



2001 ASSEMBLY BILL 234

March 20, 2001 - Introduced by COMMITTEE ON STATE AND LOCAL FINANCE (SELECT).
Referred to Committee on State and Local Finance (Select).

- 1 **AN ACT to amend** 66.0627 (title), 66.0627 (2) and 66.0707 (2) of the statutes;
2 **relating to:** the imposition of special charges by a city, village, or town.

Analysis by the Legislative Reference Bureau

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

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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.

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 4. Initial applicability.**

