

Lee, Chris

From: Owczarski, Jim
Sent: Monday, September 22, 2025 3:42 PM
To: Lee, Chris
Subject: Fw: 304-49 Proposed Changes - CCFN 250406
Attachments: MCO 304-49 Redlined.pdf; 304-49 Ordinance -- Redraft (9-22-25) - Final.rtf

Prop Sub "B" is legal and enforceable.

Prop Sub "A" is not.

From: Carson, Alexander R. <acarso@milwaukee.gov>
Sent: Monday, September 22, 2025 1:10 PM
To: Bauman, Robert <rjbauma@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Osterman, Jeffrey <joster@milwaukee.gov>
Cc: Schanning, Mary <Mary.Schanning@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>
Subject: 304-49 Proposed Changes - CCFN 250406

Dear Alderman Bauman, Mr. Owczarski, and LRB,

The City Attorney's Office reviewed the 304-49 redraft proposal submitted by LRB this morning and unfortunately there are significant concerns as to both its legality, enforceability, and consistency across the existing ordinances.

However, we have made further edits to the original 304-49 proposal, which we hope will satisfy the Committee's concerns. As Dr. Smith adeptly described at the committee meeting last week, the new state law leaves much of the existing 304-49 obsolete. To aid those who are visual learners, like myself, I have marked the existing 304-49 to highlight this obsolescence, which is attached for your review. Green denotes sections which had already been incorporated into the new ordinance, red denotes sections which are obsolete given time restrictions, and purple denotes an illegal provision, pursuant to the U.S. Supreme Court's decision in *Tyler v. Hennepin County*, which is not limited in applicability only to properties acquired post-March 2024.

As you can see, there is essentially less than a single page of provisions remaining after accounting for those already in the new ordinance or that are obsolete.

For those sections that remain, we have substantially incorporated their requirements into the original 304-49 proposal drafted by the City Attorney's Office that was before ZND for consideration at its September 16 meeting, which is also attached for your review in redlined form. We believe this solution retains Council discretion over the pre-March 2024 properties, complies with the state law change and the *Tyler v. Hennepin County* decision, and avoids the consistency issues presented by maintaining all of 304-49 in its existing form.

We hope this solution is acceptable to the Committee.

Regards,

Alex Carson | Assistant City Attorney | City Attorney's Office

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