



Legislation Text

File #: 200723, Version: 2

200723 SUBSTITUTE 2

THE CHAIR

A substitute ordinance relating to establishment of a city street lighting fee.

309-57 cr

This ordinance establishes a city street lighting cost-recovery special charge.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 309-57 of the code is created to read:

309-57. Street Lighting Cost-Recovery Special Charge.

1. PURPOSE. a. The purpose of this section is to permit the city, as authorized under s.66.0627, Wis. Stats., to recover costs relating to provision of street lighting services through means of a street lighting cost-recovery special charge. Revenue generated by the special charge shall be allocated specifically and exclusively to the operation and maintenance of the city's street light system.

b. No charge shall be imposed on property in any city block where street lights are not installed.

2. CHARGE. a. There is imposed a street lighting cost-recovery special charge to be collected on a quarterly basis on all property for street lighting services currently rendered, except for property exempted under sub. 1-b.

b. The common council shall adopt a resolution on an annual basis establishing the street lighting cost-recovery special charge imposed in accordance with this section. The recovery special charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost-recovery experience. The special charge shall reflect only the amount necessary for the city to recover the annual expense of operating and maintaining its street light system.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE STREET LIGHTING COST-RECOVERY SPECIAL CHARGE. The commissioner of public works shall administer the street lighting cost-recovery special charge. The commissioner may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the street lighting cost-recovery special charge, and may make amendments thereto, subject to approval by the appropriate common council standing committee as may be required from time to time for proper application of the street lighting cost-recovery special charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE STREET LIGHTING COST-RECOVERY SPECIAL CHARGE.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the street lighting cost-recovery special charge. The superintendent shall collect the special charge and transmit the revenue therefrom to the city treasurer, together with solid waste, water, snow and ice removal, and local sewerage revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the street lighting cost-recovery

special charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll in a manner consistent with state law and the provisions of ch. 19 of the city charter.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the street lighting cost-recovery special charge.

5. BILLING AND COLLECTING. The street lighting cost-recovery special charge shall be levied against the water account and shall be calculated by the water works. The special charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances shall be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. The delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge, the snow and ice removal cost recovery charge, and the street lighting cost-recovery special charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge, the extra garbage cart charge, and the street lighting cost-recovery special charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a street lighting cost-recovery special charge, and the application of revenue from this special charge are separable. If any provision or part of this section is held to be unconstitutional or invalid by a court of competent jurisdiction, the court's decision shall not affect the validity of any other provisions or part of the section, and those provisions and parts not addressed by the court's decision shall remain in full force and effect.

7. APPEAL PROCEDURE. a. Whenever any street lighting cost-recovery special charge is imposed in accordance with this section, and the person required to pay the charge feels aggrieved as a result of the imposition or collection of the charge, the aggrieved person shall pay the charge when the charge shall become due, but shall pay it under protest. Within 20 days following the payment, the aggrieved person may file with the commissioner of public works a complaint to the effect that the person is aggrieved by the imposition and collection of the street lighting cost-recovery special charge, his or her specific reasons for objection, and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any street lighting cost-recovery special charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

Part 2. This ordinance takes effect January 1, 2021.

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: _____

DOA - Budget and Management Division

LRB176402-3

Tea Norfolk

10/30/2020