

Lee, Chris

From: Owczarski, Jim
Sent: Tuesday, November 4, 2025 2:29 PM
To: Lee, Chris
Subject: Fw: Two Files (250871 and 250865) for Review

It would seem we are all set.

Jim

From: Gresham, Travis <tgresh@milwaukee.gov>
Sent: Tuesday, November 4, 2025 2:25 PM
To: Owczarski, Jim <jowcza@milwaukee.gov>
Cc: CAOLegalAssignments <CAOLegalAssignments@milwaukee.gov>
Subject: RE: Two Files (250871 and 250865) for Review

Good afternoon,

[File No. 250871 is legal and enforceable.](#)

This is an exercise of municipal fee-setting provided by Wis. Stat. § 341.35 as interpreted by Wis. Adm. Code Trans ch. 126.

The persistent surrounding Milwaukee Code provides the necessary exceptions under state law and directs this fee to the correct and legally allowable fund for transportation related services. *See* MCO §§ 304-25-3 (exceptions) & 304-25-5 (fund).

Additionally and for reference, several other municipalities already have a \$40 fee for the same: [Evansville (city; \$40), Fitchburg (city; \$40), Janesville (city; \$40), Madison (city; \$40), Oregon (village; \$40), Shawano (city; \$40)]. *See* WisDOT wheel tax list.

This helps to establish that we are not imposing an excessive fee. *See* Wis. Stats. §§ 66.0628(2) & 66.0628(1)(b) (fees must bear 'reasonable relationship' to the service provided and cannot be excessive).

[File No. 250865 is legal and enforceable.](#)

Fee and Citation increases fall under different legal analysis. Here we have mainly Fees but there are several *special charges* which are generally understood as services rendered to a specific property and are legally distinct from *fees or citations* and fall under the express authority provided in Wis. Stat. § 66.0627.

As above *fees* cannot be excessive and must bear a *reasonable relationship* to the service being provided. *See* Wis. Stats. §§ 66.0628(2) & 66.0628(1)(b).

Some of these services are allowed under state law which generally limits penalty *citations* but does not (generally) impose *express* limitations on municipal fees-setting. *See for instance* Wis. Stat. § 348.26(4m) municipal permits for vehicles transporting certain buildings providing local officials permitting authority & Wis. Stat. § 348.21(3g) penalty citation caps/limits for failure to abide designations or limitations.

Furthermore, several of the *services* which are provided by these fees are through agreement with the State or have the City acting as state agent. That overlay may not preclude the increase of fees but impacts the analysis in that *it*, the agreement, is the source of authority to levy such fees. (I am exploring this further but do not foresee this holding up the legality or enforceability of this file).

Additionally, several of these *licenses* are unique City creations and have no corollary in state law. That said they should still comport to good governance standards and must still reasonably relate to the services rendered and must not be excessive.

Changes to Fees: 60-70 health code inspection fees, 81-4 Amusement Machine Distributor License, 81-14 Building Mover License, 81-15 Building Mover Permits, 81-15.5 Bulky Waste Collection, 81-17.5 Catch Basin/Storm Inlet Equity Fee, 81-17.7 Center for Visual and Performing Arts, 81-19 Certified Map Filing Fee, 81-19.2 Change of Circumstances, 81-31 Class "D" Operator's Licenses, 81-38 Concrete Contractor, 81-44. Drainage Ditch Obstruction Permit, 81-49.5. Engineer Service Fees, 81-50. Excavation Permit and Inspection Fees for Work in the Public Right of Way, 81-50.5. Excessive Size, Weight and Load Vehicle Permit, 81-51. Extended Hours Establishments, 81-51.6. Filling Station License, 81-55. Food Dealer's License, 81-56. Food Dealer's License, Temporary and Seasonal, 81-56.3. Food Peddler Licenses, 81-60. Home Improvement Contractors and Salespersons License, 81-73. Lobbying License, 81-74. Massage Establishment License, 81-74.5. Mobile Seller's License, 81-96. Plat Filing Fee, 81-97. Plat or Map Correction Instrument, 81-101.2. Public Entertainment Premises License, 81-101.5. Public Passenger Vehicle Permit, 81-102. Public Ways: Permits for Temporary Occupancy or Use as Public Ways., 81-102.1. Public Ways: Special Permits, 81-102.6. Recycling, Salvaging or Towing Premises License, 81-102.8. Recycling, Salvaging or Towing Vehicle License, 81-104. Secondhand Dealer's License, 81-104.6. Secondhand Motor Vehicle Dealer's License, 81-104.8. Sewer Connection, 81-107. Signs or Decorations Attached to City-owned Poles, 81-108. Sign; Directional for Church, 81-108.5 Signs; Honorary Street Name, 81-109. Signs; "No Parking to Driveway, 81-110. Signs; Official Street Renaming, 81-114.6. Special Events - City Services, 81-115. Special Privileges; Granting of Encroachments, 81-116. Street and Alley Vacation Fees, 81-117. Street Renaming., 81-121. Tattooing and Body-Piercing Establishments, 81-126.5. Temporary Change of Plan Permit, 81-128. Traffic Signal Timing Schedule, 81-129. Traffic Signs, Documentation of Installation, 81-129.7. Tree Maintenance and Conservation Permit, 200-33. Fees.

Changes in Administrative Charge: 79-16-2-a-3. (Solid Waste Regulation) PENALTY (lien conversion special admin charge) – This proposed change is somewhat unique because though not identified as a penalty *citation* per se, this special *administrative charge* may (or may not) be interpreted by a court as a service. The surrounded invocation of Wis. Stat. § 66.0627 (more specifically authorized in as Wis. Stat. § 66.0627(4)) requires conversion into a lien and does not limit or preclude such a conversion charge. *See broadly Town of Vinland v. Loren's Auto Recycling, LLC*, 2025 WI App 44, 417 Wis. 2d 658, 25 N.W.3d 106 (unpublished)(public nuisance abatement case briefly recognizing lien authority). Arguably the conversation from a special charge to a lien is a *service unique* to the particular property and hence allowable under Wis. Stat. § 66.0627. On a brief survey there are no recent on-point challenges in the Court of Appeals or the Wisconsin Supreme Court to such a charge.

Changes to Special Charge : 80-17-6-a Turf Grass and Weeds Charges and Costs – this is much more easily distinguishable as a special charge for services, 116-8-4-a Sidewalks to be Kept Clean Charges and Costs – (as previous special charge for services).

For any questions or concerns please contact the undersigned.

Respectfully,

Travis Gresham

From: Gresham, Travis

Sent: Thursday, October 30, 2025 4:33 PM

To: CAOLegalAssignments <CAOLegalAssignments@milwaukee.gov>

Subject: RE: Two Files (250871 and 250865) for Review

Yes I believe I can. The wheel tax should be easy but the other fee increases might take a while to individually check through though.

Respectfully,

Travis Gresham

From: CAOLegalAssignments <CAOLegalAssignments@milwaukee.gov>

Sent: Thursday, October 30, 2025 4:27 PM

To: Gresham, Travis <tgresh@milwaukee.gov>

Subject: FW: Two Files (250871 and 250865) for Review

Hi Travis,

Do you have bandwidth to review these by 11/7?

Let me know.

Thanks
robin

From: Owczarski, Jim <jowcza@milwaukee.gov>

Sent: Wednesday, October 29, 2025 2:14 PM

To: CAOLegalAssignments <CAOLegalAssignments@milwaukee.gov>

Cc: Caples, Michelle <mcaples@milwaukee.gov>

Subject: Two Files (250871 and 250865) for Review

Good Afternoon,

The two files attached have been referred to the Common Council's Budget Adoption Meeting of November 7.

I would ask that they be reviewed for legality and enforceability.

My Thanks,

Jim