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2 FROM THE OFFICE OF JOSPEH J. CZARNEZKI
3 MILWAUKEE COUNTY CLERK
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5 County Ordinance No. 15-16
6

7 File No. 15-748
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10 AN ORDINANCE
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12 The Board of Supervisors of the County of Milwaukee does ordain as follows:
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14 **SECTION 1.** Section 6.07 of the General Ordinances of Milwaukee County is amended
15 as follows:
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17 6.07. - Delinquent property tax and cost collection via personal liability.
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20 Pursuant to s. 74.53(5), Wis. Stats., the county board hereby abrogates its
21 duty to approve and notice each civil action for personal liability to recover
22 delinquent real estate taxes and costs and waives the duty to specifically
23 approve each personal liability action that the county may bring under s. 74.53,
24 Wis. Stats.
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26 1. *Purpose.* As authorized under s. 74.53, Wis. Stats., ~~for the categories~~
27 ~~described in subparagraph 3,~~ this section allows Milwaukee County to
28 bring an in personam action (action against the person, not the property)
29 for delinquent real estate taxes; special charges; special assessments; special
30 taxes; costs relating to razing, removal, restoration or filling as
31 allowed under s. 74.53(1)(b), Wis. Stats.; and costs relating to abating a
32 public nuisance as allowed under s. 74.53(1)(c), Wis. Stats.
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34 ~~2. *Definitions.* In this section:~~

35 ~~(a) "In personam action" means an action against the person, not the~~
36 ~~property, for delinquent real estate taxes, special charges, special~~
37 ~~assessments and special taxes.~~

38 ~~(b) "Post-list delinquencies" means delinquencies arising after the tax~~
39 ~~year for which an in rem foreclosure action was brought and in~~
40 ~~which action the owner failed to redeem.~~

41 ~~(c) "Repeat delinquent owner" means a person who had an ownership~~
42 ~~interest in two (2) or more parcels foreclosed upon via in rem~~
43 ~~foreclosure within the last five years predating the tax certificate list~~
44 ~~containing the parcel against which the particular taxes, charges~~
45 ~~and interest are delinquent.~~
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47 3. ~~Parcel categories.~~

48 (a) ~~Suspected environmental contamination.~~ The real estate section of
49 the economic development division of the department of
50 administration, together with the environmental services division of
51 the department of public works, shall advise the county treasurer
52 and corporation counsel regarding those parcels for which tax
53 certificates have been issued under s. 74.57, Wis. Stats., and
54 according to their records and reasonable belief are suspected of
55 being environmentally contaminated or adversely affected by
56 environmental contamination and which:

57 (i) ~~There is no desire to investigate or test for the purpose of~~
58 ~~determining existence or the extent of suspected or actual~~
59 ~~contamination; or~~

60 (ii) ~~There is no desire to acquire the parcel in rem with the~~
61 ~~knowledge of, and in spite of, suspected or actual~~
62 ~~environmental contamination.~~

63 (b) ~~Fair market value.~~ The county treasurer, together with corporation
64 counsel and the real estate section of the economic development
65 division of the department of administration, shall identify those
66 parcels for which tax certificates have been issued, are suspected
67 of having expenses associated with the parcel, including but not
68 limited to taxes, assessments, charges, razing costs, interest and
69 penalties, which exceed the parcel's most recent assessed value.
70 Said expenses may include actual or reasonably estimated
71 expenses associated with foreclosing against, managing, repairing,
72 razing, maintaining or selling the parcel after acquisition as well as
73 actual or reasonably estimated expenses to correct health, safety
74 or building code violations outstanding at the time of categorization.

75 (c) ~~Abandoned.~~ The real estate section of the economic development
76 division of the department of administration shall identify those
77 parcels for which tax certificates have been issued and upon
78 reason and belief are suspected of being abandoned.

79 (d) ~~Repeat delinquent owner.~~ The county treasurer shall review the tax
80 certificate list to identify repeat delinquent owners and those
81 parcels on the tax certificate list owned by the repeat delinquent
82 owners.

83 (e) ~~Post-list delinquency.~~ The county treasurer and corporation counsel
84 shall identify those parcels where, due to in rem foreclosure, post-
85 list delinquencies exist.

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87 2. 4. Decision to bring action. The county treasurer and corporation counsel
88 shall review the suspected environmental contamination, fair market
89 value, abandoned, repeat delinquent owner and post-list delinquency
90 categorized delinquent parcels, and determine, in their discretion, whether
91 to commence an in personam action against the a parcel owner.
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35. *Letter of notice.* The county treasurer and corporation counsel shall prepare a list of a report regarding those parcels in the categories listed in ~~this section~~ where in their discretion an in personam action is advisable. The county treasurer shall send written notice to the owner or owners of ~~such parcels selected as defendants~~ each listed parcel that a decision has been made to commence an in personam action against him, ~~or her,~~ or them as defendants. The notice shall indicate that if full payment of the amounts recoverable under s. 74.53, Wis. Stats., including interest and penalties, in cash or by cashier's check, is received within ~~eight~~ four weeks from the date of the notice, the action will not be commenced. The notice shall be personally delivered or mailed to the owner at his or her last known post-office address ~~via registered or certified mail, return receipt requested~~ or otherwise delivered as allowed by law.
46. *Commencement of action.* If the owner fails to make full and timely payment as requested in the notice, the corporation counsel may commence the in personam action, ~~but in no event until the expiration of the appropriate time period for commencement of an in rem foreclosure.~~
5. *Receiver.* Upon commencement of any in personam action, the corporation counsel in consultation with the treasurer may request that a receiver be appointed in accordance with s. 74.53(7), Wis. Stats.
67. *Enforcement of judgment.* In the event a judgment is granted in an in personam action, the corporation counsel is further authorized to take all actions necessary to enforce and collect said judgment as are appropriate and otherwise authorized by law, ~~but in no event until after expiration of the redemption date that would have applied if the parcel had been foreclosed upon in rem.~~

SECTION 2. The provisions of this amended ordinance shall be effective upon passage and publication.

**Adopted by the Milwaukee County Board of Supervisors
December 17, 2015**