

# State of Wisconsin



1997 Assembly Bill 187

Date of enactment: **December 19, 1997**

Date of publication\*: **January 8, 1998**

## 1997 WISCONSIN ACT 53

**AN ACT** to *renumber and amend* 66.076 (5); to *amend* 66.076 (1), 66.076 (9) and 66.076 (11); and to *create* 66.076 (5) (b) of the statutes; **relating to:** the imposition of service charges for a storm water and surface water sewerage system.

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

**SECTION 1.** 66.076 (1) of the statutes is amended to read:

66.076 (1) In addition to all other methods provided by law, any municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, transportation, storage, treatment and disposal of sewage or storm water and surface water, including the lateral, main and interceptor sewers necessary in connection therewith, and any town, village or city may arrange for such the service to be furnished by a metropolitan sewerage district or joint sewerage system. Except as provided in s. 66.60 (6m), payment for the same service or any part thereof of the service may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal obligations, revenue bonds or from any combination of these enumerated methods of financing.

**SECTION 2.** 66.076 (5) of the statutes is renumbered 66.076 (5) (a) and amended to read:

66.076 (5) (a) 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 charges may also include standby charges to property not connected but for which such facilities have been made available.

**SECTION 3.** 66.076 (5) (b) of the statutes is created to read:

66.076 (5) (b) 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 water or surface water discharge that is caused by the area of impervious surfaces, topography, impervious surfaces and other surface characteristics, extent and reliability of mitigation or treatment measures available to service the property, apart from measures provided by the storm water and surface water sewerage system, and any other considerations that are reasonably relevant to a use made of the storm water and surface water sewerage system. The charges may also include standby charges to property not yet developed with significant impervious surfaces for which capacity has been made available in the storm water and surface water sewerage system.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 4.** 66.076 (9) of the statutes is amended to read:

66.076 (9) If any user of a service complains to the public service commission that rates, rules and practices are unreasonable or unjustly discriminatory, or if a holder of a mortgage or revenue bond or mortgage certificate or other evidence of debt, secured by a mortgage on the sewerage system or any part thereof or pledge of the income of sewerage service charges, complains that rates are inadequate, the public service commission shall investigate the complaint. If there appears to be sufficient cause for the complaint, the commission shall set the matter for a public hearing upon 10 days' notice to the complainant and the town, village or city. After the hearing, if the public service commission determines that the rates, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable rates, rules and practices and shall make such other order respecting the complaint as may be just and reasonable, including, in the case of standby charges imposed under sub. (5) (b), an order that a municipality refund to the user any amount of the standby charges that have been

collected if the user has filed a complaint with the public service commission not later than 60 days after receiving the original notice of charge or after receiving a notice of charge that relates to an increased standby charge. The proceedings under this subsection shall be governed, as far as applicable, by ss. 196.26 to 196.40. The commission shall bill any expense of the commission attributable to a proceeding under this subsection to the town, village or city under s. 196.85 (1).

**SECTION 5.** 66.076 (11) of the statutes is amended to read:

66.076 (11) The word "sewerage" as used in this section shall be considered a comprehensive term, including all constructions for collection, transportation, pumping, treatment and final disposition of sewage or storm water and surface water.

**SECTION 6. Initial applicability.**

(1) The treatment of section 66.076 (9) of the statutes first applies to complaints that are filed with the public service commission on the effective date of this subsection.