

**CHAPTER 12  
SEWERAGE COMMISSION; SEWERS AND LATERALS**

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cause to be made from time to time, as fast as the preliminary surveys can be completed, diagrams for each such district, in addition to an extension of those already made and adopted under and pursuant to the provisions of chapter two hundred and seventy-four of the local laws of 1870, which diagrams shall conform to the system of sewerage in the district, and show the plan thereof, and contain, as nearly as practicable, the lots, blocks and tracts of land, the main sewers to be constructed, the branch and minor sewers, the manholes, the catch basins and their connections through overflow pipes with the sewers, the sewers already constructed, and any other data deemed by him necessary for information: provided, that the plans for sewerage heretofore made and adopted pursuant to said chapter two hundred and seventy-four shall remain in full force and be deviated from only by authority of the common council; and that all sewers already constructed under chapter three hundred and ninety-nine of the local laws of 1869 or chapter two hundred and seventy-four of the local laws of 1870, shall be considered as part of the plan, to be in no respect altered or changed, and that other sewers previously constructed may be included in the diagrams to be prepared, so far as the same can be used in the proposed system of sewerage. (S. 2, Subch. 8, Ch. 184 L. 1874; am. Ch. 297, L. 1907.)

**12-01. Sewer District, Entire City as One; Bonds, Tax Levy for.** After Jan. 1, 1916, no city of the first class, however incorporated, shall issue any new sewerage bonds on sewer districts as provided in s. 926(3), Wis. Stats. of 1919, nor shall any such city after said date levy any tax for the cleaning, maintenance, repair or rebuilding of any sewer on said district plan, but after said date if any such city issues new bonds or levies any tax for any purpose mentioned herein, such city shall issue said bonds and levy said tax upon the entire city as one sewer district. Nothing in this section shall in any way interfere with any such city carrying out any obligation it may have in the past incurred under the provisions of s. 926(3) referred to above. (S. 926(3m), Wis. Stats. 1919.)

**12-03. Inspection of Plan.** On the completion of any such diagram, said commissioner shall give notice in the official papers of the city, for at least six days, that a plan of sewerage is open at his office for inspection. Any person owning real estate in such district may file with said commissioner written objections to the said plan, stating therein the nature and reason of his objections, and may also suggest improvements to said plan. (S. 3, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-02. District Sewerage Plan.** The commissioner of public works of said city shall

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### **12-04. Report of Plan to Common Council.**

The said commissioner may reconsider and modify said plan, and at the expiration of ten days after the time such notice shall have been given to said resident freeholders of the district, shall report such plan to the common council for its approval. (*S. 4, Subch. 8, Ch. 184, L. 1874; am Ch. 297, L. 1907.*)

### **12-05. Common Council Approval.**

The common council shall take such plan into consideration, and within thirty days after receiving the same shall return it to the commissioner approved, or, if objected to, with a statement in writing of such objections, or of any alterations or improvements thereof which they may deem desirable. (*S. 5, Subch. 8, Ch. 184, L. 1874; am Ch. 297, L. 1907.*)

### **12-06. Plan Revisions.**

The said commissioner may, on return of such plan by the common council, modify or change the same in accordance with the suggestions of the common council, or may prepare a different plan which shall be again submitted to the common council, and may generally modify and change their action in the premises until a plan shall be mutually agreed upon by the commissioner and common council: provided, that no plan shall take effect until approved by the common council, and no plan thus approved shall be deviated from except by consent of the council; and, provided further, that sewers may be ordered and constructed in any district without the plans of such district being completed in their whole extent and all their details. (*S. 6, Subch. 8, Ch. 184, L. 1874; am Ch. 297, L. 1907.*)

### **12-07. Annual Report to Council on Necessary**

**Sewers.** On or before March 1 in each year, the commissioner of public works shall report to the common council the sewers necessary, in his judgment, to be built during the current year. Such report shall be advisory only, and no sewers shall be constructed except upon the passage of a proper resolution by the common council. Where such resolution provides for special assessments, notice and hearing shall be as prescribed by law. Resolutions approving sewer construction shall be considered and disposed of in the same manner as provided in the case of ordinances and resolutions creating a charge or liability against the city. (*S. 12-07 rc. Ch. Ord. 244, File #58-1729-a, Sept. 16, 1958.*)

### **12-08. Public Works Contracts.**

1. PUBLICATION BIDS. Whenever the laying and building of any sewer or the grading or making of any street or alley shall be ordered by the common council, the commissioner of public works shall advertise for proposals for doing the same. A plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate and sufficient description of the work required to be done and of the kinds and quality of material to be furnished shall be placed on file in the office of the commissioner for the information of bidders and others. Such advertisements shall be published at least 2 days in the official city papers, and shall state the work to be done and the time for doing the same, which time shall in all cases be such a reasonable time as may be necessary to enable a contractor with proper diligence to perform and complete such work. (*Sub. 1 am Ch. Ord. 566, File #86-1898, Feb. 24, 1987; eff. May 11, 1987.*)

2. ESTIMATES, BOND. All proposals for such work shall be sealed and directed to such commissioner of public works and shall be accompanied at the time of such bid or proposal with a bid bond of a surety company licensed to do business in the state of Wisconsin to the city of Milwaukee in such penal sum, not less than 10% of the amount of the bid, such bid bond to be conditioned that such bidder will execute and perform the work for the price mentioned in his proposals and according to the plans and specifications on file, in case the contract shall be awarded to him. In case of default on his part to execute a contract to perform the work specified and to comply with all requirements set forth in the bidding documents, including the furnishing of a performance and payment bond, said bid bond shall be prosecuted in the name of said city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action, unless the common council shall, by resolution, direct that no action shall be commenced; provided, that no bid bond shall be required of any bidder who, at the time he offers his bid or proposal aforesaid, shall deposit with the commissioner of public works cash or certified check equal to 10% of the bid, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he does not default in

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the execution of the contract if it is awarded to such bidder, and that in case the contract is so awarded, and he shall fail to execute a contract, to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by the said commissioner to the city treasurer. All bids unless fulfilling the requirements of this act shall be rejected. (S. 12-08-2 rc. Ch. Ord. 501, File #80-1794, Feb. 10, 1981; eff. April 25, 1981; 12-08-2 am File #871460, Nov. 17, 1987; eff. Feb. 7, 1988.)

**12-09. Assessment of Benefits.** 1. COSTS ASSESSED. In any city of the first class, after any contract for work, let in pursuance to law and to be paid for in whole or in part by special assessments, shall have been entered into, the commissioner of public works in his judgment, shall make or cause to be made an assessment of benefits against all lots, parts of lots and parcels of land, in the area so benefited by the improvement according to the benefits to be derived. The cost of said work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the cost of any and all appurtenances essential to its usefulness or completion as a whole, a reasonable charge for the administrative staff of the city and the cost of any architectural, engineering, inspection and legal services and any other item of direct or indirect cost which may reasonably be attributable to the proposed work or improvement.

2. CORNER LOTS, SUBDIVISIONS. No assessment shall be made on a long side of a corner lot on which a sewer was laid; however, the said commissioner shall take into consideration the situation of such lot or parcel of land, with respect to its different fronts and all subdivision thereof by sale, contract, use or occupation in severalty and may assess subdivisions separately; and may also assess any subdivisions of such lot or parcel of land in connection with any other part of such lot or land contiguous thereto and most advantageously used in connection therewith.

3. EXISTING SEWERS. No assessment shall be made for reconstruction, replacement or enlargement of existing sewers. (S. 12-09 am. Ch. Ord. 213, File #54-2270-b, Oct. 18, 1955.)

**12-10. Sewer Connection Charge to Property Not Previously Assessed.** Before any property located within the city which abuts a public right of way or easement in which there is an existing sewer, not previously assessed against such property, shall be entitled to sewer service, such property shall be subject to the payment of a sewer connection charge equivalent to the amount which would be assessed against such property at the city assessment rate for sewers in effect at the time of application for connection. (S. 12-10 rc. Ch. Ord. 248, File #58-3708-a, Mar. 3, 1959.)

**12-11. How to Apportion Special Assessment when Land Subdivided.** Whenever any lot or parcel of land, shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lot - and the assessment on such work paid, - any party interested may give notice to the commissioner of such subdivision, and in such case, or when the said commissioner shall in any other way become cognizant of the fact of such subdivision, he may make an equitable apportionment of the said benefit tax against any said lot between the different parcels of it, but if, by neglect of the owners of the lot so subdivided, no such apportionment shall be made, then the entire lot shall be liable for the entire tax. (S. 11, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-12. Execution of Contracts and Bonds.** All contracts entered into by the commissioner of public works under this chapter before taking effect shall be signed by the commissioner of public works, and countersigned by the comptroller, and all bonds taken by him shall be entered into in the name of, and shall be executed to the city of Milwaukee, and shall be approved by the commissioner. All contracts entered into under this chapter shall be expressly subject to the powers given to said commissioner by chapter five of this act,

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[Subch. 5, Ch. 184, L. 1874]. And in case any work shall be suspended in consequence of the default of any contract, or in case the bids shall be deemed excessive, or the parties making proposals for any work shall not be deemed responsible or proper parties to be entrusted with its performance, or shall have failed to complete any contract within the meaning of section ten of said chapter five [S. 10, Subch. 5, ch. 184, L. 1874], the said commissioner shall proceed as provided in said chapter. (S. 12-12 am File #871460, Nov. 17, 1987; eff. Feb. 7, 1988.)

**12-13. Sewer Grade.** The grades of sewers to be constructed shall be fixed by the commissioner of public works with the approval of the common council, and the said commissioner shall make or cause to be made, a profile of such grades upon the plans of the sewer to be constructed, giving a sufficient number of bench marks and their elevation, and such other data as may be necessary to make future surveys. And in all cases the work shall be subject to the superintendence and direction of the said commissioner; and no contractor shall be entitled to recover compensation for any work executed by him, in any form of action, unless such work shall have been approved by the said commissioner, provided, that the said commissioner may from time to time, as the work progresses, at his discretion, grant to any contractor for a sewer an estimate of the amount and proportionate value of the work already done, withholding in all cases 15% of said estimate, which shall entitle the holder to receive the amount thereof, less such 15% from the public fund. (S. 12-13 am Ch. Ord. 17, File #34200, Jan. 31, 1927.)

**12-14. Drains and Service Pipes.** Whenever the common council shall order the paving or repairing of any street in the city in which water, gas or steam mains and sewers, or any of them, shall have been previously laid and constructed, they may also by resolution require the commissioner of public works to cause water, gas and steam service pipes and house drains to be first laid in such street at the cost of the property fronting on such street, from the main sewer, water, gas and

steam mains in such street, to a point between the curb line and the street line on either side of the street as determined by the commissioner of public works, at such intervals as the common council may order, along the whole length of such street to be paved; and the commissioner of public works shall thereupon give notice to the owners or occupants of the property adjoining such street, to be paved, by publication thereof for 6 days in the official papers, requiring them to do such work opposite their respective lots, according to a plan and specification to be before prepared and on file in the office of said commissioner, showing the location and size and the kind and quality of materials of such lateral sewers or drains, and water, gas and steam service pipe; and if such owners or occupants shall refuse or neglect to do the same before the paving or repairing of said street so ordered, and within 10 days after the publication of such notice, the said commissioner may procure the same to be done, and charge and assess the expense thereof to the lots or parts of lots fronting upon such work in the manner provided in s. 19, subch. 7, ch. 184, laws of 1874; and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or repaved by order of the common council, unless the water, gas and steam mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved. (S. 12-14 am Ch. Ord. 241, File #58-1353-a, Aug. 1, 1958.)

**12-15. Sewer Laterals. 1. MAINTENANCE.** It shall be the duty of the abutting land owner to maintain in a reasonable state of repair all sewer laterals, including storm, sanitary and combined house sewers leading from the property to the main sewer. Where any lateral located within, under or on any street, alley or public way is either out of repair or has caused damage to the surface or substructure of the street in any way, the commissioner of public works shall order the abutting land owner to make the necessary repairs. If the owner refuses to comply with the order, or if the

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owner cannot be determined or found, the commissioner shall make the repairs, assess the cost against the property abutting the lateral and notify the owner of the charges by certified letter.

**2. PAYMENT.** The owner of the abutting property upon which the lateral has been repaired shall have 45 days, from the date of the certified letter, to remit the entire payment or the charge shall be placed upon the tax roll as a special assessment in the following manner:

a. If the total amount of unpaid principal is less than \$125, the amount shall be placed on the first available tax roll.

b. If the amount of unpaid principal is \$125 or more, it shall be spread equally over the first available and next 5 succeeding tax rolls.

c. In addition to the unpaid principal, interest shall accrue at a monthly or annual rate specified in s. 115-42-8-b-3 of the Milwaukee code, beginning after the billing date of the charge. If the charge is not paid as provided in sub. 2, interest shall be charged from the original date of billing.

d. Amounts placed on the tax roll to be paid in installments shall be paid within the time allowed for the payment of general property taxes. If the charge is not paid within the proper time, it shall become delinquent and be dealt with in the same manner as a delinquent property tax.

*(HISTORY: 12-15 rc. File #900750, Sept. 25, 1990; eff. Dec. 11, 1990.*

*12-15-a m. to 12-15-1, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-0 m. to 12-15-2-0, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-1 m. to 12-15-2-a, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-2 m. to 12-15-2-b, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-3 m. to 12-15-2-c, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-4 m. to 12-15-2-d, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-2-c am File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.)*

**12-16. Construction of Drains and Sewers.** It shall be the duty of the said commissioner to see that proper drains or storm sewers,

sanitary sewers or combined sewers are constructed from every lot in said city, which in his judgment requires it; and that such private drains or storm sewers, sanitary sewers or combined sewers are made to communicate with the public storm sewers, sanitary sewers and combined sewers in a proper manner; and he shall have power to require such number of private drains and storm sewers, sanitary sewers or combined sewers to be constructed as he may deem expedient. *(S. 12-16 am Ch. Ord. 110, File #70043, Nov. 18, 1940.)*

**12-17. Construction and Connection of Laterals.** The said commissioner shall prescribe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said commissioner, and shall be executed strictly in compliance with his orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewers shall be constructed. *(S. 19, Subch. 8, Ch. 184, L. 1874; am Ch. 297, L. 1907.)*

**12-18. Specifications for Laterals.** The said commissioner shall have at his office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and he shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, he shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots. *(S. 20, Subch. 8, Ch. 184, L. 1874; am Ch. 297, L. 1907.)*

**12-19. Work on Private Lot.** Any person who has taken such contract from said

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commissioner to construct a private drain or sewer from any lot, shall be authorized to enter upon such lots and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men and teams for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work. (S. 21, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-20. Connection with public sewer.** No private drain shall be connected to any public sewer without the commissioner of public works first issuing a permit for the connection. The owner of any lot from which a private drain is connected to a public sewer shall pay the fee established by ordinance. (S. 12-20 *rc. File #871720, Jan. 26, 1988; eff. April 12, 1988.*)

**12-21. Damages, Penalty.** No person shall break open or make connections with any public sewer, except by the consent and under the direction of the commissioner of public works; and any person who shall do so, or shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned in the county jail not to exceed three months. (S. 23, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-22. Sewer Connection; Permit Required.** In every city of the first class, however incorporated, the common council may provide by ordinance that no private drain shall be connected with any public sewer, which is either in the process of construction or completed, unless a permit for such connection shall first be obtained from some city officer designated in said ordinance, and a fee therefor be first paid to the city treasurer, which fee shall be fixed in said ordinance. (S. 926-16, *Wis Stats. 1921.*)

**12-23. Contractor Restore Streets.** Any contractor or other person acting under the direction of the commissioner of public works may lay sewers in and through any alleys and streets of said city, and through any breakwater into Lake Michigan, and also in any highways of Milwaukee county, whether within the limits

of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters, and highways, and to restore the same to their former condition, upon the completion of such sewers. (S. 24, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

### **12-27. Sewer Service Charges or Rents.**

**1. SEWER SERVICE CHARGES OR RENTS AUTHORIZED.** Sewer service charges or rents may be provided for by ordinance or resolution. The charge or rent may be imposed on such standards or by rates as are applicable to or appropriate for privately operated utilities or by any other standard or rate or means of measurement which results in a just and reasonable charge or rent for the use or availability for use of the sewer system of the city. The amount of the charge or rent may be administratively determined or shall be in such amount as is provided for in such ordinance or resolution.

**2. SEWER UTILITY AUTHORIZED.** A sewer utility may be created under any applicable statute or this charter for the purpose of imposing and collecting such charges or rents and when created, such utility shall have all of the powers and rights granted, permitted or appropriate to such utilities under the statutes.

**3. EXEMPTIONS PROVIDED.** Nothing in this charter or chapter shall have the effect of or be construed to prevent the city from imposing and collecting equitable sewer service charges or rents from any user or class of users of the sewer system of the city. The ordinance or resolution providing for the charge or rental may exempt any user or any class of users from such charges or rents, but such exemption shall not be arbitrarily granted.

**4. POWERS ADDITIONAL.** The provisions of this section are in addition to any powers now or hereafter existing under the statutes or this charter and are in addition to any other method or manner of imposing or collecting sewer service charges or rents as may be required or permitted by any statute whether specific or general.

**5. RETROACTIVITY.** This section shall be applicable to any ordinance or resolution providing for sewer service charges or rentals adopted on or after Oct. 18, 1977. (S. 12-27 *cr. Ch. Ord. 451, File #77-1036-a, Dec. 29, 1977.*)