



Legislation Text

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File #: 151472, Version: 0

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151472

ORIGINAL

ALD MURPHY AND KOVAC

An ordinance relating to lead abatement charges.

66-22-3-d-0 am

66-22-3-d-1 rp

66-22-3-d-2 rp

66-22-14 cr

This ordinance modifies the current practice of placing lead abatement charges directly on the property owner's tax bill and allows the charges to be a special assessment to be paid out over a 6-year period.

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

Part 1. Section 66-22-3-d-0 of the code is amended to read:

**66-22. Lead Poisoning Prevention and Control Regulations.**

**3. ENFORCEMENT.**

d. If orders are not complied with by the expiration date, the commissioner may, provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the charter to summarily abate or remove a nuisance. The city ~~[[may]]~~ >>shall<< assess the cost of such action, not to exceed 40% of the assessed market value of the property, as a special ~~[[charge]]~~ >>assessment<< upon the property >>and invoice the owner for the proper amount<<.

Part 2. Section 66-22-3-d-1 and 2 of the code is repealed.

Part 3. Section 66-22-14 of the code is created to read:

**14. PAYMENT TERMS.** The special assessment for lead abatement, levied on the property under sub. 3-d, shall be paid under the following terms and conditions:

a. Upon receipt of an invoice, the owner may pay the invoice, without interest, by remitting payment to the city treasurer within 45 days of the date of the invoice. In the event such invoices are not paid in full within the specified time, they shall be placed upon the tax roll under the following terms and conditions and in the following manner:

a-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds \$125, it shall be spread equally over the first available and next succeeding 5 tax rolls.

a-2. If the total amount of the principal of the invoice remaining unpaid is less than \$125, the amount shall be placed on the first available tax roll.

a-3. In addition to the principal remaining, interest shall be added commencing after the billing date of the invoice. A 45-day grace period for payment shall be granted from the date of billing, and if not paid within the period, interest shall be charged on a restorative basis to the date of the billing. The interest rate charged shall be set annually as of the last business day in June as an approximation of the prime rate plus 1%. For the purpose of this subdivision, the prime rate shall be defined as the Wall Street Journal prime rate published in the Wall Street Journal. The monthly rate of interest shall be computed by dividing the average prime rate plus 1% by 12 rounded to the nearest 100th of one percent. The comptroller shall review the interest rate annually and shall notify the health department of the interest rate. The interest rate shall become effective as of the public hearing date in September at which annual assessment rate changes are submitted to the appropriate committee of the common council as provided in s. 115-43. The interest rate in effect at the time the special assessment is levied shall be fixed for the 6-year duration of the installment payments.

a-4. After being placed on the tax roll in annual installments or otherwise, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

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: \_\_\_\_\_

LRB162115-5

Adam Wickersham

01/20/2016