



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 6/1/2022      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 6/20/2023

**Effective date:**

**Title:** A substitute ordinance relating to revisions of the various provisions of the code for purposes of updating references, adjusting language and correcting errors.

**Sponsors:** THE CHAIR

**Indexes:** REVISORS BILL

**Attachments:** 1. Notice published 7/7/2023

Date	Ver.	Action By	Action	Result	Tally
6/1/2022	0	COMMON COUNCIL	ASSIGNED TO		
6/12/2023	1	JUDICIARY & LEGISLATION COMMITTEE	SUBSTITUTED	Pass	5:0
6/12/2023	2	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/20/2023	2	COMMON COUNCIL	PASSED	Pass	14:0
6/28/2023	2	MAYOR	SIGNED		
7/7/2023	2	CITY CLERK	PUBLISHED		

220113  
SUBSTITUTE 2

THE CHAIR

A substitute ordinance relating to revisions of the various provisions of the code for purposes of updating references, adjusting language and correcting errors.

- 50-6-4-0      am
- 75-23-3      am
- 75-23-4      am
- 80-10-3-d-3      am
- 80-10-5-a      am
- 80-10-5-b      am
- 80-11-6      am
- 80-49-4-d-2      am
- 80-63-3-d      am
- 80-63-4-d      am
- 200-4-3-0      am
- 240-2      am
- 240-3-0      am
- 240-23-1      am

240-23-2 am  
240-23-3 am  
309-54-10-d am  
309-57-7-b am  
309-72-1 am

This ordinance revises various provisions of the code for purposes of updating references, adjusting language and correcting errors.

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

Part 1. Section 50-6-4-0 of the code is amended to read:

### **50-6. Equity Impact Statement.**

**4. EXCEPTIONS.** No ~~[[minority impact statement]]~~ >>equity impact statement<< shall be required for the following:

Part 2. Section 75-23-3 and 4 of the code is amended to read:

### **75-23. Tattooing and Body-Piercing.**

**3. STATE STATUTES AND ADMINISTRATIVE CODE ADOPTED.** The city of Milwaukee adopts ch. DHS 173, Wis. Adm. Code, as amended, as part of this code. The city of Milwaukee adopts ~~[[ss. 252.23, 252.24, 252.245]]~~ >>ss. 463.10, 463.12, 463.16<< and 948.70 Wis. Stats., as part of this code.

**4. DEPARTMENT AS AGENT OF STATE.** The department is authorized to act as an agent of the Wisconsin department of health and family services, as authorized under ~~[[ss. 52.23, 252.24 and 252.245]]~~ >> ss. 463.10, 463.12, 463.16<<, Wis. Stats., and ch. DHS 173, Wis. Adm. Code subject to the agreement required under ~~[[s. 252.245(1)]]~~ >>s. 463.16(1)<<, Wis. Stats. The department is authorized, as agent of the state, to enforce the tattooing and body-piercing regulations of ~~[[ss. 252.23, 252.24, 252.245]]~~ >>ss. 463.10, 463.12, 463.16<< and 948.70, Wis. Stats., and ch. DHS 173, Wis. Adm. Code subject to the agreement required under ~~[[s. 252.245(1)]]~~ >>s. 463.16(1)<<, Wis. Stats.

Part 3. Section 80-10-3-d-3 of the code is amended to read:

### **80-10. Chronic Nuisance Premises.**

#### **3. PROCEDURE.**

d-3. After the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< affirms the nuisance premises determination as provided in s. 320-11 if an appeal is timely filed pursuant to sub. 5-a.

Part 4. Section 80-10-5-a and b of the code is amended to read:

#### **5. APPEAL.**

- a. Appeal of a determination that a premises is a nuisance under sub. 3-a-1 shall be submitted to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as provided in s. 320-11 within 10 days from the date of the notice.
- b. Appeal of the subsequent cost referral by the chief of police pursuant to sub. 3-d shall be submitted to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as provided in s. 320-11 within 30 days from the date of the cost referral letter.

Part 5. Section 80-11-6 of the code is amended to read:

**80-11. After Sets.**

**6. APPEAL.** Appeal of the cost referral by the chief of police pursuant to sub. 3 shall be submitted to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as provided in s. 320-11 within 30 days from the date of the cost referral letter.

Part 6. Section 80-49-4-d-2 of the code is amended to read:

**80-49. Nuisance Vehicles.**

**4. CONDEMNATION OF VEHICLES.**

d-2. If the commissioner upholds the condemnation of the vehicle, the premises owner or the vehicle owner may appeal the decision to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< pursuant to s. 320-11.

Part 7. Sections 80-63-3-d and 4-d of the code is amended to read:

**80-63. Excessive Noise Prohibited.**

- 3.**  
d. Appeal of the determination of the commissioner imposing such special charges against the property may be submitted to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as provided by s. 320-11.
- 4.**  
d. Appeal of the determination of the chief of police imposing costs against the owner or operator may be submitted to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as provided by s. 320-11.

Part 8. Section 200-4-3-0 of the code is amended to read:

**200-04. Interpretation, Emergency Rules, and Approvals.**

**3. NOTICE AND APPEAL PROCEDURE FOR SPECIAL CHARGES.** Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department, the

commissioner shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice may also inform the owner of any prospective charges that will or may be imposed if the amount of those charges can be reasonably determined at the time the notice is mailed. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the amount or necessity of the special charge, including any prospective charge to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

Part 9. Section 240-2 of the code is amended to read:

**240-2. Zoning Restrictions on Construction.** Buildings not more than 2 stories in height shall be of ~~[[Type 7]]~~ >>Type VB<< construction or better when located in a restricted office, neighborhood shopping, local business, regional shopping or central business district.

Part 10. Section 240-3 of the code is amended to read:

**240-3. Pre-existing Structures.** Although the uniform state one and 2-family dwelling code does not apply to additions or alterations to buildings erected prior to June 1, 1980, it is the intent of the city not to have a separate code in these instances. Should an owner, in the construction of an addition or alteration to a one or 2-family structure erected prior to June 1, 1980, find undue hardship in complying with any provisions of this chapter which are more restrictive than the former city one and 2-family code, the owner may petition the commissioner of ~~[[city development]]~~ >>neighborhood services<< for relief to build in accordance with ch. 33 of the Milwaukee building code of 1977 or the construction requirements of the "Southeast Wisconsin Alterations and Remodeling Guidelines" found in s. 30.55 of the Wisconsin uniform building code.

Part 11. Sections 240-23-1 to 3 of the code is amended to read:

**240-23. Basement Rooms.**

1. Ceiling height shall be in compliance with ~~[[ch. SPS 24]]~~ >>ch. SPS 321<<, Wis. Adm. Code, as amended.
2. Light and ventilation requirements shall be in compliance with ~~[[ch. SPS 24]]~~ >>ch. SPS 321<<, Wis. Adm. Code, as amended.
3. Exiting shall be in compliance with ~~[[ch. SPS 24]]~~ >>ch. SPS 321<<, Wis. Adm. Code, as amended.

Part 12. Section 309-54-10-d of the code is amended to read:

**309-54. Sewer-Related Charges.**

**10. ADJUSTMENT OF STORM WATER MANAGEMENT CHARGE.**

d. Appeal. Any person aggrieved by the decision of the commissioner with respect to an application for storm water management charge adjustment may appeal such decision to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< within 30 days of notice of such decision. The board shall act on the appeal in accordance with s. 320-11 and applicable state law.

Part 13. Section 309-57-7-b of the code is amended to read:

**309-57. Street Lighting Cost-Recovery Special Charge.**

**7. APPEAL PROCEDURE.**

b. If, upon review by the commissioner of public works, it is determined that all or any part of any street lighting cost-recovery special 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]]~~ >>administrative review board of appeals<<, pursuant to s. 320-11.

Part 14. Section 309-72-1 of the code is amended to read:

**309-72. Notice and Appeal Procedures for Special Charges.**

1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the ~~[[ administrative review appeals board]]~~ >>administrative review board of appeals<< under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

- a. The expiration of the time to appeal to the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<< as specified in this section.
- b. The ~~[[administrative review appeals board's]]~~ >>administrative review board of appeals'<< affirmation, in whole or in part, of the amount to be imposed as a special charge.
- c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis. Stats., that affirms in whole or in part the decision of the ~~[[administrative review appeals board]]~~ >>administrative review board of appeals<<.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

City Clerk-Legislative Reference Bureau

LRB 177400-3

Teodros W. Medhin

Christopher Hillard

5/24/2023

Laurie Phillip

Technical Correction

6/27/2023