



Legislation Text

File #: 990118, Version: 1

990118
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to assessment of a special charge and imposition of a lien for unpaid solid waste collection charges.

79-2-1-b-4 cr

79-6-8 am

79-16-2 rn

79-16-2-b cr

- Analysis -

This ordinance authorizes the department of public works (DPW) to collect unpaid apartment garbage collection fees by assessing a special charge. If the special charge is not paid, DPW may impose a lien on the property, to be paid with the property tax. The ordinance applies only to apartments with at least 5 units which, since January 1, 1998, have been required to pay 2/3 of the DPW cost of their solid waste collection.

The sanction currently provided for unpaid garbage collection fees is cessation of collection. The ordinance deletes this sanction.

Whereas, The department of public works (DPW) collects solid waste throughout the city in order to maintain public health, safety and welfare; and

Whereas, Since January 1, 1998, the owners of certain multiunit dwellings have been required to pay part of the costs of DPW solid waste collection, pursuant to s. 79-2-1-b, Milw. code, and the majority of such owners have responsibly and timely remitted payment; and

Whereas, A minority of property owners have refused to pay for DPW solid waste collection, despite repeated billings; and

Whereas, The only currently authorized sanction for non-payment is cessation of city collection of solid waste from premises whose payments are in arrears; and

Whereas, Ceasing to collect solid waste is an unacceptable sanction for non-payment of fees because non-collection would create a danger to the public health, safety and welfare; and

Whereas, The department of public works is authorized to collect other unpaid costs by assessing a special charge against the affected property and, if the charge is not paid, imposition of a lien against the property to be paid with the next property tax payment; and

Whereas, Imposition of a special charge and lien for unpaid solid waste collection fees would be an appropriate means of achieving payment without adversely affecting the public health, safety and welfare; now, therefore

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

Part 1. Section 79-2-1-b-4 of the code is created to read:

79-2. Collection Regulations. 1. GENERAL REGULATIONS; MULTIUNIT DWELLINGS.

b-4. Whenever any fee authorized to be collected under this paragraph has been billed but has not been timely paid, the commissioner may impose a special charge against the property for the amount of the unpaid fee as provided in s. 79-16-2-b.

Part 2. Section 79-6-8 of the code is amended to read:

79-6. Collection Charges.

8. DOMESTIC WASTE; MULTIUNIT DWELLINGS. Domestic waste from multiunit dwellings with 5 or more units may be collected by the department at a charge established by the commissioner, pursuant to s. 79-2-1-b. The department shall bill apartment owners in advance of any waste being collected. [[Waste may be collected only after an invoice for the service has been paid to the department.]]

Part 3. Section 79-16-2 of the code is renumbered 79-16-2-a.

Part 4. Section 79-16-2-b of the code is created to read:

79-16. Penalty.

2. LIEN.

b. If any owner fails, omits, neglects or refuses to pay any fee assessed under s. 79-2-1-b for solid waste collection, pursuant to s. 66.60(16), Wis. Stats., a special charge may be assessed against the subject property for all unpaid fees. A special charge made under this subsection shall be due and payable 30 days after billing or, if not paid within that time, become a lien on the subject property as provided in s. 66.60(16) (b), Wis. Stats. 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.

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: _____

DPW - Sanitation Division

98507-2

CW

4/20/99