



Legislation Text

File #: 020093, Version: 0

020093
ORIGINAL

THE CHAIR

An ordinance relating to in personam actions for delinquent real estate taxes and other charges.

304-48 rc

This ordinance makes the following changes to the method by which the city brings in personam actions (actions against individuals as opposed to property) for delinquent real estate taxes or other charges:

1. Under the present system, the city attorney is directed to review certain categories of delinquent property for potential targets of in personam actions. This ordinance removes those categories and authorizes the city attorney to consider any delinquent property as the potential target of an in personam action.
2. This ordinance authorizes the city attorney or his or her agent to send out required letters of notice. These letters are presently sent by the city treasurer.
3. This ordinance eliminates a requirement that letters of notice be sent by registered or certified mail.

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

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 Section 304-48 of the code is repealed and recreated to read:

304-48. In Personam Actions for Delinquent Real Estate Taxes and Other Charges. In accordance with s. 74.53(5), Wis. Stats., the common council waives the duty to specifically approve each in personam action that the city may bring under s. 74.53, Wis. Stats., and waives its duty to send notice to each person against whom such actions may be commenced.

1. **PURPOSE.** As authorized under s. 74.53, Wis. Stats., this section allows the city to bring in personam actions (actions against the person, not the property) for delinquent real estate taxes, special charges, special assessments and special taxes.
2. **DECISION TO BRING ACTION.** The city attorney shall review the city treasurer's records regarding delinquencies and determine in his or her discretion whether to commence an in personam action against the parcel owner.

3. LETTER OF NOTICE. The city attorney shall report to the treasurer those parcels where the city attorney in his or her discretion deems that an in personam action is advisable. The city attorney (or his or her collection agent) shall send written notice to the owner or owners of 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 is received within 4 weeks from the date of the notice, the action will not be commenced. The notice shall be mailed to the owner at his or her last known address. An affidavit of the city attorney (or his or her collection agent) setting forth the names of the owners for whom an address has been ascertained, giving the addresses and stating that notice was mailed, giving the date of mailing, and stating that no present address was ascertainable for the other owners, shall constitute full compliance with this subsection.

4. COMMENCEMENT OF ACTION. If the owner fails to make full and timely payment as requested in the notice, the city may commence the in personam action.

5. RECEIVER. Upon commencement of any in personam action, the city may request that a receiver be appointed in accordance with s. 74.53(7), Wis. Stats.

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 Treasurer

LRB02181-1
jro
04/16/02