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Title: A substitute ordinance establishing a snow and ice removal cost recovery charge.

Sponsors: THE CHAIR

Indexes: BUDGET

Attachments:

Date	Ver.	Action By	Action	Result	Tally
11/6/2001	0	COMMON COUNCIL	ASSIGNED TO		
11/7/2001	1	CITY CLERK	DRAFT SUBMITTED		
11/8/2001	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:1
11/9/2001	1	COMMON COUNCIL	PASSED	Pass	11:6
11/21/2001	1	MAYOR	SIGNED		
11/30/2001	1	CITY CLERK	PUBLISHED		

010946
SUBSTITUTE 1

ALD. D'AMATO

A substitute ordinance establishing a snow and ice removal cost recovery charge.

309-83 cr

This ordinance establishes the city's authority to impose a snow and ice removal cost recovery charge against all property in the city. The common council shall adopt a resolution on an annual basis establishing the specific charge and the charge will be billed and collected as part of the city services user bill.

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

Part 1. Section 309-81 of the code is created to read:

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

1. PURPOSE. The purpose of this section is to permit the city as authorized under s.66.0627, Wis. Stats., to recover costs relating to snow and ice removal through means of a snow and ice removal cost recovery charge.

2. CHARGE. a. There is imposed a snow and ice removal cost recovery charge to be collected on a quarterly basis on all property for such service previously rendered.

b. The common council shall adopt a resolution on an annual basis establishing the snow and ice removal cost recovery charge imposed in accordance with this section. The recovery charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost recovery experience.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE. The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE. a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the snow and ice removal cost recovery charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste water and local sewerage revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the snow and ice removal cost recovery charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s.66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of said snow and ice removal cost recovery charge.

5. BILLING AND COLLECTING. The snow and ice removal cost recovery charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user 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 is to be applied to the water bill first. Any portion of the partial payment remaining after the water bill is paid for shall be applied to the solid waste charge and the snow and ice removal cost recovery charge, only after payments for the metropolitan sewerage district and sewer user charges have been made.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a snow and ice removal cost recovery 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 snow and ice removal cost recovery 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 snow and ice removal cost recovery charge, his or her specific reasons for objection and the amount of the overcharge complained of.

a-2. 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 refund. In the event that any person, following such review of such objection feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

b. Notwithstanding the appeal procedure provided in par. a and as an alternative right of appeal, any person required to pay the snow and ice removal cost recovery charge shall have the unconditional right to file a complain with the administrative review board, pursuant to s.320-11.

Part 2. This ordinance takes effect January 1, 2002.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

DOA-Budget

LRB01532-1

BJZ/cac

11/7/2001