

CHAPTER 35

AMENDING THE CHARTER OF THE CITY OF RICHLAND CENTER RELATING TO THE COLLECTION OF DELINQUENT UTILITY CHARGES

[History: Ord 553]

35.00 The Common Council has determined to provide for the collection and taxation of delinquent municipal electric utility charges in the same manner as provided for delinquent water utility charges under sec. 66.069 (1) (b) Wis. Stats. The collection of delinquent utility bills in a specific municipality is not a matter of state-wide concern which should affect with uniformity every city or village within the State of Wisconsin. Sec. 66.076 (7) provides that sewerage service charges shall be collected and taxed in the same manner as water rates are taxed and collected under sec. 66.069 (1) Wis. Stats.

35.01 The City of Richland Center, pursuant to sec. 66.01(4) Wis. Stats., hereby elects that sec. 66.069 (1)(b) Wis. Stats., shall not apply in the City of Richland Center in its present form, but that said section shall be amended as hereafter provided and then reenacted as a part of the charter of the City of Richland Center.

35.02 Said sec. 66.069 (1)(b) Wis. Stats. is hereby amended so it shall read as follows:

On October 15 in each year notice shall be given to the owner and occupant of all lots or parcels of real estate in the City of Richland Center to which utility services have been furnished prior to October 1 by one or more of the utilities owned and operated by the City of Richland Center as municipal utilities and payment or payments for which are owing and in arrears at the time of giving such notice. It is hereby provided that the municipal utility services included hereunder are water services charges by the municipal water utility of said municipality, sewerage service charges by the municipal sewer utility of said municipality and electric service charges by the municipal electric utility of said municipality. The notice or notices for each utility with delinquent charges shall be given by the utility with the delinquencies. Such notice shall be in writing and shall state the amount of the arrears including any penalty assessed pursuant to the rules of such utility and that unless the same is paid by November 1 thereafter a penalty of 10% of the amount of such arrears will be added thereto and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which the utility service was furnished and for which payment is delinquent as above specified. Such notices may be served by delivery on either such owner and occupant personally or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16 the utility issuing the notice shall certify and file with the city clerk a list of all lots or parcels of real estate, giving the legal description thereof, for all charges for which notice of arrears and payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided. Each such delinquent amount, including such penalty shall thereupon become a lien upon the lot or parcel of real estate to which the utility services were furnished and payment for which are delinquent, and the clerk shall insert the same as a tax against such lot or parcel of real estate. The Clerk shall within ten days thereafter give notice to the owner of the real estate in the manner set forth above

for giving the other notices notifying such owner that the lien has attached and the amount of the lien. It is hereby provided that if the owner and occupant are not the same parties that the utility serving the notices shall serve both persons. Service on said parties and each of them is considered sufficient if mailed to the post office address of the lot or parcel of real estate in question. If the utility or clerk giving the notice has the address of any such party which is an address other than the lot or parcel affected, then such utility or clerk shall in addition mail a copy of such notice or notices to the second address. On November 16 along with the certifications required above the utility shall also file with the clerk proof of the making of the services provided for above which were prior to November 16. If the clerk receives notices on November 16 of the delinquencies from more than one utility on a particular lot or parcel of land, said clerk may combine the delinquencies for inserting the tax. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.

35.03 This Chapter shall be deemed to be an amendment to the charter of the City of Richland Center.

35.04 All ordinances or parts of ordinances or other legislative acts of the City in conflict with this ordinance are hereby repealed.

35.05 This is a charter ordinance and shall take effect 60 days after its passage and publication unless within 60 days after such publication a referendum petition as provided for in s. 66.01(5), Wis. Stats., shall be filed. In the event of the filing of such a petition in such manner, this ordinance shall not then take effect until it is submitted to a referendum of the electors and approved by a majority of the electors voting thereon. Such petition and the proceedings for its submission shall be governed by subsection (2) to (6) of s. 9.20, Wis. Stats.

35.06 Upon the adoption of this charter ordinance and the approval thereof by the Mayor, the City Clerk be and he (she) is hereby directed to publish this ordinance as a Class 1 notice under ch. 985, Wis. Stats. Said clerk is further directed to record and file this charter ordinance as required by s. 66.01(3), Wis. Stats.

35.07 EFFECTIVE DATE. This Chapter shall be in full force and effect from and after October 12, 1981.