



Legislation Text

File #: 020473, Version: 1

020473

SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to notice and appeal procedures for special charges.

200-04-3 cr

200-04-4 cr

This ordinance establishes special charges notice procedures for the department of neighborhood services 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 200-04-3 and 4 of the code is created to read:

200-04. Interpretation, Emergency Rules, and Approvals.

3. NOTICE AND APPEAL PROCEDURE FOR SPECIAL CHARGES. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department, the commissioner 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 may also inform the owner of any prospective charges that will or may be imposed if the amount of those charges can be reasonably determined at the time the notice is mailed. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the amount of the special charge including the amount of any prospective charge 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.

4. 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

LRB02336-1

PBMcD:jro

07/01/02