



Legislation Details (With Text)

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On agenda: **Final action:** 11/2/2015
Effective date:
Title: A substitute ordinance relating to the appeal procedure for certain city fees.
Sponsors: ALD. HAMILTON, ALD. WITKOWSKI
Indexes:
Attachments: 1. Proposed Sub A, 2. Notice Published on 11-18-15

Date	Ver.	Action By	Action	Result	Tally
9/22/2015	0	COMMON COUNCIL	ASSIGNED TO		
10/5/2015	1	CITY CLERK	DRAFT SUBMITTED		
10/15/2015	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/26/2015	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/26/2015	1	JUDICIARY & LEGISLATION COMMITTEE	RECONSIDERED		
10/26/2015	1	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/27/2015	1	CITY CLERK	Sponsor added		
11/2/2015	1	COMMON COUNCIL	PASSED	Pass	14:0
11/11/2015	1	MAYOR	SIGNED		
11/18/2015	1	CITY CLERK	PUBLISHED		

150788
SUBSTITUTE 1

ALD. HAMILTON, ALD. WITKOWSKI

A substitute ordinance relating to the appeal procedure for certain city fees.

79-4-1.3-g-2 am
79-4-1.3-g-3 rp
79-6-7-a-2 ra
79-6-7-b rp
309-83-7-a-1 rn
309-83-7-a-2 ra
309-83-7-b rp

The code currently provides that any person aggrieved by the imposition or collection of the extra garbage cart charge, the solid waste charge or the snow and ice removal cost recovery charge may choose one of the following appeal procedures:

1. Pay the special charge under protest, file a complaint with the commissioner of public works and, if aggrieved by the determination of the commissioner, appeal the commissioner's determination to the common council.
2. Pay the special charge under protest and file a complaint with the administrative review appeals board.

This ordinance provides that any person aggrieved by the imposition or collection of one of these charges shall pay the charge under protest, file a complaint with the commissioner of public works and, if aggrieved by the determination of the commissioner, file a complaint with the administrative review appeals board.

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

Part 1. Section 79-4-1.3-g-2 of the code is amended to read:

79-4. Waste Container Regulations.

1.3. EXTRA GARBAGE CART CHARGE.

g. Appeal Procedure.

g-2. If, upon review by the commissioner of public works, it is determined that all or any part of any extra garbage cart charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[the]]~~ >>a<< refund. If any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the commissioner, the person may ~~[[, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable]]~~ >>file a complaint with the administrative review appeals board, pursuant to s. 320-11<< .

Part 2. Section 79-4-1.3-g-3 of the code is repealed.

Part 3. Section 79-6-7-b of the code is repealed.

Part 4. Section 79-6-7-a-2 of the code is renumbered 79-6-7-b and amended to read:

79-6. Solid Waste Charge.

7. APPEAL PROCEDURE.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any solid waste charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[such]]~~ >>a<< refund. ~~[[In the event that]]~~ >>If<< any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the commissioner, ~~[[such]]~~ >>the<< person may ~~[[, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable]]~~ >>file a complaint with the administrative review appeals board, pursuant to s. 320-11<< .

Part 5. Section 309-83-7-a-1 of the code is renumbered 309-83-7-a.

Part 6. Section 309-83-7-b of the code is repealed.

Part 7. Section 309-83-7-a-2 of the code is renumbered 309-83-7-b and amended to read:

309-83. Snow and Ice Removal Cost Recovery Charge.

7. APPEAL PROCEDURE.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under ~~[[such]]~~ protest is not just or reasonable, the commissioner shall institute necessary procedures for ~~[[such]]~~ >>a<< refund. ~~[[In the event that]]~~ >>If
<< any person ~~[[, following the review of the objection]]~~ feels aggrieved by the determination of the
commissioner, ~~[[such]]~~ >>the<< person may ~~[[, within 10 days, appeal to the common council. The~~
common council shall make such determination as is just and reasonable]] >>file a complaint with the
administrative review appeals board, pursuant to s. 320-11<< .

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:_____

LRB160857-1
Jeff Osterman
10/02/2015