawfully promulgated by ~~said the~~ commission is hereby, in the discretion of the court, declared to be a public nuisance.

SECTION 17. Section 5 (h) 3 and 4 of chapter 608, laws of 1913, as last affected by chapter 336, laws of 1957, are renumbered 62.61 (2) (c) and (d) of the statutes and amended to read:

62.61 (2) (c) ~~The commissions, acting~~ Acting jointly, may designate representatives thereof to conduct any hearings required under the provisions of this section, and may designate, ~~except as provided in s. 227.09 (5), any member or members thereof, the chief engineer or other~~ an appropriate administrative employe of either of ~~said the~~ commissions for ~~such that~~ purpose. If more than one person is designated, the commissions shall specify the presiding officer for ~~such the~~ hearing. All testimony or other evidence taken, appearances for and against the matter involved, and a summary of the arguments on both sides, shall be reported to the ~~said~~ commissions in ~~such the~~ manner as the commission prescribes.

(d) ~~The commission shall have the power to issue~~ Issue permits for the special use of the sewerage system to private persons, firms or corporations for the transmission and disposal of any liquid, gaseous or solid wastes ~~deemed determined to be not~~ detrimental to the sewerage system or to its employes or to the process of sewage treatment, upon such terms and conditions as it may provide. The commission may prescribe and collect an annual fee not to exceed \$500 for any ~~such~~ permit ~~not to exceed \$500 for special use. Any such~~ The permit shall be revocable by the commission summarily for violation of the terms or conditions thereof; ~~and no.~~ A holder of ~~any such the~~ permit ~~shall be deemed to~~ does not acquire any vested right or privilege by reason thereof. Any private person, firm or corporation ~~making any such use of using~~ the sewerage system ~~herein provided for under this subchapter for a use for which a permit may be issued under this paragraph~~ without a permit ~~therefor~~ or continuing ~~such that~~ use after notice of revocation of ~~a the~~ permit ~~therefor~~, shall forfeit to the metropolitan sewerage district not more than \$500 for each ~~such~~ violation, to be recovered by the metropolitan sewerage district in a civil action brought by the commission in the name of ~~such the~~ district and paid into the general funds of the commission for the benefit of ~~such the~~ district.

SECTION 18. Section 5 (i) to (k) of chapter 608, laws of 1913, are renumbered 62.61 (1) (g) to (i) of the statutes and amended to read:

62.61 (1) (g) To make and enter in the name ~~and on behalf of any such city the~~ commission any and all contracts, agreements, or stipulations germane to the scope of its duties and powers under this ~~act~~ subchapter.

(h) To purchase, hire or otherwise lawfully obtain the use of all ~~such~~ machinery, tools, implements, appliances, supplies, materials and working agencies as it ~~may need~~ needs for its purposes.

(i) To enter by themselves, their officers, agents and servants upon any land or water in the ~~said~~ city or any county in the state for the purpose of making examinations or surveys in the performance of their duties under this ~~act; provided, however, that this enumeration of special powers shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon said~~ commission subchapter.

SECTION 19. Section 5 (L) of chapter 608, laws of 1913, as created by chapter 253, laws of 1957, is renumbered 62.61 (1) (j) of the statutes.

SECTION 20. Section 6 of chapter 608, laws of 1913, is renumbered 62.62 of the statutes and amended to read:

62.62 (title) Acquisition. Any such city acting by and through the agency of such ~~The sewerage commission established under this subchapter~~ may acquire by gift, purchase, lease, ~~whatever the duration of the lease,~~ or other like methods of acquisition, or by condemnation any land or property situated wholly or partly within ~~any such the~~ city which established the commission or within any of the counties of

~~this state, and all tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, or in any interest, franchise, easement, right or privilege therein, which may be required for the purpose of constructing and establishing said the sewerage system, or any part or parts thereof or that may be needed for the workings of said the sewerage system when established and when and so often as resort shall be had to condemnation proceedings, the procedure shall be that provided by the laws of the state applicable to any such city and the ordinances of such city at that time relating to condemnation proceedings by such city except as hereinafter modified; a resolution adopted by the commissioners declaring that condemnation proceedings are necessary for the purpose of fully carrying out the intent of this act in such city shall serve as a petition if such petition be required by law for the institution of condemnation proceedings; the common council of such city upon receiving from the commission a certified copy of the adoption of such resolution shall proceed according to law and the ordinances of the city to condemn the property or privileges of whatsoever kind set forth in such written resolution of the commissioners, and it shall be mandatory upon every department in such city clothed with power and authority to perform any act or acts in the course of condemnation proceedings to do and perform all acts necessary to the end that the written resolutions of the commissioners and the purposes and intent of this act in such city may be carried out. And provided, furthermore, that, if any such laws require the exercise of discretionary powers on the part of the common council or any other department of the city or any public authority outside such city and the common council or such other department or public authority shall fail, neglect, or refuse to exercise such powers within sixty days from the first date that the council or such other department or authority shall have jurisdiction to act at any stage of such condemnation proceedings, then the commission shall have power and authority to act in the place and stead of the common council or such other department or authority and such substitution of power and authority shall be resorted to whenever necessary and provided, furthermore, that if the laws of the state then applicable to such city with reference to condemnation proceedings shall make no provision for the condemnation of any property, privileges, or franchise outside the limits of such city, other than for park or boulevard purposes, then such condemnation proceedings shall be had in the manner and according to the procedure then provided for the condemnation of lands lying outside such city for public park or boulevard purposes; the commission shall have and enjoy all of the rights, privileges, and prerogatives in such case as are given it, in the other respects, as provided in this section; all powers, duties, and privileges vested in the board of park commissioners of any such city for the purpose of such board shall be vested in said commission for the purposes of said commission. All property, real or personal, acquired by the sewerage commission shall be taken in the name of either that commission or the metropolitan sewerage commission created under s. 59.96 for the benefit of and belonging to the metropolitan district. Condemnation procedure shall be as provided in ch. 32 and s. 59.96 (6) (j). Notwithstanding s. 32.02 the sewerage commission may acquire by condemnation without approval by the common council.~~

SECTION 21. Section 7 of chapter 608, laws of 1913, is renumbered 62.63 of the statutes and amended to read:

62.63 (title) Obstructions. All individuals and corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions, in, over, or under the public lands, avenues, streets, alleys, or highways of any such a city which has established a sewerage commission under this subchapter which shall block or impede the progress of such the sewerage system when in the process of construction and establishment, shall, upon reasonable notice from said the commission, promptly so shift, adjust, accommodate or remove the same, at the cost and expense of such the individual and corporation, as fully to meet the exigencies occasioning such the notice; and if, if any such individual or corporation shall refuse, neglect, or fail refuses, neglects or fails after such reasonable notice to discharge any duty cast upon him or it that individual or corporation by this section he or it that individual or corporation shall, in addition to but not in substitution for any other remedy or remedies that said the commission or such the city may have in the

premises, be subject to a fine of one hundred dollars fined \$100 for each and every offense, and also be fined an additional fine of fifty dollars \$50 a day for every each day that said the refusal, neglect, or failure shall continue; said continues. The fines to shall be collected as other fines in such the city are collected, and should. If the exigencies of said the commission and its work in any case involve a taking, in the constitutional sense, of the franchise or right in the exercise of which such the obstruction had its origin, such city acting by and through the agency of said commission shall be empowered to may secure the condemnation of such the franchise or right in the manner provided for in section six of this act s. 62.62. The preceding provisions of this This section shall likewise be applicable to any such obstruction the same obstructions in, over, or under the public highways of any county of this state into which said the sewerage system shall extend extends.

SECTION 22. Section 8 of chapter 608, laws of 1913, as last affected by chapter 390, laws of 1975, is renumbered 62.64 of the statutes and amended to read:

62.64 (title) Contracts. That all All work done or supplies or material purchased in carrying out the purpose of this act subchapter when involving the expenditures of one thousand dollars \$2,000 or more shall be by contract awarded to the lowest responsible bidder in accordance with the laws of this state and ordinances then applicable to any such the city which established the commission having reference to the letting of public work by and through the board or commissioner of public works or other proper department in such that city except that said commissioners the commission shall discharge the duties imposed by such laws upon the commissioner or board of public works or other department; but said and all contracts and the awarding of contracts shall be subject to s. 66.29. The commissioners shall have power to may purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only. Whenever any bidder for any work to be let by the commissioners shall be is, in the judgment of said the commissioners, incompetent or otherwise unreliable for the performance of the work for which he or she bids, the said commissioners may accept the bid of the person who in their judgment is the lowest competent and reliable bidder for said the work, stating their reasons therefor, or relet the same anew. The commissioners may permit a sum of money or a certified check payable to the order of the commission to be filed with any bid or proposal in such an amount as which in the judgment of the commissioners will save the city from any loss if the bidder shall fail fails to execute a contract pursuant to law, in case his the bid is accepted and the contract awarded to him the bidder. Every contract made by the commission shall contain an agreement on the part of the contractor and his or her sureties that in case such the contractor shall fail fails to fully and completely perform his the contract within the time therein limited for the performance thereof, such the contractor shall pay to the city commission as liquidated damages for such the default a certain fixed sum to be named in the contract, which shall be such a sum as which in the judgment of the commissioners will save the city commission from any loss on account of such the default and insure ensure the prompt completion of the contract, or in. In lieu of such an agreement, the contract may contain an agreement on the part of the contractor and his or her sureties that in case such the contractor shall fail fails to fully and completely perform his or her part of the contract within the time therein limited for the performance thereof, such the contractor shall pay to the city commission as liquidated damages for such the default a definite sum, to be named in the contract, for each day's delay in completing said the contract after the time therein limited for its completion, which. The daily sum shall be such an amount as which in the judgment of the commissioners will save the city commission from loss in case of such default and insure ensure the prompt completion of the contract. Every contract shall also be executed by at least two sufficient sureties, or a surety company, to be approved by the commission, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the commission, according to the plans and specifications of the commission and. The sureties or surety company shall be liable for such performance of the contract, as sureties, in an amount equal to the chief

~~engineer's estimate of the aggregate cost of the work made by the principal administrative officer of the commission. When a contractor shall proceed properly and with due diligence to perform and complete a contract, the commissioners may in their discretion, from time to time, as the work progresses, grant to said contractor an estimate of the amount already earned for the work done, withholding in all cases the amounts set forth in section 66.29 (9) (b) of the statutes. Said commission shall be empowered if it see fit, to insert in the specifications of any such work reasonable and lawful conditions as to the hours of labor, wages and the residents and character of workmen to be employed by the contractor and especially so far as may be practicable in the judgment of said commission, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the state of Wisconsin, and provided, however, also that said The commission, with the consent of four or all at least 4 of its members, may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor, whenever the chief engineer principal administrative officer of the commission, in writing shall recommend that course; any and all bids or parts of bids so recommends; all bids or part of a bid for any such work or, supplies or materials may be rejected by said the commission. The commission shall have the power to may demand of such the bidders and contractors that all contracts shall be let subject to the provisions of chapter 110a of the Wisconsin statutes of 1911 and acts amendatory thereof, entitled "Workmen's Compensation and Industrial Commission," to the end that said commission and such city may be held harmless ch. 102.~~

SECTION 23. Section 9 of chapter 608, laws of 1913, is repealed.

SECTION 24. Subsection 1, section 10 of chapter 608, laws of 1913, as last affected by chapter 657, laws of 1919, is repealed.

SECTION 25. Section 10, 2. of chapter 608, laws of 1913, as last affected by chapter 328, laws of 1915, is renumbered 62.65 of the statutes and amended to read:

62.65 (title) Sewerage commission fund. All moneys received by or raised in such city for said purposes ~~a city sewerage commission established under this subchapter shall be paid over to the city treasurer and held by him as a separate fund to be known as the "Sewerage Commission Fund,"~~ to be disbursed, by ~~him, the city treasurer on the orders of the chairman chairperson and secretary of said the commission,~~ countersigned by the city comptroller; ~~provided, except that the chairman chairperson and secretary,~~ instead of signing each order, may certify upon the ~~pay rolls payrolls~~ furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by ~~said the commission. Provided, that the The~~ commission may provide by resolution for the payment of all persons employed by the commission upon monthly ~~pay rolls payrolls~~ and the manner in which the ~~same shall be payrolls are~~ certified, audited or approved and payment made thereon and ~~such pay rolls the payrolls~~ shall in all cases be certified by the ~~chairman chairperson and secretary of the commission and countersigned by the city comptroller of such the city.~~

SECTION 26. Subsections 3 and 4, section 10 of chapter 608, laws of 1913, as last affected by chapter 328, laws of 1915, are repealed.

SECTION 27. Subsection 5, section 10 of chapter 608, laws of 1913, as last affected by chapter 657, laws of 1919, is repealed.

SECTION 28. Section 11 of chapter 608, laws of 1913, is renumbered 62.66 of the statutes and amended to read:

62.66 (title) City departments to assist. The commission shall have the authority whenever it ~~shall deem deems~~ it necessary to act or proceed in any manner whatsoever relating to its powers and duties under this act ~~subchapter~~ by or through any other department of ~~such the city; when which established it. If the commission shall make makes~~ written requests ~~request~~ of any such department for the performance of any ~~such act or acts~~ it shall be the duty of ~~such that~~ department, ~~thereupon,~~ to act as required, provided that the act ~~or acts~~ required to be done ~~have has~~ reference to the powers and duties of ~~such that~~ department. If any differences shall arise between ~~such~~

~~the~~ commission and any of the ~~other~~ departments in ~~any such~~ the city in the discharge of their ~~respective~~ powers and duties, the ruling of the commission shall be advisory and the ruling of the common council shall be supreme and final.

SECTION 28m. Section 12 of chapter 608, laws of 1913, is repealed.

SECTION 29. Section 13 of chapter 608, laws of 1913, is repealed.

SECTION 30. Section 14 of chapter 608, laws of 1913, as created by chapter 304, laws of 1917, is renumbered 62.67 of the statutes and amended to read:

62.67 (title) Construction. Nothing in this ~~act shall be construed as~~ subchapter in any way limiting limits or taking takes away any of the powers of ~~such the~~ city, relating to the construction of local or sanitary sewers or drains, or extensions or repairs thereof, ~~which powers such city possessed prior to the passage of chapter 608, laws of 1913, or any of its amendments, or has acquired at any time since the passage of said act or any of its amendments,~~ except that all plans and specifications for the construction of any local or sanitary sewers or extensions thereof shall be submitted to and approved in writing by the sewerage commission before ~~said~~ the sewers are constructed.

SECTION 31. Section 16 of chapter 608, laws of 1913, as renumbered by chapter 304, laws of 1917, is repealed.

SECTION 32. **Revisor to prepare legislation.** The revisor of statutes shall search the laws of this state for laws affecting sewerage commissions in cities of the 1st class or metropolitan sewerage districts and shall prepare for introduction by January 1, 1979, legislation which will place those laws in the statutes and make them consistent with this act.

SECTION 33. **Cross reference changes.** In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

Statute	A	B	C
	Sections	Old Cross References	New Cross References
59.96	(6) (i)	ch. 336, laws of 1957	62.61 (2)
66.24	(1) (d)	ch. 336, laws of 1957	62.61 (2)
