

..Number
150788
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. HAMILTON

..Title
A substitute ordinance relating to the appeal procedure for certain city fees.

..Sections
79-4-1.3-g-2 am
79-4-1.3-g-3 rp
79-6-7-a-2 ra
79-6-7-b rp
309-83-7-a-1 rn
309-83-7-a-2 ra
309-83-7-b rp

..Analysis
The code currently provides that any person aggrieved by the imposition or collection of the extra garbage cart charge, the solid waste charge or the snow and ice removal cost recovery charge may choose one of the following appeal procedures:

1. Pay the special charge under protest, file a complaint with the commissioner of public works and, if aggrieved by the determination of the commissioner, appeal the commissioner's determination to the common council.
2. Pay the special charge under protest and file a complaint with the administrative review appeals board.

This ordinance provides that any person aggrieved by the imposition or collection of one of these charges shall pay the charge under protest, file a complaint with the commissioner of public works and, if aggrieved by the determination of the commissioner, file an appeal with the administrative review appeals board.

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

Part 1. Section 79-4-1.3-g-2 of the code is amended to read:

79-4. Waste Container Regulations.

1.3. EXTRA GARBAGE CART CHARGE.

g. Appeal Procedure.

g-2. If, upon review by the commissioner of public works, it is determined that all or any part of any extra garbage cart charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[the]]~~ >>a<< refund. If any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the commissioner, the person may ~~[[, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable]]~~ >>file an appeal with the administrative review appeals board, pursuant to s. 320-11<< .

Part 2. Section 79-4-1.3-g-3 of the code is repealed.

Part 3. Section 79-6-7-b of the code is repealed.

Part 4. Section 79-6-7-a-2 of the code is renumbered 79-6-7-b and amended to read:

79-6. Solid Waste Charge.

7. APPEAL PROCEDURE.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any solid waste charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[such]]~~ >>a<< refund. ~~[[In the event that]]~~ >>f<< any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the commissioner, ~~[[such]]~~ >>the<< person may ~~[[, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable]]~~ >>file an appeal with the administrative review appeals board, pursuant to s. 320-11<< .

Part 5. Section 309-83-7-a-1 of the code is renumbered 309-83-7-a.

Part 6. Section 309-83-7-b of the code is repealed.

Part 7. Section 309-83-7-a-2 of the code is renumbered 309-83-7-b and amended to read:

309-83. Snow and Ice Removal Cost Recovery Charge.

7. APPEAL PROCEDURE.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[such]]~~ >>a<< refund. ~~[[In the event that]]~~ >>f<< any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the commissioner, ~~[[such]]~~ >>the<< person may ~~[[, within 10 days, appeal to the common council. The common council~~

~~shall make such determination as is just and reasonable]] >>file an appeal with the
administrative review appeals board, pursuant to s. 320-11<< .~~

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____
..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
..Requestor

..Drafter
LRB160857-2
Jeff Osterman
10/23/2015