

**SUPPLEMENT TO LAWS AFFECTING
THE REGULATION OF PUBLIC
UTILITIES. CHIEFLY AMENDMENTS
AND NEW LAWS PASSED BY THE
1913 AND 1915 LEGISLATURES**

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Supplement to Laws Affecting the Regulation of Public Utilities. Chiefly amendments and new laws passed by the 1913 and 1915 legislatures by Anonymous

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SUPPLEMENT

TO

212

**LAWS AFFECTING THE REGULATION OF
PUBLIC UTILITIES**

**CHIEFLY AMENDMENTS AND NEW LAWS
PASSED BY THE 1913 AND 1915 LEGISLATURES**

The 1915 Amendments are indicated by *italics* and by asterisks (*) where part of the old law has been omitted from the new. The 1913 legislation is indicated by the chapter of the session law.



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SUPPLEMENT
TO
LAWS AFFECTING THE REGULATION
OF PUBLIC UTILITIES

Water pipe in town: consent to adjoining city or village. SECTION 819d. It shall be lawful for any town, acting by and through its town board, to grant to any city or village adjoining such town, the right in the building or extension of the water system of any such city or village, to lay and install in any street or highway in such town, subject to the rights of abutting property owners, water mains and sewers. Provided, further, if any such permission or authority be so granted or may have heretofore been granted by any town, and pursuant thereto water main laid in any street or highway in such town and abutting property owners shall have been permitted to connect with such main and use water therefrom, such water main or the use thereof shall not be removed or discontinued, except as to use of water for nonpayment of water charges, without the consent of the town board of the town granting such permission and authority.

Ch. 389, 1913.

Emergency tax; protection of village utility property. SECTION 893 (32). *Whenever by reason of any flood, freshet, fire or other sudden emergency the municipal lighting plant, waterworks plant, sewerage system or other municipal property shall be in danger of damage, injury or destruction, or the municipal dam, roadway or turnpike shall be in danger of being damaged or destroyed, the village board may levy a tax for the purpose of repairing or completing any such property or preventing the destruction thereof, and when so levied may borrow money in anticipation of such tax and forthwith proceed to protect, complete and conserve the municipal property. The official acts of any village board heretofore performed for the purpose of the conservation of the municipal property, exercised in good faith in any such emergency, as described in the foregoing act, are hereby validated; provided, that this act shall not affect any pending litigation.*

Ch. 340, 1915.

Laying of mains and service pipes in streets to be improved. SECTION 910. 1. *Whenever the village board shall have ordered the grading, paving, macadamizing or other*

improvement of any street or part of any street, it may cause water and sewer mains, or either of them, to be laid in any portion of such street so to be improved, after an estimate of the cost thereof, made by an engineer employed by the village, shall be on file with the clerk. Upon the completion of such work the clerk shall file in his office a correct and certified statement of the total cost of such work and thereupon the board may levy a tax for the whole or any part of such cost, exclusive of the cost of street and alley crossings, upon the property adjoining such portion of such street, proportioned to the frontage.

2. Whenever the board shall have ordered the grading, paving, macadamizing or other improvement of any street or part of any street, it may also order water service pipes and house drains or either of them to be laid in such portion of such street at the cost of the property fronting on such street, from the respective mains to the curb line of each side thereof at intervals of not less than twenty feet. The village clerk shall thereupon give notice to the owner of the property adjoining such portion of such street, by publication thereof in some newspaper published in said village for one week or if there be no newspaper published in said village then a copy of such notice shall be posted in three public places in said village requiring them to do such work opposite their respective pieces of land according to a plan and specifications therefor on file in the office of the village clerk; if any such owner shall refuse or neglect to do said work within ten days after such publication or fifteen days after the posting of such notice, the village board may cause the same to be done. Upon the completion of said work the clerk shall file in his office a correct and certified statement of the cost of such work done opposite each piece of property fronting on said portion of said street and thereupon the board may levy a tax for the whole or any part of such cost upon the respective pieces of property adjoining said portion of said street.

3. Every such tax levied pursuant to this section shall be a lien upon said respective pieces of land from the date of ordering such work and shall be entered by the clerk in the tax roll as a special tax against said respective pieces of property and collected in all respects like other village taxes upon real estate; provided, however, that the provisions of section 914b shall extend to all work provided for in this section.

Ch. 78, 1915.

Division of property between towns and villages.
SECTION 925e. 1. Whenever a town owning a town house or other physical property has heretofore had or shall hereafter have any portion of its territory set off and incorporated into a village, such property shall be divided between them

in the proportion that the assessed value of that portion of such village formerly embraced in such town bears to the whole assessed value of said town at the last assessment prior to the incorporation of such village.

2. If such property so held is real estate it shall belong to the municipality in which it is situated, provided that any electric lighting and water plant established and owned according to section 959-70m of the statutes, including any dam, power house, power transmission lines, and other structures or property operated and used in connection therewith, whether within or beyond the limits of the municipality, shall belong to the municipality wherein light and water from such plant are primarily furnished and used for public purposes; and such municipality shall pay to the other its proportion of the value thereof, on the basis fixed by subsection 1 of this section.

3. If the boards of said village and town cannot agree upon the value of such real estate or plant or upon the value of any indivisible property held jointly the board of either of them may, upon five days' notice of the time and place given to the board of the other, apply to the county judge of the county in which the town and village or some part of either thereof is situated for the appointment of three arbitrators, who shall be freeholders of the county and not residents or taxpayers of such village or town, who shall, after being sworn to faithfully perform the duties imposed upon them, view the property and appraise and fix the value thereof for the purposes of such division; and in case of personal property, if no satisfactory arrangement for the division of it can be otherwise made, such appraisers may order the same to be sold at public auction to the highest bidder at such time and place as they may direct and after giving such public notice as they may prescribe, the village or either town may buy at such sale.

4. If the village and town boards agree upon the division of such property or a finding is made by the arbitrators they shall file with the clerk of the village which shall be found by such agreement or finding to be the debtor of the other a written statement signed by them respectively showing the amount of such indebtedness, which shall be charged against such debtor corporation, and which if not paid otherwise shall be added by the clerk thereof to the next tax roll of such town or village and paid by the treasurer thereof to the treasurer of the corporation entitled to receive it. It shall then be the duty of the proper officers of the corporation to whom such payment is made to execute a conveyance of the property to which the town or village making such payments is entitled by such agreement or finding.

Municipally owned utility in cities of first class, disbursement of surplus revenues under budget system. SECTION 925q-162.¹ *The head of any department, board or body, charged by law with the construction, extension, operation and maintenance of a municipally owned public utility may in addition to the sums provided in the budget expend sums from time to time out of the surplus revenues of such public utility whenever it is deemed necessary so to do in order to maintain its service to the public when authorized by the common council of such city by resolution formally adopted by the affirmative vote of three-fourths of all the aldermen, specifying in said resolution the amount or amounts so appropriated and the purpose or purposes for which such sum or sums have been appropriated. Whenever such resolution shall have been adopted by the common council, and before the expenditure of any sum or sums so appropriated by it, a copy of such resolution shall be certified to the comptroller of said city.*

Ch. 327, 1915

Power of city council to contract for utility service; indeterminate contract. SECTION 925-52 (34). To provide for lighting the streets, public grounds and buildings with gas or otherwise, and heating buildings with steam or otherwise, and for furnishing light and heat to the inhabitants of such city, upon such terms as may be provided by ordinance; and for such purpose may own and operate its own lighting and heating plants, or contract by ordinance or otherwise with any person, persons, company or corporation, *supplying service in said city for a term not exceeding ten years at any one time, or for an indeterminate term if the prices for such service be subject to adjustment at intervals not greater than five years, at such price, on such terms and subject to such limitations as may be prescribed by such ordinance or contract; provided, that the foregoing provision for furnishing light and heat to the inhabitants shall not apply to cities of the first class. Any contract made in accordance with the provisions of this section shall be subject to all the provisions of section 1797m-1 to section 1797m-109, inclusive.*

Ch. 490, 1915.

Works, how operated. SECTION 925-95. In cities which own a lighting plant or waterworks, or both, such lighting plant or waterworks, or both, may be operated under the direction of the board of public works or by a commission,

¹Ch. 327 repeals secs. 925q-160, 925q-161, and 925q-162 and creates three new similarly numbered sections relating to the appropriation and adoption of financial budgets in cities of the first class.

to be determined by ordinance of the common council, to consist of the mayor, three citizens, and one alderman to be appointed by the mayor.

Three citizens of commission, how elected. SECTION 925-95a. The common council of any city which shall have determined to have a commission as provided in the foregoing section, shall at the first regular meeting of the council thereafter, elect by ballot, by a majority, three citizens whose terms of office shall expire on the first Tuesday of October, one in the year of his election, one in the year following the year of his election, and one in the second year following the year of his election, and thereafter, at the expiration of the term of each commissioner, one shall be elected by the council each year on the first Tuesday of October for a term of three years and until his successor is elected and qualified.

Accounts, audit by Commission. SECTION 925-95b. When the lighting plant or waterworks, or both, in cities of the third or fourth class are operated under the direction of a commission, as provided in the preceding sections, all accounts against the light or water department, or both, shall be audited by such commission, and, if approved, shall be paid by orders upon the city treasurer issued and signed by the president and secretary of the commission.

Ch. 490, 661, 1913.

Separate fund. SECTION 925-95c. In cities of the third or fourth class which own a lighting plant or waterworks, or both, the city treasurer shall keep as a separate fund all income and revenue derived from such lighting plant or waterworks, or both, and any funds specially provided therefor by the common council, and pay therefrom all orders drawn upon him by the commission operating such plant or works.

Ch. 490, 661, 1913.

Prior payments validated. SECTION 925-95d. All orders heretofore drawn upon the city treasurer in cities of the third or fourth class and issued for lawful purposes by a commission operating a lighting plant or waterworks, or both, under the preceding sections, and all payments heretofore made by any city treasurer upon such orders, which are or might be invalid for the reason that the accounts to pay which such orders were drawn and paid, were not allowed by the common council of such city in the manner provided by statute for the allowance of claims and accounts against such city, are hereby declared to be legal

and valid to the extent that the same would have been had such accounts been allowed by the common council of such city.

Ch. 661, 1913.

Powers of commission. SECTION 925-95e. In cities of the third or fourth class the commission shall have power and authority:

(1) To prescribe rules of order for the regulation of their own meetings and deliberations and alter, amend, or repeal the same from time to time as they shall see proper.

(2) To enact, amend, and repeal all necessary rules and regulations for the government, operation, and maintenance of such plant or works and their employees.

(3) To contract for and purchase all fuel, supplies, and repairs necessary for or incident to the proper operation and maintenance of such plant or works.

(4) To enact, amend, and repeal all needful rules and regulations under which the patrons of such plant or works shall be served, subject to the approval of the city council and the control of the railroad commission, as provided by law.

(5) To contract to purchase, construct, and install all extensions, additions, and alterations to such plant or works whenever the same shall have been ordered and funds provided therefor by the city council.

(6) To employ a superintendent for a period not to exceed one year under any one contract, and at a salary not to exceed fifteen hundred dollars per annum, unless a larger salary be expressly authorized by the common council.

(7) To exercise all the powers necessarily incident to the powers herein conferred.

Ch. 661, 1913.

Public Utilities Law not affected. SECTION 925-95f. Nothing contained in sections 925-95b, 925-95c, 925-95d, or 925-95e shall be construed to affect in any way the provisions of sections 1797m-1 to 1797m-109, inclusive, of the statutes; and no part of section 925-45 referring to the examining of claims, countersigning of contracts or the examining and countersigning of city orders shall be construed in any way as affecting sections 925-95b, 925-95c or 925-95e. It shall be the duty of the comptrollers in cities of the third class to examine the records of the commission and report to the council as the same may direct.

Ch. 661, 704, 1913.

Initial rates for public utility service; collection. SECTION 925-98. When cities own the waterworks, power