



**IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN 30 DAYS OF ASSESSED CHARGES.**

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

**IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

**IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED**

**PLEASE READ CAREFULLY:**

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

**TO:** Administrative Review Appeals Board  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202  
(414) 286-2231

**DATE:** 09/14/18

**RE:** 2804 N 16th St, Milwaukee, WI 53206  
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Department of Public Works  
(Name of City Department)

Amount of the charges \$ 150

Charge relative to: garbage and debris clean up

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

I spoke to Ken Jackson of the Sanitation department on 9/13/18 regarding the requirement of the citation order of City ordinance 79-6.5-3c-1. A notice was posted on my order on 9/4/18 requiring solid waste on my curbside to be removed within 5 days or the City will remove it for a cost of \$150 as a bulky waste charge. The waste was immediately removed the same day 9/4/18 before I can even see or cure the order in direct violation of Section 79-6.5-3c-1 of city of Milwaukee ordinance. An emergency pick up order violates chapter 79-6 of city of Milwaukee ordinance. The property in question has not had any record in recent past of causing sanitary nuisance with the department or the neighborhood. The department of Public works can not and must not be allowed to make laws of their own and cannot enforce laws that is not covered under the Milwaukee code of ordinances. This levy is illegal and must be stricken.

Signature

Ade Esuoso

Name (please print)

400 N Broadway #501, Milwaukee, WI 53202  
Mailing address and zip code

414 324 8324  
Daytime phone number

**Department of Public Works - Operations Division**

Zeidler Municipal Building - 841 N Broadway Room 620 - Milwaukee WI 53202

TELEPHONE: 414-286-CITY (2489)

Make check payable to the City of Milwaukee. Check payments must be payable in U.S. dollars and be drawn on a U.S. bank. Payment receipt is only valid after check payment clears all banks.

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

September 07, 2018

Assessment ID: SR-2376-2018

**PRIME CHOICE PROPERTIES LLC****400 N BROADWAY #501****MILWAUKEE WI 53202**

Dear Property Owner:

**City of Milwaukee Ordinance No. 79-6.5-3c-1** states that bulky waste exceeding 4 cubic yards shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to a charge. Failure to comply with this ordinance will cause the City of Milwaukee to remove the bulky waste for a \$150.00 charge.

You failed to comply with this ordinance at the following property:

Assmt ID	Address	Date Posted	Amount Due
SR-2376-2018	2804 N 16TH ST	09/04/2018	\$ 150.00
Tax Key		Date Cleared	
311-2019-000		09/04/2018	

**The above amount is now due. If not paid within 30 days, an additional \$10 administrative fee will be incurred and the charges will be added to your 2018 property tax bill.**

In person payment of cash, check or money orders accepted. Please do not mail cash. In person payments may be made at the **OFFICE OF THE CITY TREASURER AT CITY HALL, 200 E WELLS ST** during normal working hours. Please make checks payable to the "CITY OF MILWAUKEE" and mail with the attached coupon.

To appeal these charges, print the appeal application available online at [city.milwaukee.gov/ImageLibrary/Groups/ccClerk/PDFs/ARAB\\_FORM.pdf](http://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/PDFs/ARAB_FORM.pdf) (select departments, city clerk). You may also request an appeal application by calling (414) 286-CITY. Return the appeal application along with the \$25 appeal filing fee (check should be made payable to 'City of Milwaukee') to the Administrative Review Appeals Board, 200 E Wells St, Rm 205, **within thirty (30) days** of the date of this letter.

If you have any questions regarding these charges, please contact the City of Milwaukee Call Center at (414) 286-CITY (2489). You can search for current charges against your property online at [city.milwaukee.gov/mpw](http://city.milwaukee.gov/mpw) (Click on "Property Charges and Special Assessments" in the Quick Hot Links.)

**Please detach and return this coupon with payment for****City of Milwaukee - DPW Skid referral Charge****A \$10 late fee will be added if not paid by: 10/07/2018**Bill To: **PRIME CHOICE PROPERTIES LLC**Assessment ID: **SR-2376-2018**Make check payable to: **City of Milwaukee**Amount Due: **\$150.00**Mail to: **Office of the City Treasurer  
PO Box 514062  
Milwaukee, WI 53203-3462**In person payments can be made at:  
**Office of the City Treasurer  
City Hall, Room 103  
200 E Wells St  
Milwaukee, WI 53202**

49090182850000000002000000015000000000000050100695106

311-2019-000  
SR-2376-2018





Emergency  
Pick-up

DPW - Operations Division  
Sanitation Services  
841 N Broadway Rm 620  
Milwaukee WI 53202  
414-286-2489 (CITY)  
www.milwaukee.gov/dpw

**TO OWNER/OCCUPANT  
IMPORTANT NOTICE - READ CAREFULLY**

RE: 2804 N 16th St TAXKEY #: \_\_\_\_\_  
(ADDRESS IN VIOLATION)

- ☐ This notice is to inform you that we received your request for the removal of bulky debris from your collection point. The items at the above address will be collected within 1-5 business days from this notice. There will be a charge\* assessed to the property as described in s. 81-15.5 of the Milwaukee Code of Ordinances (MCO).
- ☒ A recent inspection at the above address disclosed a violation of s. 79-6.5-3c-1 of the MCO for bulky waste. **You are hereby directed to remove all bulky waste and debris within 5 days of this notice.** If you don't comply, there will be a charge\* for removal as described in s. 81-15.5 of the MCO.
- ☐ A recent inspection at the above address disclosed a violation of s. 79-2-13b of the MCO for improper care of a discarded electronic device. **You are hereby directed to remove the electronic device(s) within 5 days of this notice** (recycle for free at the sites below). If you don't comply, there will be a charge for removal per 79-6.5-9. Broken electronics are subject to immediate removal and will be charged accordingly.
- ☐ The items at the above address are considered **construction waste**. According to s. 79-6.5-7 of the MCO, you must pay \$ \_\_\_\_\_ in advance for such collection.
- Make payment at the Sanitation Field Office located at \_\_\_\_\_ within 7 days of this notice. Payment may only be made by check or money order. If the construction debris is not removed or payment is not made within the time specified, your property will be referred to the Department of Neighborhood Services for violation of s. 79-12-1 of the MCO. Make check payable to "City of Milwaukee Treasurer".

\*\*\* City of Milwaukee residents can dispose of bulky items, brush and recyclables at City of Milwaukee Drop Off Centers located at 3879 W Lincoln Ave & 6660 N Industrial Rd. There is a charge per load for construction debris. **For more information call 414-286-CITY (2489).** \*\*\*

\* The charge for removal of bulky items is \$ 150.00. A bill will be mailed to the property owner as identified by the City Assessor. If the bill is not paid within 30 days a \$10 late fee will apply and the charges will be assessed against the property. To appeal the charges, you must pay \$25 to file a written appeal with the Administrative Review Appeals Board within 120 days of the bill. Contact the City Clerk at 414-286-2221 for more information about the appeal process.

**The information below certifies that this order was served on the premises as follows:**

Date Notice posted: 9/4/18 Notice posted by: K Jackson  
Date checked for compliance: \_\_\_\_\_ Contact phone: \_\_\_\_\_  
Comments: Movout/Carb

CallCntr#: \_\_\_\_\_ SpecAss#: \_\_\_\_\_

☐ Violation corrected  
Pink Copy - post on property

☐ Violation/charge for collection  
White Copy - File, MB 620

☐ Referred to DNS (Construction)

SS-200 Rev 8/18

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

**6. SAVING CLAUSE.** It is the intent of the common council that the provisions of this section relating to a solid waste charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

**7. APPEAL PROCEDURE.**

a. Whenever any solid waste charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such solid waste charge, his or her specific reasons for objection and the amount of the overcharge complained of.

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 protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

**79-6.5. Special Collection Charges.** As provided herein, certain wastes shall be collected by the department without charge, while others may be refused, or may be collected at a charge established by the commissioner, or as specified under sub. 3-c. Such charges shall be reasonable

and based upon the disposal charges and cost of labor, equipment and overhead.

**1. DOMESTIC WASTE** shall be collected without charge unless otherwise provided in this section.

**2. DOMESTIC WASTE, OFFENSIVE OR HARMFUL.** Liquid, manure and other offensive or harmful waste as specified in s. 79-2-6. Such waste depending on its nature and quantity may be collected without charge, refused or collected for a charge in accordance with this chapter and the rules of the commissioner.

**3. DOMESTIC TREE AND BULKY WASTE.** a. Domestic tree waste, limited to quantity and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-1. Bulky waste, not exceeding one cubic yard and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-2. Bulky waste, exceeding 6 cubic yards, limited to quantity or origin, as specified in this chapter and the rules of the commissioner, shall not be removed by the department.

c-1. The commissioner may have bulky waste exceeding one cubic yard but not exceeding 6 cubic yards removed. The costs of this action shall be collected from the owner of the property at which the bulky waste is deposited, subject to the bulky collection charge established under s. 81-15.5. Bulky waste exceeding one cubic yard shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to the charge. The bulky waste collection charge shall be due and payable 30 days after billing. If any owner fails, omits, neglects or refuses to pay any charge imposed under s. 81-15.5 for bulky waste collection, pursuant to s. 66.0627, Wis. Stats., the charge may be assessed against the subject property. The lien shall take effect as of the date of the delinquency. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge. The charge shall not be payable in installments.

c-2. Paragraph b-2 and subdivision 1 do not apply to bulky waste collected annually during the clean and green collection period for the property as established by the commissioner.

**4. COMMERCIAL WASTE** may be collected only after a service charge has been deposited with the department based on charges established by the commissioner.

## Receipt of A.R.A.B. Appeal Fee

Date:	10/5/18
Received Of:	Ade Esuoso
Property at:	2804 N. 16 <sup>th</sup> St.
Received By:	LME
Check # (If Applicable):	5954
Amount Received	\$25.00