



MEMORANDUM

LEGISLATIVE REFERENCE BUREAU

WWW.MILWAUKEE.GOV/LRB

To: Carjacking and Reckless Driving Task Force
From: Kathleen Brengosz, Fiscal Planning Specialist, x3926
Date: May 24, 2019
Subject: Neighborhood Assessment for Speed Humps

In response to the Task Force's request for information regarding the permissibility of neighborhood-wide assessment of speed hump installation, the Legislative Reference Bureau is providing the following information.

The Milwaukee Code of Ordinances does not specifically prohibit special assessments of non-abutting properties. State statutes also do not prohibit the assessment of non-abutting properties as long as certain requirements are met. The most significant requirement is the need to identify a "special benefit" that will accrue to a property. If a benefit can be substantiated, that benefit could be used as a basis for levying a special assessment to all properties in the area.

Levying a special assessment for traffic-calming devices on non-abutting properties would require changes to the code. Many traffic-calming projects are initiated under s. 115-42.5 of the Code, "Traffic Calming Installations", which provides an alternate process for initiating traffic-calming projects. The assessment of non-abutting properties is not allowed for projects initiated under this code section.

In order to withstand challenges to the permissibility of the non-abutting assessment, the Department of Public Works would need to establish policies and procedures for determining and documenting the neighborhood-wide benefit. The Department would also need to develop a rational and reasonable plan for distributing project costs. It is unclear how extensive documentation would need to be. If before and after traffic studies of each neighborhood are required to justify the basis for the special assessment, the administrative cost of traffic-calming projects may increase significantly.

I have attached a letter, drafted by the City Attorney's Office in March, 2018, explaining in greater detail the technical requirements of the state statutes and the municipal ordinances which could make neighborhood-wide assessment permissible.

If you would like additional information, please do not hesitate to contact me.

LRB174356

Attachment