



## Legislation Details (With Text)

**File #:** 090592 **Version:** 3

**Type:** Ordinance **Status:** Passed

**File created:** 9/1/2009 **In control:** FINANCE & PERSONNEL COMMITTEE

**On agenda:** **Final action:** 11/6/2009

**Effective date:**

**Title:** A substitute ordinance implementing various provisions of the 2010 budget.

**Sponsors:** THE CHAIR

**Indexes:** BUDGET

**Attachments:** 1. Fiscal note, 2. Notice Published on 11-24-09

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	FINANCE & PERSONNEL COMMITTEE	REFERRED TO		
11/3/2009	1	CITY CLERK	DRAFT SUBMITTED		
11/4/2009	1	FINANCE & PERSONNEL COMMITTEE	AMENDED	Pass	5:0
11/4/2009	2	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/4/2009	2	CITY CLERK	DRAFT SUBMITTED		
11/6/2009	3	COMMON COUNCIL	PASSED	Pass	15:0
11/6/2009	2	COMMON COUNCIL	AMENDED	Pass	10:5
11/9/2009	3	CITY CLERK	DRAFT SUBMITTED		
11/18/2009	3	MAYOR	SIGNED		
11/24/2009	3	CITY CLERK	PUBLISHED		

090592  
SUBSTITUTE 3

THE CHAIR  
A substitute ordinance implementing various provisions of the 2010 budget.

79-1-12-c am  
79-2-8 am  
79-4-1-am-1 am  
79-6.5-3-b am  
79-6.5-3-c-1 am  
79-14.5 rc  
81-22-6 rp  
81-23-6 rp  
81-26-6 rp  
81-30.5-5 rp

81-35.9 cr  
81-85 rc  
81-114.6-1 am  
310-1-10 cr  
310-5 cr  
320-49-5 rc  
350-100 am  
350-183-8 am

This ordinance makes various changes in the city code for the implementation of the 2010 city budget. Specifically, the ordinance:

1. Expands the current definition of construction waste to include roofing material, asphalt, brick, stones, concrete, lumber, drywall, paneling and other construction material.
2. Provides that bulky waste not exceeding 2 cubic feet shall be collected by the department of public works between April 1 and November 30. Currently, bulky waste not exceeding 4 cubic feet is collected by the department.
3. Establishes construction debris charges for depositing or dropping commercial, construction or manufacturing or similar waste at city area sanitation yards. The charges range from \$10 to \$20 based on the types of vehicles used for transporting the debris.
4. Doubles the special event fee for a Class A Event from \$1,850 to \$3,700.
5. Adjusts the fee for duplicate copies of certain alcohol beverage licenses to make them consistent with the amount charged for duplicates of other licenses. The fee will be \$10.
6. Increases permit fees for on-street all night parking (\$20 for a 4-month permit, \$55 for an annual permit if the permit is purchased in the first 4 months of the year, and \$40 if the permit is purchased in the second 4 months of the year).
7. Provides that the director of environmental sustainability be appointed by the director of administration and confirmed by the common council.
8. Assigns staffing responsibility for the capital improvements committee to the city clerk's office.
9. Freezes salaries for the mayor, common members and common council president in 2010.
10. Makes various technical changes.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 79-1-12-c of the code is amended to read:

**79-1 Definitions.**

12. SOLID WASTE consists of the following:

c. Construction waste is waste resulting from building fires, construction or demolition, alteration or repair, including excavated material. >>This includes, but is not limited to, roofing material, asphalt, brick, stones, concrete, lumber, drywall, paneling and other construction material. <<

Part 2. Section 79-2-8 of the code is amended to read:

## **79-2. Collection Regulations.**

- 8. DOMESTIC TREE AND BULKY WASTE.** a. Trees, logs and branches generated in normal household maintenance not exceeding ~~[[4]]~~ >>2<< cubic yards shall be collected by the department between April 1 and November 30. ~~[[Such]]~~ >>The<< waste shall be stored and handled in an approved manner and not contrary to any order of the commissioner of health or the commissioner of neighborhood services. Collection shall be scheduled as practical by the department.
- b. Bulky waste not exceeding ~~[[4]]~~ >>2<< cubic yards shall be collected by the department. ~~[[Such]]~~ >>The<< waste shall be stored and handled in an approved manner and not contrary to any order of the commissioner of health or the commissioner or neighborhood services. Collection shall be scheduled as practical by the department.

Part 3. Section 79-4-1-am-1 of the code is amended to read:

### **79-4. Waste Container Regulations.**

#### **1. PORTABLE CONTAINERS.**

am. Responsibility for Providing Portable Waste Containers.

am-1. Owners of single, 2-, 3-, or 4-family dwelling units shall be provided carts by the city. >>  
Owners who request additional carts shall be charged a fee as provided in s. 81-17.3.<<

Part 4. Section 79-6.5-3-b and c-1 of the code is amended to read:

### **79-6.5. Special Collection Charges.**

#### **3. DOMESTIC TREE AND BULKY WASTE.**

b. Bulky waste, not exceeding ~~[[4]]~~ >>2<< cubic yards and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

c-1. The commissioner may have bulky waste exceeding ~~[[4]]~~ >>2<< cubic yards removed. The costs of such action shall be collected from the owner of the property at which the bulky waste is deposited, subject to the bulky collection charge established under s. 81-15.5. Bulky waste exceeding ~~[[4]]~~ >>2<< cubic yards shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to the charge. The bulky waste collection charge shall be due and payable 30 days after billing. If any owner fails, omits, neglects or refuses to pay any charge imposed under s. 81-15.5 for bulky waste collection, pursuant to s. 66.0627, Wis. Stats., the charge may be assessed against the subject property. ~~[[Such]]~~ >>The<< lien shall take effect as of the date of the delinquency. ~~[[Such]]~~ >>The<< lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge. ~~[[Such]]~~ >>The<< charge shall not be payable in installments.

Part 5. Section 79-14.5 of the code is repealed and recreated to read:

### **79-14.5 Depositing of Commercial Waste in Area Sanitation Yards.**

1. Any person that deposits or causes to be deposited, dropped, dumped, discharged or left any commercial, construction or manufacturing or similar waste in or about the area sanitation yards of the city shall be assessed a construction debris charge as provided in s. 81-35.9.

Part 6. Section 81-22-6 of the code is repealed.

Part 7. Section 81-23-6 of the code is repealed.

Part 8. Section 81-26-6 of the code is repealed.

Part 9. Section 81-30.5-5 of the code is repealed.

Part 10. Section 81-35.9 of the code is created to read:

**81-35.9. Construction Debris Charges.**

1. The construction debris charges charged under s. 79-14.5 shall be based on the types of vehicles used for transporting the debris as follows:

1. \$10 for a passenger car or sport utility without a trailer.
2. \$15 for a pickup truck or van (3/4 ton capacity or less) without a trailer.
3. \$15 for a passenger car or sport utility vehicle with a single-axle trailer.
4. \$20 for a pickup truck or van (3/4 ton capacity or less) with a single-axle trailer.

Part 11. Section 81-85-1 to 3 of the code, as repealed and recreated by file number 090309, effective December 20, 2009, is repealed and recreated to read:

**81-85. Permit. On-Street All Night; Off-Street Municipal Parking Lot.**

1. The fee for a 4-month permit including sales tax shall be \$20.
2. The fee for the annual permit including sales tax purchased in the first 4 months of the year shall be \$55.
3. The fee for the annual permit including sales tax purchased in the second 4 months of the year shall be \$40.

Part 12. Section 81-114.6-1 of the code is amended to read:

**81-114.6. Special Events - City Services.**

1. Class A Event ~~[[ \$1,850 ]]~~ > \$3,700 <.

Part 13. Section 310-1-10 of the code is created to read:

**310-1. Department Established.**

10. Environmental sustainability program management.

Part 14. Section 310-5 of the code is created to read:

**310-5. Environmental Sustainability Director.** There is created an office of environmental sustainability in the department of administration which shall be responsible for the administration, coordination and implementation of the city's environmental sustainability program. Under the direction of the department of administration, the office of environmental sustainability shall be administered by an environmental sustainability director. The director of environmental sustainability shall be appointed by the director of administration and confirmed by the common council.

Part 15. Section 320-49-5 of the code is repealed and recreated to read:

**320-49. Capital Improvements Committee.**

5. STAFFING. Staff for the capital improvements committee shall be provided by the city clerk's office. Salaries required for capital improvements administration, along with supporting supplies, equipment and administrative costs shall be provided annually out of capital improvement funds. All city departments and agencies shall cooperate with the committee and provide assistance whenever the committee so requests.

Part 16. Section 350-100 of the code is amended to read:

**350-100. Salaries of Mayor and Members of the Common Council** 1. At the commencement of the 2008 term of office, salaries for the mayor, common council members and the common council president shall be increased by 2.4% over the rates in effect for the 4th year of the 2004-2008 term. Effective pay period 10, ~~[[2010]]~~ > 2011 < ~~[[, and each year thereafter in pay period 10]]~~, these rates shall be increased by 2.5% for the remainder of the 2008-2012 term.

Part 17. Section 350-183-8 of the code is amended to read:

**350-183. Private Transportation Reimbursement.**

8. COMMON COUNCIL MEMBERS. a. In order to provide transportation which is necessary and essential to the discharge of the official duties of the members of the common council, each member shall be entitled to a monthly ~~[[reimbursement]]~~ payment. This payment shall not be made if during the month the member has not attended any of the scheduled meetings of the council, unless excused by the council president, and has not attended any of the scheduled meetings of the standing committees to which the member is appointed, unless excused by the committee chair.

b. The monthly ~~[[reimbursement]]~~ rate shall be indexed annually on the basis of the private transportation component of the Consumer Price Index's U.S. City Average for Urban Wage Earners and Clerical Workers, published by the U.S. Bureau of Labor Statistics. The monthly transportation ~~[[reimbursement]]~~ rate shall be increased or decreased (rounded to the nearest dollar) on the basis of the percentage change (calculated to the nearest 1/10th of 1%) in the annual average index numbers for the immediately preceding two calendar years.

Part 18. In fiscal year 2010, the monthly transportation payment for common council members provided under s. 350-183 shall be \$177 and annually thereafter shall be indexed pursuant to s. 350-183-8-b.

Part 19. This ordinance takes effect January 1, 2010, except the treatment of Parts 2 and 4 which take effect June 1, 2010.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB09366-5

TWM:lp

11/9/09