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From the Interim Director, Department of Transportation, and the Airport Director, General Mitchell International Airport (GMIA), requesting authorization to create Sections 110.02(c)(10), 4.16 (b) and (c), and 63.09(2)(d) of the Milwaukee County Code of General Ordinances, to allow GMIA staff to conduct administrative hearings for violations of airport rules and regulations, and to allow the Milwaukee County Sheriff to issue County citations to individuals who violate airport rules and regulations, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

WHEREAS, Federal, constitutional, and State statutory law (Chapter 68, Wisconsin State Statutes) provides that a person has the right to an informal hearing process before an impartial hearing prior to action affecting a protected interest; and

WHEREAS, under current Chapter 110 of the Milwaukee County Code of General Ordinances (the Code), this protected interest would be subject to review by the standing committee of the Milwaukee County Board of Supervisors (County Board) having jurisdiction over Airport safety and security matters; and

WHEREAS, this existing process is time consuming for the County Board, Airport staff, and persons who have been issued citations for violations of Airport security and other rules; and

WHEREAS, as part of its Rules and Regulations, the Airport has, therefore, included an administrative hearing procedure that will take the place of the procedure contained in Chapter 110 of the Code, and the proposed procedure will provide an efficient hearing process for Airport staff and aggrieved parties while still preserving a person’s right to appeal matters to the Milwaukee County Circuit Court; and

WHEREAS, the proposed procedure establishes a review and appeals process for recipients of a Notice of Breach of Rules (NOBOR) (excluding a warning) and recipients may request a review of the NOBOR to contest the forfeiture, suspension, and/or termination of airport identification badge access, and a written request must be made within 10 days of the date of the notice to Airport management with additional rights to appeal a contested NOBOR made available through Milwaukee County Circuit Court; and

WHEREAS, the process described in Chapter 110 of the Code, when applied to appeals of the Airport Rules and Regulations decisions, has proved to be awkward and unduly time-consuming, and has also given rise to issues of adherence to requirements of procedural due process; and

45 WHEREAS, the Committee on Transportation, Public Works, and Transit, at its  
46 meeting of January 17, 2018, recommended adoption of File No. 17-769 (vote 5-0);  
47 now, therefore,  
48

49 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby creates  
50 Sections 110.02(c)(10), 4.16(b) and (c), and 63.09(2)(d) of the Milwaukee County Code  
51 of General Ordinances by adopting the following:  
52

53 **AN ORDINANCE**  
54

55 The County Board of Supervisors of the County of Milwaukee does ordain as  
56 follows:  
57

58 **Section 1.** Section 110.02(c)(10) of the General Ordinances of Milwaukee County is  
59 created as follows:  
60

61 110.02 – [Definition and reviewable/non-reviewable determinations.]  
62

63 (c) The following determinations are not reviewable under this chapter:  
64

65 (10) A decision of General Mitchell International Airport to impose a forfeiture  
66 or other sanction for the violation of the Airport Rules and Regulations.  
67 The Airport shall adopt and implement policies and procedures for the  
68 review of those decisions, which procedures shall include an evidentiary  
69 hearing which substantially meets the requirements of S. 68.11, Wis.  
70 Stats.  
71

72 **Section 2.** Section 4.16(b) and (c) of the General Ordinances of Milwaukee County is  
73 created as follows:  
74

75 Section 4.16 – Rules and Regulations  
76

77 (a) The airport director shall have the right to, and shall adopt from time to time and  
78 enforce, reasonable rules and regulations which air carriers and air  
79 transportation companies shall be required to observe and obey with respect to  
80 the use of the airport, public terminal building and appurtenances.  
81

82 (b) The rules and regulations for Milwaukee County’s General Mitchell International  
83 Airport (“Rules and Regulations”) can be located at Appendix G to the  
84 Milwaukee County Code of Ordinances Chapter 4.16. - Rules and Regulations  
85 and may be cited as: Appendix G: General Mitchell International Airport Rules  
86 and Regulations. The Rules and Regulations are enforceable by citations issued  
87 by the Milwaukee County Sheriff’s Department and Milwaukee County  
88 Ordinance Section 63.09(2) and by Notice of Breach of Rules (NOBOR) by  
89 Airport staff.  
90

91 (c) The Milwaukee County Sheriff's Department may not issue citations enforcing  
92 The Airport Security Plan or regulations of the TSA. The Sheriff's Department  
93 may, however, continue to issue citations for conduct that violates a specific  
94 County ordinance or state statute.

95  
96 **Section 3.** Section 63.09(2)(d) of the General Ordinances of Milwaukee County is  
97 amended as follows:

98  
99 63.09 – Enforcement Procedure

100  
101 (2) Citations

102  
103 (d) *Ordinances identified; Schedule of cash deposits and maximum penalties.*  
104 The following general ordinances of the county may be enforced by the citation method,  
105 and the amount of cash deposit shall be determined according to this schedule  
106 (exclusive of any assessment, surcharge or fee imposed by state statute):  
107

Section Number	Subject Matter	Amount of Cash Deposit	Maximum Penalty
<u>4.16(b)</u>	<u>Violations of Airport Rules and Regulations</u>	<u>\$25.00</u>	<u>\$500.00</u>

108  
109 **Section 4.** The provisions of this ordinance shall be effective upon passage and  
110 publication.

111  
112 srb  
113 01/17/18  
114 U:\Committees\2018\Jan\TPWT\Resolutions\17-769 Airport Ordinance Changes REVISED2.docx