



## Legislation Text

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**File #:** 121803, **Version:** 2

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121803  
SUBSTITUTE 2  
121802  
ALD. BAUMAN

A substitute ordinance relating to payment and settlement of property taxes, charges and assessments.

115-32-2-a am  
115-32-2-b am  
115-32.5-6-a am  
115-32.5-6-b am  
115-34 am  
115-36-3 am  
200-33-48-a am  
200-33-49.5-e am  
218-4-3 am  
218-4.5-3 am  
218-5-1 am  
218-8-2 am  
218-9-7 am  
304-26.5-3-c am  
304-26.5-4 am  
304-45 am  
309-54-7-c am  
309-71 am  
309-83-4-b am  
309-83-4-c am

This ordinance clarifies the applicability of the alternate method provided under Wisconsin statute for the settlement and payment of amounts due for special charges, assessments and special assessments and other past due debts to the city that have been placed upon the tax rolls as liens against real property.

Whereas, Section 74.87, Wis. Stats., provides that a city which is authorized by its charter to sell land for nonpayment of taxes may permit payment in 10 equal installments, without interest, of general property taxes, special charges and special assessments of the city; and

Whereas, The special joint committee on the redevelopment of abandoned and foreclosed homes, in discussion with the city treasurer and others, has explored methods to reduce the burden of residential properties received into ownership by the city due to *in rem* property tax foreclosures including accelerating periods for referral of delinquent properties to an outside firm for *in personam* and other collection activities including tax refund interception; and

Whereas, Information received by the special joint committee on the redevelopment of abandoned and foreclosed homes indicates that a number of properties have been included within *in rem* tax foreclosure filings and have been received into city inventory as a result of large special charges and other assessments that have been placed upon the tax rolls sometimes in amounts exceeding actual property taxes; and

Whereas, The common council wishes to clarify procedures, consistent with state law, to allow and encourage taxpayers to take advantage of the installment payment option to avoid otherwise unnecessary foreclosures; now, therefore

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

Part 1. Section 115-32-2-a and b of the code are amended to read:

### **115-32. Obstruction on Public Ways.**

2. a. The location of any permitted obstruction shall not be construed or deemed to be a vested interest. A permittee shall remove or modify an obstruction at his or her own expense and restore the public way to the satisfaction of the commissioner whenever the city determines that the public convenience would be enhanced by such removal or modification. Except as otherwise provided, the owner shall remove the obstruction from the public way within 30 days, or any special privilege within 10 days, of the receipt of written notice from the commissioner. If the owner fails to carry out the required work, the commissioner may cause ~~[[such]]>>the<<~~ removal, certify the costs thereof in the proper manner to have them levied as special charges against the property and>> if the charges become delinquent,<< the proper city officials shall enter [[such]]>>the<< charges on the tax rolls>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

b. The owner of any non-permitted obstruction shall remove, at his or her own expense, the obstruction within 5 days of receipt of written notice from the commissioner. The owner shall restore the public way to the satisfaction of the commissioner. If the owner fails to carry out the required work, the commissioner may cause such removal and certify the costs thereof in the proper manner to have them levied as special charges>> against the property and, if the charges become delinquent, the proper city officials shall enter the charges<< on the tax rolls>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

Part 2. Section 115-32.5-6-a and b of the code is amended to read:

### **115-32.5. Bicycle Parking Facilities; Permits.**

6. REMOVAL. a. ~~[[In the event that]]>>If<<~~ the bicycle parking facility becomes a hazard or an obstruction to pedestrians, the commissioner of public works shall order the permittee to repair or remove the bicycle parking facility in the public way or public place by a certain date, not less than 3 nor more than 30 days from the date of service of ~~[[such]]>>the<<~~ order. If the permittee fails to comply with the order, it shall be the duty of the commissioner to immediately deliver a certified copy of ~~[[such]]>>the<<~~ order to the chief of police together with the demand for compliance within not less than 3 and not more than 30 days after service of the order. The chief of police shall within 3 days after the receipt of ~~[[such]]>>the<<~~ order, serve or cause to be served by a police officer a copy of said order upon the owner or person named in the order. After being notified of ~~[[such]]>>the<<~~

order, the owner or his >>or her <<agent named in such order shall repair, remove, or cause to be removed, at his expense, ~~[[such]]>>the<<~~ obstruction from the public way or public place within the time specified in the order. If the owner or his >>or her << agent named in the order fails to comply with such order, the commissioner shall remove the obstruction and charge the cost of removal to the owner. ~~[[Such]]>>If the charge becomes delinquent, the<<~~ charge shall be placed on the tax roll and become a lien upon the property>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

b. The permittee shall temporarily or permanently remove, at his expense, a bicycle parking facility within a reasonable time after being ordered to do so by the city ~~[[in the event that such]]>>if the<<~~ removal becomes necessary or appropriate to the accomplishment of any public improvement or to the operations of any city forces. If the permittee fails to do so within a reasonable time, city forces shall do so and bill the permittee for the cost of removal. Failure of the permittee to pay the bill shall cause ~~[[such costs]] >>the delinquent charge<<~~ to be levied as a special charge against ~~[[his]]>>the<<~~ property and to be placed on the tax roll and become a lien upon the property>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

Part 3. Section 115-34 of the code is amended to read:

**115-34. Repair or Removal of Projection and Encroachments.** ~~[[In case]]>>If<<~~ privileges, projections, or encroachments permitted in ch. 245 become out of repair or unsafe, the commissioner of neighborhood services shall notify the owner or persons in charge of the abutting property to repair or make such things safe. If ~~[[such]]>>the<<~~ notice is not complied with within 5 days from the receipt thereof, the commissioner of neighborhood services shall thereupon notify the commissioner who shall repair or remove ~~[[such]]>>the<<~~ privileges, projections or encroachments either by contract or by city forces and shall certify the costs thereof in the proper manner to have them levied as special charges against ~~[[such]]>>the<<~~ property, and>>, if the charge becomes delinquent,<< the proper officers of the city are authorized and directed to enter ~~[[such]]>>the<<~~ charges onto the tax rolls>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

Part 4. Section 115-36-3 of the code is amended to read:

### **115-36. Heated Pavements.**

**3. REMOVAL.** The owner of the property shall remove at his >>or her <<own expense all heated pavements and all appurtenances thereto within the public way whenever public necessity or public safety require when ordered by the commissioner, and all pavements shall be restored in accordance with the current rules, regulations or specifications or as directed by the commissioner, without claim for damages by reason of such removal or pavement restoration. If the order to remove a heated pavement is not complied with within 30 days of receipt thereof, the commissioner may remove ~~[[said]]>>the<<~~ heated pavement and all appurtenances thereto within the public way either by contract or by city forces, and shall certify the costs thereof in the proper manner to have them levied as special ~~[[assessments]]>>charges<<~~ against ~~[[such]]>>the<<~~ property, and>>, if the charges become delinquent,<< the proper officers of the city are authorized and directed to enter ~~[[such]]>>the<<~~ charges on the tax rolls>> for payment, settlement and collection as provided in ch. 19 of the city charter<<.

Part 5. Section 200-33-48-a and 49.5-e of the code is amended to read:

## 200-33. Fees.

**48. REINSPECTION FEE.** a. To compensate for inspectional and administrative costs, a fee of \$50 may be charged for any reinspection to determine compliance with an order to correct conditions of provisions of the ~~[[Milwaukee]]~~ code under the jurisdiction of the department of neighborhood services or assigned to the department, except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$75 may be charged for a second reinspection, a fee of \$200 for a third reinspection and a fee of \$350 for each subsequent reinspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall ~~>>upon delinquency~~ ~~<< be a lien upon the real estate and shall be assessed and collected as a special charge>> for~~ payment and settlement as provided in ch. 19 of the city charter ~~<<.~~

## 49.5. RESIDENTIAL RENTAL CERTIFICATE

e. Delinquent residential rental inspection fees shall be charged against the real estate and shall be assessed and collected as a special charge ~~>> for payment and settlement as provided in ch. 19 of the city charter~~ ~~<<.~~ (See s. 200-53.)

Part 6. Section 218-4-3 of the code is amended to read:

## 218-4. Razing of Structures.

**3. FAILURE TO COMPLY.** If the owner fails or refuses to comply within the time prescribed, the commissioner may cause ~~[[such]]>>the<<~~ building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use under ~~[[ss. 200-11-4, 200-11-5]]>>s. 200-11-4 and 5<<~~ or 218-9-1. The cost of ~~[[such]]>>the<<~~ razing, removal and restoration of the site to a dust-free and erosion-free condition or closing may be charged in full or in part against the real estate upon which ~~[[such]]>>the<<~~ building is located, and if that ~~[[cost is so charged]]>>charge becomes delinquent,<<~~ it is a lien upon such real estate and may be assessed and collected as a special charge ~~>> for payment and settlement as provided in ch. 19 of the city charter~~ ~~<<.~~

Part 7. Section 218-4.5-3 of the code is amended to read:

## 218-4.5. Emergency Razing of Structures.

**3.** If the owner fails, refuses or is unable to comply within the time prescribed, the commissioner may cause ~~[[such]]>>the<<~~ building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which ~~[[such]]>>the<<~~ building is located, and if that ~~[[cost is so charged]]>>charge becomes delinquent,<<~~ it is a lien upon ~~[[such]]>>the<<~~ real estate and may be assessed and collected as a special charge ~~>> for payment and settlement as provided in ch. 19 of the city charter~~ ~~<<.~~

Part 8. Section 218-5-1 of the code is amended to read:

**218-5. Temporary Safeguards.** 1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse before demolition and removal can be started, the commissioner may order the owner or agent to immediately provide temporary safeguards as directed for the protection of the general public. If the owner fails, neglects or cannot provide such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which ~~[[such]]>>the<<~~ building or structure is located, and if that ~~[[cost is so charged]]>>charge becomes delinquent,<<~~ it is a lien upon ~~[[such]]>>the<<~~ real estate and may be assessed and collected as a special charge>> for payment and settlement as provided in ch. 19 of the city charter<<.

Part 9. Section 218-8-2 of the code is amended to read:

**218-8. Historic Buildings.**

2. STABILIZATION COST RECOVERY. The cost of stabilization of an abandoned or otherwise condemnable historic building shall be charged against the real estate upon which the building is located~~[[,]] >>and, if the charge becomes delinquent, it<<~~ shall be a lien upon the real estate and shall be assessed and collected as a special charge>> for payment and settlement as provided in ch. 19 of the city charter<<.

Part 10. Section 218-9-7 of the code is amended to read:

**218-9. Unsafe or Vacant Noncompliant Buildings.**

7. ASSESSMENT OF COSTS. The cost of razing, removal and site restoration or of sign-posting and newspaper notice publication pursuant to sub. 3 may be charged against the real estate upon which the building was or is located, and if that ~~[[cost is so charged]]>>charge becomes delinquent,<<~~ it shall be a lien upon the real estate and may be assessed and collected as a special charge>> for payment and settlement as provided in ch. 19 of the city charter<<.

Part 11. Section 304-26.5-3-c and 4 of the code is amended to read:

**304-26.5. Clean Energy Financing.**

**3. LOAN APPROVAL.**

c. The department of administration shall execute a written 3-party agreement among the borrower, the lender and the city, defining delinquent monthly loan repayments, how and when the lender shall notify the department of administration of delinquent loan repayments, and informing agreement participants that a maximum of 12 delinquent monthly loan repayments shall be treated as liens against the property and be added to property's tax bill as special charges>> for payment and settlement as provided in ch. 19 of the city charter<<, except when the borrower is under bankruptcy protection. This written agreement shall comply with all federal, state and local lending and disclosure requirements and this section. Financing agreements may include fees to the city to administer the program and shall become effective when filed with the Milwaukee county registrar of deeds to

provide notice to the public.

**4. DELINQUENT REPAYMENTS ADDED TO TAX BILLS.** Upon notification from the lender, or the lender's representative, the department of administration, following the city's customary practices for unpaid special charges, shall cause delinquent monthly loan repayments under this section to be added to the tax bill of the property as a special charge, and shall provide a written list of tax-key numbers to the office of the treasurer for tax bills with these special charges>> for payment and settlement as provided in ch. 19 of the city charter<<. The department of administration shall ensure no special charges under this section are levied against properties under bankruptcy protection. The office of the treasurer shall follow its customary practices to collect these special charges once placed on the tax roll, including assessing fees and charging interest.

Part 12. Section 304-45 of the code is amended to read:

**304-45. Authority of City Treasurer.** The city treasurer shall be in charge of delinquent tax enforcement >> consistent with state law and the provisions of ch. 19 of the city charter<<, of the proper drafting of notices of application for tax deeds upon tax sale certificates owned by the city~~[[of Milwaukee]]~~, obtain the execution thereof by the city clerk and the services thereof, and shall perform such acts as may be required so that the city treasurer, or the county clerk as to city-owned county tax sale certificates, as the case may be, can issue tax deeds. After any tax deed has been issued it shall, with the file pertaining thereto, be submitted to the city attorney for such action thereon as he >>or she <<may deem is required.

Part 13. Section 309-54-7-c of the code is amended to read:

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

**7. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING SEWER-RELATED CHARGES.**

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.]]~~ >>settled and collected as provided in ch. 19 of the city charter<<. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the local sewerage charge and the storm water management charge within the sewer maintenance fund.

Part 14. Section 309-71 of the code is amended to read:

**309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works.** The costs incurred by the commissioner of public works in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected as a special charge. >>Delinquencies placed upon the tax rolls shall be subject to payment and settlement as provided in ch. 19 of the city charter<<.

Part 15. Section 309-83-4-b and c of the code is amended to read:

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

**4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.**

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]]~~ <<in a manner consistent with state law and the provisions of ch. 19 of the city charter<<.

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.]]~~ >for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter.<< The comptroller shall keep separate accounts of all the funds, receipts and payments on account of ~~[[said]]~~ >>the<< snow and ice removal cost recovery charge.

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: \_\_\_\_\_

LRB146206-2.4  
Richard L. Withers  
7/15/2013