

**INSTRUCTION SHEET  
ADDITIONS TO MILWAUKEE CITY CHARTER**

**SUMMARY**

This supplement incorporates changes to the Milwaukee City Charter enacted by the following Common Council file:

160995      A charter ordinance relating to financing and payment terms for special assessments.

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<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #181)</b>				v-vi	v-vi
11-20-3	am	160995	3/6/2017	67-68	67-68
12-15-2-b	am	160995	3/6/2017	77-78	77-78

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Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

Revised 12/13/2016  
Suppl. #182



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through December 13, 2016.

Revised 12/13/2016  
Suppl. #182



**2. PAYMENTS TO CONTRACTOR.** Hereafter any city of the first class, however incorporated shall pay in cash any contractor when he shall have completed and performed any contract for any work specified in s. 959-35b of Wis. Stats. of 1919, and the said work shall have been accepted by the proper city authorities, but this provision shall not be construed to mean that the contractor shall be paid in full, but all laws now in force for the reservation of guaranty funds and reserve funds guaranteeing workmanship and material shall remain in full force and effect. This provision shall not be construed as in any way affecting the laws now in force and effect granting the right to the proper officers to make payments upon estimates; provided, however, that no contractor shall be paid during any year for any portion of the work assessable to abutting property unless the contract shall have been completed and the work accepted on or before the 10th day of November in said year. The assessable portion of such work performed under a contract which has been completed and accepted after said date shall be paid for at any time subsequent to May 1st of the succeeding year.

**3. TO ISSUE BONDS.** Any city of the first class, however incorporated, is authorized to issue bonds known as street improvement funding bonds for the purpose of financing the assessable portion of the cost of constructing sewers and making other street improvements in amounts sufficient to cover such portion of the estimated cost of doing said work. Such bonds shall be issued and sold in the same manner as other bonds of such city are issued and sold, except that it shall not be necessary to include such bonds in the budget of such city, nor shall it be necessary to submit the question of their issue to a referendum vote of the electors of such city. In case any such city, in the opinion of the city comptroller, shall have enough cash on hand in its general treasury to finance the improvements mentioned in the preceding sections, it shall not be necessary for said city to issue any bonds mentioned herein, and if any such city, in the opinion of the city comptroller, shall have enough cash in its general treasury to finance part of said improvements, it shall be necessary for the said city to issue only enough bonds, as provided for herein, to finance the remainder of the same. The bonds provided for herein shall be serial bonds payable at any specified time within ten years, and shall bear interest at the rate of not to exceed six per cent per annum, payable either annually or

semiannually as the common council may deem best. The said bonds shall be a direct obligation of the city and the full faith and credit of the city shall be pledged for their payment and no such bonds shall be issued unless at or before the time of issuing the same the council shall levy a direct annual tax sufficient to pay the principal and interest thereon as they fall due.

**4. BONDS TO COVER.** When improvements shall have been paid for in whole or part by such city without issuing such bonds, like bonds may later be issued at any time that it shall be necessary in the opinion of the city comptroller to refund to the general treasury of said city the amount of all or any part of the unpaid special assessment installments not yet due; but when such refunding bonds shall be issued the principal amount thereof due in any year shall not exceed the sum of such deferred installments which shall become due in such year. *(Ch. 220, L. 1933.)*

**5. INSTALLMENT PAYMENTS.** In any first class city, the amounts and time of payment of special assessments shall be as provided in applicable code provisions. If not otherwise prohibited by the laws of the state of Wisconsin, all charges, special charges, assessments and special assessments authorized under this chapter or ch. 7 and constituting a lien upon any lot, land or property shall be subject to payment and settlement by installment payments as provided in s. 19-15-1 at the option of the taxpayer.

**6. ASSESSMENTS TO PAY FOR BONDS.** Upon the collection of any and all special assessments and interest, as provided in the preceding sections, the moneys collected shall go first to repay any cash used out of the general city treasury, if such has been the case, and the remainder of the money so collected shall constitute a fund with which to pay the principal and interest on bonds issued under the provisions of s. 959-35d of Wis. Stats. of 1919, as they fall due. In any year in which there shall be on hand moneys derived from special assessments on account of work done during the preceding year or years, sufficient to pay the whole or a part of the principal falling due on such bonds, it shall be unnecessary for the city to collect more taxes for the payment of the principal on said bonds than are necessary to make up the difference between the amount which will become due in the ensuing year and

## 11-22 Improvements And Special Assessments

the amount so available for payment of the principal and interest on said bonds. Any such city shall have a first lien on the premises against which any such special assessment is levied or to be levied from the time the contractor is paid in cash to the full extent of all unpaid installments for doing said work and the interest thereon.

7. COUNCIL TO LEVY TAX. It shall be the duty of the common council in each and every year, in addition to all other taxes, to levy a tax which shall be sufficient to cover the special assessments for grading, graveling, macadamizing, or paving of streets or alleys, or the grading and laying of sidewalks, or the paving of gutters and the installation of curbing, or the digging or excavating for or building of any sewers, or for any street improvements whatsoever entered or to be entered on the tax roll of said year and which it is estimated will remain unpaid. (S. 1, Ch. Ord. 200, File #49-1863-b, June 15, 1954. 11-20-5 rc. File #910799, Aug. 2, 1991; eff. Oct. 21, 1991. 11-20-5 am. File #121802, July 23, 2013; eff. Oct. 9, 2013. 11-20-3 am. File #160995, Dec. 13, 2016; eff. March 6, 2017.)

**11-22. Appeals of Special Assessments.** The owner of any lot or tract of land or tenement, who feels himself aggrieved by such assessment as confirmed by the common council, as to the amount of benefits thereby adjudged to accrue to him by reason of any improvements charged against his lot or parcel of land, or the amount of damages, costs and charges arising to such owner from an alteration or grade, may, within 20 days after such confirmation by the common council, appeal therefrom to the circuit court of Milwaukee county; and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded therein, in like manner as in cases of appeals to the said circuit court provided for in ch. 6 of this act [subch. 6, ch. 184, L. 1874]. Such appeal shall not affect the rights of the contractor, or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken; and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged shall be paid by the city out of the funds appropriated for such purpose to the appellant, but not until he shall have done the work in question, or have paid the certificate issued for doing the same.

The amount assessed by the commissioner of public works, or finally adjudged on appeal, for damages, costs, and charges arising from an alteration of the grade in excess of the amount charged against property deemed benefited, shall be paid by the city out of the funds appropriated for such purpose to the person or persons thereto entitled, within one year after the confirmation of the assessment by the common council, or after the final judgment therefor rendered by the court on appeal, as aforesaid; provided, that the time during which an appeal from such judgment may be pending in the supreme court shall not be deemed part of the year so limited. (S. 11, Ch. Ord. 326, File #62-2554-e, Nov. 29, 1966.)

**11-23. Appeal Exclusive Remedy.** The appeal given by the last preceding section from the assessment of the commissioner of public works as confirmed by the common council, to the said circuit court, shall be the only remedy for the recovery of any damages, costs and charges arising from any alteration of grade by the said city, or sustained by reason of any proceedings or acts of the said city or its officers, in the matter to which such assessment of damages or benefits relates; and no action at law shall be maintained for such damages or injuries, whether arising from an alteration of grade or otherwise. (S. 12, Subch. 7, Ch. 184, L. 1874.)

**11-24. Snow Removal. 1. WHEN SPECIALLY ASSESSED.** Whenever snow shall fall upon any of the sidewalks of the said city, so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four hours after the snow shall have ceased falling, the said commissioner shall have power, forthwith, without notice or letting, to employ persons or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city, where they shall by resolution declare it to be necessary, and to assess the cost thereof against all lots, parts of lots and parcels of land abutting on such sidewalk or part of sidewalk in the manner hereinafter directed. (S. 15, Subch. 7, Ch. 184, L. 1874.)

2. REPORT TO CITY CLERK. The council of every city incorporated under any special charter may cause the sidewalks within such city to be kept clear of snow or ice and

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owner cannot be determined or found, the commissioner shall make the repairs, assess the cost against the property abutting the lateral and notify the owner of the charges by certified letter.

2. PAYMENT. The owner of the abutting property upon which the lateral has been repaired shall have 45 days, from the date of the certified letter, to remit the entire payment or the charge shall be placed upon the tax roll as a special assessment in the following manner:

a. If the total amount of unpaid principal is less than \$125, the amount shall be placed on the first available tax roll.

b. If the amount of unpaid principal is \$125 or more, it shall be spread equally over the first available and next 9 succeeding tax rolls.

c. In addition to the unpaid principal, interest shall accrue at a monthly or annual rate specified in s. 115-42-8-b-3 of the Milwaukee code, beginning after the billing date of the charge. If the charge is not paid as provided in sub. 2, interest shall be charged from the original date of billing.

d. Amounts placed on the tax roll to be paid in installments shall be paid within the time allowed for the payment of general property taxes. If the charge is not paid within the proper time, it shall become delinquent and be dealt with in the same manner as a delinquent property tax.

*(HISTORY: 12-15 rc. File #900750, Sept. 25, 1990; eff. Dec. 11, 1990.*

*12-15-a rn. to 12-15-1, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-0 rn. to 12-15-2-0, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-1 rn. to 12-15-2-a, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-2 rn. to 12-15-2-b, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-3 rn. to 12-15-2-c, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-b-4 rn. to 12-15-2-d, File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.*

*12-15-2-b am. File #160995, Dec. 13, 2016; eff. March 6, 2017.*

*12-15-2-c am. File #950723, Sept. 27, 1995; eff. Dec. 13, 1995.)*

**12-16. Construction of Drains and Sewers.** It shall be the duty of the said commissioner to see that proper drains or storm sewers,

sanitary sewers or combined sewers are constructed from every lot in said city, which in his judgment requires it; and that such private drains or storm sewers, sanitary sewers or combined sewers are made to communicate with the public storm sewers, sanitary sewers and combined sewers in a proper manner; and he shall have power to require such number of private drains and storm sewers, sanitary sewers or combined sewers to be constructed as he may deem expedient. *(S. 12-16 am. Ch. Ord. 110, File #70043, Nov. 18, 1940.)*

**12-17. Construction and Connection of Laterals.** The said commissioner shall prescribe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said commissioner, and shall be executed strictly in compliance with his orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewers shall be constructed. *(S. 19, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)*

**12-18. Specifications for Laterals.** The said commissioner shall have at his office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and he shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, he shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots. *(S. 20, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)*

**12-19. Work on Private Lot.** Any person who has taken such contract from said

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commissioner to construct a private drain or sewer from any lot, shall be authorized to enter upon such lots and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men and teams for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work. (S.21, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-20. Connection with public sewer.** No private drain shall be connected to any public sewer without the commissioner of public works first issuing a permit for the connection. The owner of any lot from which a private drain is connected to a public sewer shall pay the fee established by ordinance. (S. 12-20 rc. File #871720, Jan. 26, 1988; eff. April 12, 1988.)

**12-21. Damages, Penalty.** No person shall break open or make connections with any public sewer, except by the consent and under the direction of the commissioner of public works; and any person who shall do so, or shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned in the county jail not to exceed three months. (S. 23, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

**12-22. Sewer Connection; Permit Required.** In every city of the first class, however incorporated, the common council may provide by ordinance that no private drain shall be connected with any public sewer, which is either in the process of construction or completed, unless a permit for such connection shall first be obtained from some city officer designated in said ordinance, and a fee therefor be first paid to the city treasurer, which fee shall be fixed in said ordinance. (S. 926-16, Wis Stats. 1921.)

**12-23. Contractor Restore Streets.** Any contractor or other person acting under the direction of the commissioner of public works may lay sewers in and through any alleys and streets of said city, and through any breakwater into Lake Michigan, and also in any highways of Milwaukee county, whether within the limits of said city or not; provided, that it shall be the duty

of such contractor to repair such streets, alleys, breakwaters, and highways, and to restore the same to their former condition, upon the completion of such sewers. (S. 24, Subch. 8, Ch. 184, L. 1874; am. Ch. 297, L. 1907.)

### **12-27. Sewer Service Charges or Rents.**

**1. SEWER SERVICE CHARGES OR RENTS AUTHORIZED.** Sewer service charges or rents may be provided for by ordinance or resolution. The charge or rent may be imposed on such standards or by rates as are applicable to or appropriate for privately operated utilities or by any other standard or rate or means of measurement which results in a just and reasonable charge or rent for the use or availability for use of the sewer system of the city. The amount of the charge or rent may be administratively determined or shall be in such amount as is provided for in such ordinance or resolution.

**2. SEWER UTILITY AUTHORIZED.** A sewer utility may be created under any applicable statute or this charter for the purpose of imposing and collecting such charges or rents and when created, such utility shall have all of the powers and rights granted, permitted or appropriate to such utilities under the statutes.

**3. EXEMPTIONS PROVIDED.** Nothing in this charter or chapter shall have the effect of or be construed to prevent the city from imposing and collecting equitable sewer service charges or rents from any user or class of users of the sewer system of the city. The ordinance or resolution providing for the charge or rental may exempt any user or any class of users from such charges or rents, but such exemption shall not be arbitrarily granted.

**4. POWERS ADDITIONAL.** The provisions of this section are in addition to any powers now or hereafter existing under the statutes or this charter and are in addition to any other method or manner of imposing or collecting sewer service charges or rents as may be required or permitted by any statute whether specific or general.

**5. RETROACTIVITY.** This section shall be applicable to any ordinance or resolution providing for sewer service charges or rentals adopted on or after Oct. 18, 1977. (S. 12-27 cr. Ch. Ord. 451, File #77-1036-a, Dec. 29, 1977.)