



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 2/26/1998 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 3/20/1998

Effective date:

Title: A substitute ordinance relating to in personam actions for delinquent real estate taxes and other related charges.

Sponsors:

Indexes: LITIGATION, REPORTS AND STUDIES, TAXATION

Attachments:

Date	Ver.	Action By	Action	Result	Tally
2/26/1998	0	COMMON COUNCIL	ASSIGNED TO		
3/4/1998	1	CITY CLERK	DRAFT SUBMITTED		
3/16/1998	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/20/1998	1	COMMON COUNCIL	PASSED	Pass	14:0
3/25/1998	1	MAYOR	SIGNED		
4/3/1998	1	CITY CLERK	PUBLISHED		

971769
SUBSTITUTE 1
961687
THE CHAIR
A substitute ordinance relating to in personam actions for delinquent real estate taxes and other related charges.
304-48-2-c rc
304-48-5 am
- Analysis -

This ordinance amends the "letter of notice" provision for in personam actions for delinquent real estate taxes and other related charges so that the notice sent by the city treasurer to the owner need only be mailed via registered or certified mail, return receipt requested, to the owner at his or her last known post-office address. Personal delivery as an alternative is eliminated. In addition, the ordinance amends the definition of "repeat delinquent owner" so that the in personam remedy may be brought against an owner who has had property subjected to in rem foreclosure twice in a particular 5 year-period.

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

Part 1. Section 304-48-2-c of the code is repealed and recreated to read:

304-48. In Personam Actions for Delinquent Real Estate Taxes and Other Charges.

2. DEFINITIONS.

c. "Repeat delinquent owner" means a person who had an ownership interest in any one parcel, which parcel was included in any 2 lists filed by the city under s. 75.521(3), Wis. Stats., within the last 5 years predating the tax certificate list containing the parcel against which the particular delinquencies or costs exist for which the in personam remedy is desired to be applied hereunder, as well as a person who had an ownership interest in any 2 parcels, where each such parcel was included in any one or more lists filed by the city under s. 75.521(3), Wis. Stats., within the aforereferenced 5-year period.

Part 2. Section 304-48-5 of the code is amended to read:

5. LETTER OF NOTICE. The city attorney shall report to the treasurer those parcels in the categories listed in this section where the city attorney in his or her discretion deems that any in personam action is advisable. The city treasurer shall send written notice to the owner or

owners of such parcels selected as defendants that a decision has been made to commence an in personam action against him or her. The notice shall indicate that if full payment of the amounts recoverable under s. 74.53, Wis. Stats., including interest and penalties, in cash or by cashier's check, is received within 8 weeks from the date of the notice, the action will not be commenced. The notice shall be [[personally delivered or]] mailed to the owner at his or her last known post office address via registered or certified mail, return receipt requested. >>An affidavit of the city treasurer setting forth the names of the owners for whom a post-office address has been ascertained, giving the addresses and stating that notice was mailed, giving the date of mailing, and stating that no present post-office address was ascertainable for the other owners, shall constitute full compliance with this subsection.<<
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: _____

City Attorney

LRB98057.1

TWM/dw

2/17/98