



## Legislation Details (With Text)

|                        |   |                      |                               |
|------------------------|---|----------------------|-------------------------------|
| <b>File #:</b>         | 060775  | <b>Version:</b>      | 4                             |
| <b>Type:</b>           | Ordinance   | <b>Status:</b>       | Passed                        |
| <b>File created:</b>   | 9/26/2006   | <b>In control:</b>   | FINANCE & PERSONNEL COMMITTEE |
| <b>On agenda:</b>      |   | <b>Final action:</b> | 11/10/2006                    |
| <b>Effective date:</b> |   |                      |                               |
| <b>Title:</b>          | A substitute ordinance relating to implementation of certain provisions of the 2007 city budget.  |                      |                               |
| <b>Sponsors:</b>       | THE CHAIR   |                      |                               |
| <b>Indexes:</b>        | BUDGET  |                      |                               |
| <b>Attachments:</b>    | 1. Fiscal note, 2. 11-10-06 Response from DPW Re: Sanitation Charges, 3. 11-10-06 Comptroller response Re: DPW Bulky Pick-Up Fee, 4. Notice published on 11-30-06.PDF |                      |                               |

| Date       | Ver. | Action By                     | Action                  | Result | Tally |
|------------|------|-------------------------------|-------------------------|--------|-------|
| 9/26/2006  | 0    | COMMON COUNCIL                | ASSIGNED TO             |        |       |
| 9/28/2006  | 0    | FINANCE & PERSONNEL COMMITTEE | REFERRED TO             |        |       |
| 9/28/2006  | 0    | FINANCE & PERSONNEL COMMITTEE | REFERRED TO             |        |       |
| 10/31/2006 | 0    | FINANCE & PERSONNEL COMMITTEE | HEARING NOTICES SENT    |        |       |
| 11/2/2006  | 1    | CITY CLERK                    | DRAFT SUBMITTED         |        |       |
| 11/9/2006  | 1    | FINANCE & PERSONNEL COMMITTEE | AMENDED                 | Pass   | 1:4   |
| 11/9/2006  | 1    | FINANCE & PERSONNEL COMMITTEE | SUBSTITUTED             | Pass   | 4:1   |
| 11/9/2006  | 2    | FINANCE & PERSONNEL COMMITTEE | AMENDED                 | Pass   | 4:1   |
| 11/9/2006  | 3    | FINANCE & PERSONNEL COMMITTEE | RECOMMENDED FOR PASSAGE | Pass   | 4:1   |
| 11/10/2006 | 3    | COMMON COUNCIL                | AMENDED                 | Fail   | 7:8   |
| 11/10/2006 | 3    | COMMON COUNCIL                | AMENDED                 | Fail   | 3:12  |
| 11/10/2006 | 3    | COMMON COUNCIL                | PASSED                  | Pass   | 11:4  |
| 11/10/2006 | 3    | COMMON COUNCIL                | RECONSIDERED            | Pass   | 15:0  |
| 11/10/2006 | 3    | COMMON COUNCIL                | AMENDED                 | Pass   | 15:0  |
| 11/10/2006 | 4    | COMMON COUNCIL                | PASSED                  | Pass   | 15:0  |
| 11/21/2006 | 4    | MAYOR                         | SIGNED                  |        |       |
| 11/30/2006 | 3    | CITY CLERK                    | PUBLISHED               |        |       |

060775

SUBSTITUTE 4

THE CHAIR

A substitute ordinance relating to implementation of certain provisions of the 2007 city budget.

78-49 rc

79-1-1-2-a am  
79-2-8 ra  
79-2-8-b cr  
79-6.5-0 am  
79-6.5-3 rc  
81-15.5 cr  
304-31 rn  
304-31 cr  
308-1-2-g cr  
309-54-1-a rc  
309-54-8-a am  
314 cr  
320-13 rp

To implement certain provisions of the 2007 city budget, this ordinance:

1. Eliminates the requirement that the department of public works remove a dead animal on private property at the request of a person owning the animal.
2. Establishes a charge of \$50 per collection for bulky waste exceeding 4 cubic yards, excepting only waste collected during the annual clean and green program period designated by the commissioner of public works. This provision is effective April 1, 2007.
3. Identifies the recoverable sewer system-related costs pursuant to s. 66.0821(4)a, Wis. Stats.
4. Provides that reserves generated by net operating income in prior years be used to offset subsequent years' sewer-related costs if the fund has sufficient cash-on-hand reserves to support at least 60 days of operating expenditures.
5. Authorizes the department of city development to administer city youth initiative services.
6. Creates a position of an executive director to comprise the role of executive secretary of the board of fire and police commissioners and act as the principal staff of the board in exercising the board's functions and powers provided in s. 62.50, Wis. Stats., and described under s. 314-3.

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

Part 1. Section 78-49 of the code is repealed and recreated to read:

**78-49. Removal of Dead Animals.** Any person owning or having charge or control of any dead animal except those intended for food purposes shall remove the same from the city within 12 hours after the time of the death of the animal. Any person who fails to do so shall relinquish all rights to any such animal, and the commissioner may order the animal removed after the expiration of such time.

Part 2. Section 79-12-1 of the code is amended to read:

a. Bulky waste is discarded articles ~~[[of such dimension as are not normally collected with domestic waste]]~~ including, but not limited to furniture designed or manufactured for indoor use, including, but not limited to, upholstered furniture, left exposed in an outdoor area, including, but not limited to, upholstered furniture, left exposed in an outdoor area, including unenclosed porches. The term does not include major appliances as defined in s. 79-23-10.

Part 3. Section 79-2-8 of the code is renumbered 79-2-8-a and amended to read:

**79-2. Collection Regulations. 8. DOMESTIC TREE AND BULKY WASTE.** a. Trees, logs, and branches generated in normal household maintenance not exceeding 4 cubic yards ~~[[and bulky waste of domestic origin]]~~ shall be collected by the department between April 1 and November 30. Such waste shall be stored and handled in an approved manner and not contrary to any order of the commissioner of health or the commissioner or neighborhood services. Collection shall be scheduled as practical by the department.

Part 4. Section 79-2-8-b of the code is created to read:

b. Bulky waste not exceeding 4 cubic yards shall be collected by the department. Such waste shall be stored and handled in an approved manner and not contrary to any order of the commissioner of health or the commissioner or neighborhood services. Collection shall be scheduled as practical by the department.

Part 5. Section 79-6.5-0 of the code is amended to read:

**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.

Part 6. Section 79-65-3 of the code is repealed and recreated to read:

**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. Bulky waste, not exceeding 4 cubic yards and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

c-1. The commissioner may have bulky waste exceeding 4 cubic yards removed. The costs of such 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 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 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. Such lien shall take effect as of the date of the delinquency. Such 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. Such charge shall not be payable in installments.

c-2. Subdivision 1 does not apply to bulky waste collected annually during the clean and green period as established by the commissioner.

Part 7. Section 81-15.5 of the code is created to read:

**81-15.5. Bulky Waste Collection Charge.** The bulky waste collection charge authorized under s. 79-6.5-3-c shall be \$50.

Part 8. Section 340-31 of the code is renumbered 304-32.

Part 9. Section 304-31 of the code is created to read:

**304-31. Development Fund.**

**1. PURPOSE.** The purpose of the development fund is to provide city investment in projects that increase the city's tax base, create employment opportunities and provide long-term economic benefit.

**2. FUNDING SOURCE.** General obligation borrowing shall be used to capitalize the development fund.

**3. FUND ALLOCATIONS.** a. Allocations to the development fund shall be restricted to the following:

- a-1. Provide grants or loans to projects that redevelop taxable property, resulting in tax base growth.
  - a-2. Fund infrastructure work to facilitate private investment, including the city's share of riverwalk development and streetscaping projects.
  - a-3. Fund environmental testing and brownfield remediation to facilitate private investment.
  - a-4. Fund land acquisition, demolition and landscaping activities that improve the business environment.
  - a-5. Provide grants or loans to offset employee training costs for projects involving capital investment that result in retention or expansion of permanent private employment.
  - b. The development fund shall not be used for planning or marketing activities, or for supporting conventions or tourism.
4. EXPENDITURES. All expenditures from the development fund shall be approved by the common council.

Part 10. Section 308-1-2-g of the code is created to read:

**308-1. Department of City Development.**

**2. FUNCTIONS, POWERS AND DUTIES.**

- g. To administer city youth initiative services.

Part 11. Section 309-54-1-a of the code is repealed and recreated to read:

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

**1. PURPOSE AND FINDINGS.**

- a. Sewerage System Generally. The wastewater and storm water of the city of Milwaukee is collected and conveyed in the city owned operated and maintained sewerage system. This section permits the city to fund the recovery of the costs as defined by s. 66.0821(4)(a), Wis. Stats., related to the construction, reconstruction, improvement, extension, operation, maintenance, repair, and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including replacing fund advances or payments made by the city's general fund. These costs shall be paid out of revenue derived from a local sewerage charge, pursuant to s. 66.0821(3), Wis. Stats., and s. 12-27 of the city charter.

Part 12. Section 309-54-8-a of the code is amended to read.

**8. SEWER MAINTENANCE FUND.**

- a. All revenue, including interest, derived from the local sewerage charge and the storm water management charge shall be placed in the sewer maintenance fund, unless otherwise provided by law, and shall be used to defray operating costs related to the city sewerage system and to pay costs of operation, maintenance, extension, replacement and debt service for the city's storm water management system. >>Reserves generated by net operating income in prior years may be used to offset sewer-related costs in subsequent years, including any debt service pertaining to general obligation borrowing for sewers, provided the sewer maintenance fund reserves enough cash on hand to support at least 60 days of operating expenditures.<<

Part 13. Chapter 314 of the code is created to read:

**CHAPTER 314**

**BOARD OF FIRE AND POLICE COMMISSIONERS**

- 314-1 Members**
- 314-3 Duties**
- 314-5 Executive Director**

**314-1. Members.** 1. STATE LAW. Pursuant to s. 62.50, Wis. Stats., the members of the board of fire and police commissioners shall be appointed by the mayor and subject to confirmation by the common council.

**2. REQUIRED.** Prior to confirmation by the common council, every person appointed a member of the board shall be subject to the same full and complete background investigation as any candidate for appointment to any position in the fire or police departments, including but not limited to verification of educational degrees, previous employment and arrest and conviction records. Such background investigations shall be conducted by the sheriff of Milwaukee county, and the written report of each investigation submitted to the common council.

**314-3. Duties.** In accordance with the duties provided in s. 62.50, Wis. Stats., the board of fire and police commissioners shall:

- 1.** Conduct a policy review of all aspects of the operations of the police and fire departments, may prescribe general policies and standards for the departments, and may inspect any property of the departments, including but not limited to books and records, required for such review.
- 2.** Audit internal police and fire department investigations to ensure thorough, fair and credible results.
- 3.** Monitor the citizen complaint process to ensure timely and objective resolutions.
- 4.** Use oversight authority to identify systemic problems within the police and fire departments, identify opportunities for improvement through organizational change, and delegate authority for follow-up to the respective chief.

**314-5. Executive Director.** Pursuant to the authority granted to 1st class cities under. s. 62.51, Wis. Stats., there is created a position of an executive director to comprise the role of executive secretary of the board. Under the direction of the board, the executive director shall act as the principal staff of the board in exercising the board's functions and powers provided in s. 62.50, Wis. Stats., and described under s. 314-3. In addition, the executive director shall:

- a. Review a complaint investigation when a citizen is dissatisfied with the outcome of an investigation that has been completed by the police or fire department.
- b. Evaluate police and fire department policies, practices and patterns, including but not limited to deployment of staff, crime and fire prevention training, use of force, search, seizure, citizen interaction and communication.
- c. Issue periodic public reports relating to the status and resolution of complaints, timeliness of complaint resolution, trends and patterns of concern pertaining to complaint investigations, nature and frequency of complaints and other performance indicators.

Part 14. Section 320-13 of the code is repealed.

Part 15. Parts 1 and 8 to 14 of this ordinance take effect January 1, 2007.

Part 16. Parts 2 to 7 of this ordinance take effect April 1, 2007.

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: \_\_\_\_\_

LRB06494-8  
TWM:JWC:EJS/mbh  
11/10/2006