



Legislation Text

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010854
SUBSTITUTE 2

THE CHAIR

An ordinance relating to implementation of various provisions of the 2002 city budget.

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79-6-4-b	am
79-6-4-c	am
79-6-5	rp
79-6-6	rn
79-6-6	am
79-6-7	rn
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101-25	am
101-27.5-1	am
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310-1-10	am
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350-181-2	rc
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350-181-5-a-1	am
350-181-5-a-3	rp
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350-181-6-a-1	am
350-181-7	rn
350-181-8	rn
350-181-8	am
350-181-9	rn
350-181-9	rp

350-181-11 rn

This ordinance amends the city code to implement various provisions of the 2002 city budget:

1. Assigning the department of administration responsibility for citywide emergency and safety-related coordination.
2. Increasing vehicle towing and storage fees from \$80 and \$11 per day to \$95 and \$20, respectively.
3. Transferring responsibility for issuing residential daytime parking and commuter impacting parking permits.
4. Abolishing the solid waste fund while retaining the solid waste charge.
5. Abolishing citywide convention, seminar and travel funds; departments will budget for these activities within their own budgets.

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

Part 1. Section 79-6-1 of the code is amended to read:

79-6. Solid Waste Charge.

1. PURPOSE. The purpose of this section is to permit the city as authorized under ss.66.0405 and 66.0627 Wis. Stats., to ~~[[fund recovery of]]~~>>recover<< costs relating to collection of solid waste from one, 2-, 3- and 4- family dwelling units.

Part 2. Section 79-6-4-b and c of the code is amended to read:

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SOLID WASTE CHARGE.

b. City Treasurer. The city treasurer shall receive revenues from the solid waste charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided form in this section. ~~[[All revenue, including interest, from the solid waste charge shall be placed in the solid waste fund unless otherwise provided by law.]]~~

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 solid waste charge ~~[[within a solid waste fund]].~~

Part 3. Section 79-6-5 of the code is repealed.

Part 4. Section 79-6-6 to 8 of the code is renumbered 79-6-5 to 7.

Part 5. Section 79-6-6 of the code is amended to read:

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a solid waste charge ~~[[, solid waste fund,]]~~ 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.

Part 6. Section 101-25-1 of the code is amended to read:

101-25. Towing Away of Vehicles.

1. AUTHORITY. Whenever any police officer, or the commissioner of public works or any of the commissioner's designees finds a vehicle standing upon any highway in violation of ss. 101-3, 101-22.5, 101-23, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-27 and 101-32, the officer, or commissioner of public works or the commissioner's designee is authorized to remove the vehicle to either private or public parking or storage premises. The removal may be performed by or under the direction of the officer, or the commissioner or public works or the commissioner's designee, or a towing contractor under contract with the city. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section shall be ~~[[\\$80]]>>~~\$95<< per vehicle and ~~[[\\$11]]>>~~\$20<< for each day of storage. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney shall be mailed to the last known address within 24 hours after removal.

Part 7. Section 101-27.5-1 of the code is amended to read:

101-27.5. Residential Daytime Parking Privilege for Nonconforming Residential Uses.

1. Any person who qualifies under sub.2 may apply to the ~~[[city-clerk]]>>~~police department<< for a special privilege parking permit authorizing the applicant to park one vehicle in excess of any posted time limits on the street in the block where the applicant lives during those hours when all-night parking regulations are not in effect. If an applicant lives in a block where parking limits are regulated by meters, the applicant will be assigned to the nearest block available without metered parking as determined by the department of public works.

Part 8. Section 101-27.5-3-0 of the code is amended to read:

3. The application form provided by the ~~[[city-clerk]]>>~~police department<< shall contain:

Part 9. Section 101-27.5-5-4-b of the code is amended to read:

b. Any person eligible for a special privilege parking permit under this section may park 2 vehicles on the street at the same time if more than 80% of the dwelling units on his or her block are provided with off-street parking or if less than 20% of the dwelling units on his or her block have received special privilege parking permits under this section. Eligible persons shall submit a separate form approved and provided by the ~~[[city-clerk]]>>~~police department<< and shall receive, if approved, one additional permit at no additional cost.

Part 10. Section 101-27.5-6 and 7 of the code is amended to read:

6. In those cases where the ~~[[city-clerk]]>>~~police department<< is unable to determine if an applicant meets all the requirements of either sub. 2-b or 4-b, the application shall be referred to the

department of neighborhood services for verification. Such verification shall be completed within 5 business days and a report made to the ~~[[city's clerk's office]]~~ >> police department <<.

7. Upon verification that the applicant meets all requirements under this section and payment of the applicable fee under ch. 81, the ~~[[city clerk]]~~ >> police department << shall issue a permit as soon as practicable for either 3 months or one year from the date of issuance. The permit shall display the number, date of issue, and expiration date of the permit, the license number, make and year of each vehicle, and the block in which the permit allows parking. The permit shall be placed in the lower left hand corner of the windshield or in such other conspicuous place as the department of public works may designate, while the motor vehicle is in a parked position.

Part 11. Section 101-27.5-9 of the code is amended to read:

9. Falsification of any of the information required under this section shall be grounds for the immediate revocation of the parking permit by the ~~[[city clerk]]~~ >> police department <<.

Part 12. Section 101-27.7-7 of the code is amended to read:

101-27.7 Residential Daytime Parking Privilege for Commuter Impacted Parking Areas.

7. ISSUANCE OF PERMIT. Following council approval of the designation of a residential permit parking area, the ~~[[city clerk]]~~ >> police department << shall issue appropriate permits and the commissioner of public works shall cause parking signs to be erected in the area, indicating the time, locations and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue or other location within the residential permit parking area.

Part 13. Section 101-27.7-8-b-1 of the code is amended to read:

8. APPLICATION AND PERMIT.

b. Application and Permit Information.

b-1. The application form shall contain the name, address and Wisconsin driver's license number of the owner or operator of each vehicle, and the make, model and registration number of each vehicle. At the time of application, each applicant must present to the ~~[[city clerk]]~~ >> police department << a valid driver's license with the same address as that stated on the application and the motor vehicle registration for each vehicle listed on the application. Each vehicle must have valid Wisconsin motor vehicle license plates. If the owner of the vehicle has applied >> for <<, but not received Wisconsin license plates, the ~~[[city clerk]]~~ >> police department << shall accept a receipt of sale and a copy of the license plate application as proof of registration.

Part 14. Section 101-27.7-10-c of the code is amended to read:

10. TRANSFERABILITY.

c. The ~~[[city clerk]]~~ >> police department << is authorized and directed to revoke the residential

parking permit of any permittee found to be in violation of this regulation and, upon written notification thereof, the permittee shall surrender such permit to the ~~[[city clerk]]~~ >>police department<<. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this regulation.

Part 15. Section 310-1-10 of the code is created to read:

310-1. Department Established.

10. Citywide emergency and safety-related coordination.

Part 16. Section 312-23-1 of the code is amended to read:

312-23. Community Safety.

1. Establish standards for the location of school crossing guards, conduct studies of locations for the placement of new crossing guard protection, the relocation of protection or discontinuation of service, ~~[[review these findings with the safety commission]]~~ and recommend to the common council the need for crossing guards based on the established standards and recommendations.

Part 17. Section 312-25-1 and 2 of the code is amended to read:

312-25. School Crossing Guards.

1. DUTIES. School crossing guards, ~~[[including police department parking checkers]]~~ assigned to serve as crossing guards, are authorized to direct and assist school children, other pedestrians and vehicular traffic at school crossings at times when public and private schools are in session.

2. UNIFORMS. All school crossing guards, ~~[[including parking checkers]]~~ serving as crossing guards, shall be provided with a uniform and badge as prescribed by the chief of police and which must be worn while on duty.

Part 18. Section 350-181-2 of the code is repealed and recreated to read:

350-181. Authorized Travel Regulations and Procedures.

2. CONVENTION AND SEMINAR ATTENDANCE.

a. Eligibility Restrictions and Guidelines. The following restrictions and guidelines concerning convention travel shall apply to all city departments as well as all boards and commissions over which the city has jurisdiction.

a-1. No more than 2 board or commission members per year from the same board or commission shall be authorized to travel, either to the same or different conventions.

a-2. City convention travel ordinarily shall be authorized only within the continental United States. Exceptions to this policy may be made only if warranted on a case by case basis.

a-3. No more than 2 persons from the same city department or a division of the department of public works shall attend the same convention. Exceptions to this policy may be made on a case by case basis only when special circumstances are presented or when the city of Milwaukee is the host.

a-4. Both the department head and the first assistant or deputy shall not be authorized to undertake out-of-city travel on city business during the same period of time. Exceptions to this policy may be made on a case by case basis.

b. Convention and Seminar Expenses Eligible for Payment or Reimbursement. Payment or reimbursement for convention and seminar attendance expenses shall be based on actual eligible expenses incurred, reported and substantiated by recipients based on the following:

b-1. Registration Fee. The city shall pay or reimburse for required registration expense incurred and reported by attendee. A receipt is required.

b-2. Transportation Expense.

b-2-a. The city shall pay or reimburse for actual expense incurred and reported by the attendee up to, but not exceeding round trip airline coach fare, unless the airline certifies that no coach fare is available. In such a case, a certificate is required. A receipt is required if public transportation is utilized.

b-2-b. The choice of transportation to be utilized, including use of a personal automobile, shall be at the option of the respective official or employee. However, the amount of time to be allowed for such travel shall be determined by the respective department head.

b-2-c. If a personal automobile is used, reimbursement shall be in accordance with s. 350-183.

b-3. Hotel Expense. The city shall pay or reimburse for actual expense incurred and reported, up to but not exceeding the single rate for a standard hotel room for the number of days of actual attendance at the involved convention or seminar, but not to exceed 5 days. A receipt is required. Exceptions to this policy may be made on a case by case basis.

b-4. Other Miscellaneous Expenses. The city shall pay or reimburse for actual miscellaneous expenses incurred and reported up to but not exceeding \$50 per day for the number of days of actual attendance at the convention or seminar plus one day. "Other miscellaneous expenses" are defined as meals, taxi or limousine fees, telephone and other miscellaneous expenses required to conduct the business of the city.

Part 19. Section 350-181-3 of the code is repealed.

Part 20. Section 350-181-4 to 9 of the code is renumbered 350-181-3 to 8.

Part 21. Section 350-181-4-b of the code is amended to read:

b. Expenses eligible for city payment or reimbursement shall be those specified for other city business travel under sub. ~~[[4-b]]~~ >>3-b<<. If the travel involves a convention or seminar, sub. ~~[[2-e]]~~ >>2-b<< shall apply.

Part 22. Section 350-181-5-a-1 of the code is amended to read:

5. ADVANCE FUNDS. a-1. No advance of funds for travel expenses shall be made unless such travel has first been authorized under this section. All advances of funds for travel expenses shall be made only by the city treasurer upon presentation of a properly executed request for advance form, signed by the officer or employe requesting advance of funds, approved by the department or agency head and countersigned by the city comptroller, or a delegated representative, to indicate availability of funds and proper execution of the request form. ~~[[In the case of seminar fund advances, the approval of the city clerk is also required.]]~~

Part 23. Section 350-181-5-a-3 of the code is repealed.

Part 24. Section 350-181-6-a-1 of the code is amended to read:

6. ITEMIZED STATEMENT OF EXPENSES AND REPAYMENT OF ADVANCE REQUIRED. a-1. File with the city comptroller, on forms prescribed by the ~~[[finance and personnel committee]]~~ >> comptroller<<, an itemized statement of actual and necessary expenses. ~~[[If the travel involved attendance at a convention or seminar, a copy of the convention or seminar program or agenda is also required to be submitted.]]~~

Part 25. Section 350-181-8 of the code is amended to read:

8. REPORT FROM ATTENDEE OF A CONVENTION OR SEMINAR. Each person who attends an authorized convention, seminar or similar activity shall be prepared to submit, either in writing or orally, a report concerning the specific benefits derived from attendance to the department head ~~[[or to the common council committee on finance and personnel]]~~ upon request.

Part 26. Section 350-181-9 of the code is repealed.

Part 27. Section 350-181-11 of the code is renumbered 350-181-9.

Part 28. This ordinance takes effect January 1, 2002.

APPROVED AS OF FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Drafter
LRB01474-3
BJZ/cac
11/7/2001

11/14/01-Clerical correction made. In Part 27. "350-183-9" was changed to "350-181-9". az