



Legislation Details (With Text)

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Title: A substitute ordinance relative to a notice and appeal procedure for special charges.

Sponsors: THE CHAIR

Indexes: DEPARTMENT OF PUBLIC WORKS, FEES, SPECIAL ASSESSMENTS

Attachments: 1. City Atty cover letter.pdf, 2. Fiscal Note.PDF

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|-----------------------------------|-------------------------|--------|-------|
| 6/25/2002 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 6/27/2002 | | JUDICIARY & LEGISLATION COMMITTEE | REFERRED TO | | |
| 7/1/2002 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 7/1/2002 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 7/2/2002 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 7/9/2002 | 1 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 4:0 |
| 7/16/2002 | 1 | COMMON COUNCIL | PASSED | Pass | 16:0 |
| 7/25/2002 | 1 | MAYOR | SIGNED | | |
| 8/1/2002 | 1 | CITY CLERK | PUBLISHED | | |

020472

SUBSTITUTE 1

THE CHAIR

A substitute ordinance relative to a notice and appeal procedure for special charges.

309-71 am
309-72 cr

This ordinance makes a technical change to s. 309-71 and creates a new s. 309-72. This new provision establishes special charge notice procedures for the department of public works pursuant to s. 66.0627(3)(a), Wis. Stats. The ordinance also clarifies the appellate role of the administrative review appeals board in the special charges process.

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

Part 1. Section 309-71 of the code is amended to read:

309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works. The costs incurred >>by the commissioner of public works<< in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected [[by the commissioner of public works]] as a special charge.

Part 2. Section 309-72 of the code is created to read:

309-72. Notice and Appeal Procedures for Special Charges. 1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

- a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.
- b. The administrative review appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.
- c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

2. APPLICABILITY. The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

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 Attorney

LRB02338-1

PBMcd:jro

07/01/02