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November 6, 2008

To the Honorable Common Council of the  
City of Milwaukee  
Room 205 - City Hall

Re: Substitute 2 to CCFN 080749 relating to ordinance implementing  
various provisions of the 2009 city budget


Dear Council Members:

Insofar as this file addresses increases of fees charged for permits issued by the City of Milwaukee, the Council is reminded that under applicable state law any fee charged for a license or permit is limited to either statutorily imposed limits, or recovering the actual cost of regulation of the industry involved. To the extent the license and permit fees either are specifically permitted by state law, or reflect the actual costs of regulation, the increases are legal and enforceable. To the extent that such increases are done for purposes of generating revenue in excess of the actual costs of regulation, they are neither legal nor enforceable.

The Council must be satisfied that the increases in permits and fees are either expressly permitted by law or are substantiated by a showing of a relationship to the actual cost of regulation. We do not have information as to the basis of the increases, but assume they reflect actual costs of regulation.

Very truly yours,

  
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