



Legislation Details (With Text)

File #: 120636 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 9/5/2012 **In control:** COMMON COUNCIL
On agenda: **Final action:** 3/21/2013
Effective date:
Title: A substitute ordinance relating to hazardous tree removal charges.
Sponsors: ALD. BAUMAN
Indexes: TREES
Attachments: 1. Hearing Notice List, 2. Notice Published on 4-9-13

Date	Ver.	Action By	Action	Result	Tally
9/5/2012	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/11/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/13/2013	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
3/1/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/6/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/21/2013	1	COMMON COUNCIL	PASSED	Pass	14:0
4/1/2013	1	MAYOR	SIGNED		
4/9/2013	1	CITY CLERK	PUBLISHED		

120636
ORIGINAL
SUBSTITUTE 1
THE CHAIR

A substitute ordinance relating to hazardous tree removal charges.

116-68 rc

Currently, the charges for the ordered removal of hazardous trees from private property by city contractors are placed on the tax rolls as special charges, and payment is due in full in the years property taxes are due. This ordinance allows those charges to be placed on the tax rolls as special assessments, which provides property owners, who waive the notice of public hearing, the option of paying for the removal of hazardous trees over the first available and next succeeding 5 property tax bills. The ordinance provides that an interest rate that is an approximation of the prime rate plus 1% be charged on the principal that remains to be paid.

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

Part 1. Section 116-68 of the code is repealed and recreated to read:

116-68. Cost of Removal. 1. REPORT TO CITY COMPTROLLER. Except for the costs imposed for tree removal under ss.116-53 and 116-66, the commissioner of public works shall keep an account of

all costs expended upon the work in front of each lot, part of lot or parcel of land, and make an annual report to the city comptroller, stating and certifying the description of the lots, parts of lots or parcels of land in front or rear of or upon which the work shall have been done, and the city comptroller shall, at the time of making his or her annual report to the common council of the lots or parcels of land subject to special tax or assessment, include therein the lots or parcels so reported to him or her by the commissioner of public works, with the aggregate amount chargeable thereto, according to the report, and the amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable, in like manner as other special taxes are levied in the city.

2. REPORT TO CITY TREASURER. The commissioner of public works shall keep an account of all costs of tree removal, provided for under ss.116-53 and 116-66, that are expended upon the work in front of each lot, part of lot or parcel of land, and make an annual report to the city treasurer of the trees removed under ss.116-53 and 116-66 that includes the amounts that shall be levied as special assessments on the lots or parcels of land respectively to which they are so chargeable.

3. PAYMENT TERMS. The special assessment amounts for the cost of removal of trees, under ss.116-53 and 116-66, levied on the lots or parcels of land, respectively, to which they are so charged shall be paid under the following terms and conditions:

a. Except as provided for in par. b, the total amount for the cost imposed for the removal of trees shall be paid to the city treasurer within the time allowed for the payment of general property taxes.

b. Property owners affected by the special assessment for the removal of trees, who waive in writing a public hearing notice as provided for by s. 66.703(7)(b), Wis. Stats. and have a total amount of the unpaid principal of the special assessment remaining over a sum of \$125, shall have the special assessment spread equally over the first and next succeeding 5 property tax rolls.

b-1. If the total amount of the bill remaining unpaid is less than \$125, the amount shall be placed on the first available tax roll.

b-2. In addition to the principal remaining, interest shall be added commencing the January 31 after the issuance of the property tax bill. 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 which is 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 percent. The city comptroller shall review the interest rate annually and shall notify the department of public works 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 charge is levied shall be fixed for the 6-year duration of the installment payments.

b-3. 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 taxpayer 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: _____

DPW-Forestry Section

LRB141310-6

Jim Carroll

12/4/12

clerical correction -- 4/9/2013 -- lp