

**AN ORDINANCE PROVIDING FOR COLLECTION OF
DELINQUENT UTILITY BILLS**

ORDINANCE NUMBER 10-25-99

The Town Board of the Town of Florence, Wisconsin does enact as follows:

Section 1. **Findings and Purpose.** The Board finds that failure to make payments to the Commission for Utility Service results in an unfair burden on Persons who do in fact pay for Utility Service. In order to ease this burden, the Board desires to confer upon the Commission the broadest powers permitted by law to collect for unpaid Utility Service. Pursuant to section 66.069(1)(bg) of the Statutes, the Board desires to authorize the Commission, among other remedies, to be able to use section 66.069(1)(b) of the Statutes to collect arrearages and further finds that pursuant to a May 23, 1983 *Ordinance Providing For Delinquent Utility Bills to Become A Lien Against the Real Estate Served*, the Town is in compliance with section 66.069(1)(bg)2 of the Statutes.

Section 2. **Definitions.** As used in this ordinance, words have the following meanings:

- (a) **Board** means the Town Board of the Town of Florence, Wisconsin
- (b) **Commission** means the Florence Utility Commission as described in the Town Utility Commission Ordinance dated November 26, 1990 or any successor ordinance.
- (c) **Person** or **Persons** includes any individual, partnerships, associations, corporations, bodies politic or corporate, limited liability companies and limited liability partnerships.
- (d) **Statutes** means the current Wisconsin statutes or any statute that succeeds or replaces the identified statute that provides for essentially the same or similar process of law.
- (e) **Town** means the Town of Florence.
- (f) **Utility Service** includes any charge for providing electricity, water, wastewater, or gas service and charges resulting from other related services, materials, merchandise, repair work charges, work or loans provided by the Commission.

Section 3. **Remedies For Failure To Make Payments.** If any Person fails to make payments for any Utility Service, the Commission may:

- (a) Commence an action in a court of competent jurisdiction and recover from the Person the amount of unpaid Utility Service together with the attorney's fees incurred in collection as well as other costs and expenses as allowed by law; or

(b) In its discretion, elect that unpaid Utility Service be collected and taxed and become a lien on property in the manner provided in Section 66.069(1),(b) and (bn) of the Statutes; or

(c) Use any other collection method or remedy that is or may become available under law.


Section 3. **Construction and Severability.** This ordinance shall be broadly construed to effect its purpose. To the extent a court or other body of competent jurisdiction finds any portion of this ordinance unenforceable, then the remaining portion, to the extent practical, will remain enforceable.


Section 4. **Applicability.** This ordinance becomes effective on passage and publication as required by law and replaces the May 23, 1983 ordinance reference in Section 1 above.

Dated: October 25, 1999

Town of Florence Board of Supervisors


Ray Steber - Chairman


Tim Bomberg


Robert Grell