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From the Director, Department of Transportation and the Airport Director, Department of Transportation - Airport Division, Request for Approval of Ordinance Changes allowing the Airport to 1) Charge Market Rate Interest and Penalties on Unpaid Balances and 2) Implement a \$3 per Trip Drop Off Fee for Transportation Network Companies (TNCs) Operating at the Airport, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

WHEREAS, Milwaukee Mitchell International Airport (the Airport) exists in a highly complex Federal regulatory environment; and

WHEREAS, regulatory changes from entities such as the Federal Aviation Administration (FAA) and Transportation Security Administration have become more frequent and require the Airport to react and implement changes on more abbreviated timeframes than in the past; and

WHEREAS, the Airport, as an organization that transacts with a variety of corporate entities, needs the flexibility to react to changing market conditions and technology to meet the needs of its business partners; and

WHEREAS, the pricing of Airport services needs to take into account an appropriate balance between aeronautical and non-aeronautical revenues that are governed by being a Federally-obligated airport under the FAA Airport Improvement Program Grant Assurances (Federal Grant Assurances); and

WHEREAS, of the Federal Grant Assurances by which the Airport agrees to abide each time it accepts FAA funding, one requires the Airport to charge fair-market rates for non-aeronautical services, in an attempt to be as financially self-sustaining as possible, while minimizing aeronautical rates and charges to the extent possible; and

WHEREAS, given this Federal financial obligation, periodic but ongoing fee adjustments for the cost of Airport services and facilities are to be expected; and

WHEREAS, over the accumulation of multiple decades, changes to the ordinances governing the Airport have been additive, but more importantly, overly specific and duplicative, without considering how all of the individual subparts need to function as an integrated whole; and

WHEREAS, this makes the ordinances pertaining to the Airport not only challenging to administer, but also creates a heightened probability for potential instances of inadvertent noncompliance and conflict between the ordinances and other applicable rules and standards governing the Airport; and

46 WHEREAS, the ordinances need to be rewritten in a more generalized and  
47 consolidated fashion for easier administration, while allowing for other, and more  
48 specific, guiding documents to govern day-to-day operations; and  
49

50 WHEREAS, the Committee on Transportation and Transit, at its meeting of  
51 December 4, 2024, recommended adoption of File No. 24-916 (vote 4-0); and  
52

53 WHEREAS, the Committee on Finance, at its meeting of December 12, 2024,  
54 recommended adoption of File No. 24-916 (vote 7-0); now, therefore,  
55

56 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends  
57 Chapter 4, Sections 4.01, 4.05.08, 4.05.09, 4.09, 4.11, and 4.33, and Appendix F,  
58 Article V, Sections 509 and 511, of the Milwaukee County Code of General Ordinances,  
59 by adopting the following:  
60

61 **AN ORDINANCE**  
62

63 The County Board of Supervisors of the County of Milwaukee does ordain as follows:  
64

65 **SECTION 1.** Section 4.01(14) through (25) of the Milwaukee County Code of General  
66 Ordinances is hereby created as follows:  
67

68 4.01. - Definition of terms.  
69

70 **(14) Transportation network company (TNC). A business that, for compensation,**  
71 **uses a digital network to connect passengers to Participating Drivers for the**  
72 **purpose of providing TNS to those passengers. TNC does not include a**  
73 **taxicab, limousine, shuttle, or other for-hire vehicle service.**  
74 **(s. 440.40(6), Wis. Stats.)**  
75

76 **(15) Transportation network services (TNS). Transportation provided to a**  
77 **passenger in the TNC Operator’s (Participating Driver’s) personal vehicle. A**  
78 **Participating Driver is considered to be engaged in TNS beginning when the**  
79 **Participating Driver accepts a passenger’s request for transportation**  
80 **received through a TNC’s digital network, continuing while the Participating**  
81 **Driver transports that passenger in the participating driver’s personal**  
82 **vehicle, and ending when that passenger, or the last person in that**  
83 **passenger’s party, whichever occurs later, exits the Participating Driver’s**  
84 **personal vehicle.**  
85

86 **(16) TNC passenger pick-up area. The geographical area(s) designated as the**  
87 **permitted area(s) in which permittee may pause to pick up TNC passengers.**  
88

89 **(17) TNC passenger drop off area. The geographical area(s) designated as the**  
90 **permitted area(s) in which permittee may pause to drop off TNC passengers.**  
91

- 92 **(18) TNC staging area. The area designated in which TNC vehicles may park and**  
 93 **wait prior to proceeding to the TNC Passenger Pickup Area.**  
 94  
 95 **(19) TNC operator. A “participating driver,” as defined by s. 440.40(3), Wis. Stats.,**  
 96 **an individual who does all of the following:**  
 97  
 98 **(a) Pays a fee to a TNC to be connected to a passenger for the purpose of**  
 99 **engaging in TNS.**  
 100  
 101 **(b) Uses a personal vehicle to engage in TNS for compensation.**  
 102  
 103 **(20) TNC vehicle. A Vehicle driven by a TNC Operator to provide transportation to**  
 104 **riders using a TNC digital network.**  
 105  
 106 **(21) Trip. One single pickup or drop-off by a taxi, limousine, TNC, shuttle, or**  
 107 **courtesy vehicle to or from the Airport, or one single entrance on an airport**  
 108 **roadway and one single associated exit by a bus organization.**  
 109  
 110 **(22) Trip fee. The fee paid by a permitted operator to the County for the privilege**  
 111 **of picking up and/or dropping off a passenger at the Airport, associated with**  
 112 **the commercial ground transportation services governed under this Chapter.**  
 113  
 114 **(23) Vehicle. Any automobile, truck, trailer, semitrailer, tractor, motor bus, or any**  
 115 **self-propelled motor-driven vehicle.**  
 116  
 117 **(24) Airport customer. Any Person that is seeking to buy goods or services at the**  
 118 **Airport, or services that transport a Person to or from the Airport, which may**  
 119 **include, but is not necessarily limited to, airline passengers, concession**  
 120 **customers, those persons picking up or dropping off airline passengers,**  
 121 **TNC passengers, airport shuttle passengers, etc.**  
 122  
 123 **(25) Person. Any individual, firm, partnership, corporation, company, or**  
 124 **association, and any trustee, receiver, assignee, or other similar**  
 125 **representative thereof.**  
 126

127 **SECTION 2.** Section 4.05.08(1)(e) of the Milwaukee County Code of General  
 128 Ordinances is hereby amended as follows:

129  
 130 4.05.08. - Arranged transportation services: limousines, non-metered taxicabs, **and** out-  
 131 of-county shuttles, ~~and transportation network companies (TNCs).~~

132  
 133 (1) *Definitions.*

134  
 135 ~~(e) **Transportation network company (TNC).** A TNC is a corporation,  
 136 ~~partnership, sole proprietorship, or other entity, licensed under s. 440.4~~  
 137 ~~et seq., Wis. Stats., to operate in Wisconsin, which uses a digital network~~~~

138 ~~to connect riders to drivers for the purpose of providing transportation.~~  
139 ~~A TNC does not provide taxi service transportation. A TNC does not~~  
140 ~~provide taxi service, transportation service arranged through a~~  
141 ~~transportation broker, or any transportation service over fixed routes at~~  
142 ~~regular intervals.~~

143

144 **SECTION 3.** Section 4.05.08(2)(c) and (d) of the Milwaukee County Code of General  
145 Ordinances is hereby amended as follows:

146

147 (2) *Licenses, permits, fees.*

148

149 ~~(c) TNCs.~~

150

151 ~~(1) In order to do business at GMIA the TNC must possess a TNC~~  
152 ~~permit.~~

153

154 ~~(2) There is a fee of one hundred twenty five dollars (\$125.00) for~~  
155 ~~each TNC vehicle providing TNC services at GMIA during the term~~  
156 ~~of the TNC permit.~~

157

158 ~~(3) For the privilege of picking up a passenger at GMIA the TNC will~~  
159 ~~pay a fee for each pick-up as per the terms of the TNC permit.~~

160

161 ~~(dc) Limousines and non-metered taxicabs.~~

162

163 **SECTION 4.** Section 4.05.09(1) and (2) of the Milwaukee County Code of General  
164 Ordinances is hereby amended as follows:

165

166 4.05.09. - Transportation Network Companies.

167

168 ~~(1) Definitions.~~

169

170 ~~(a) Airport Director. The duly appointed incumbent of the position of~~  
171 ~~Airport Director at General Mitchell International Airport (GMIA), or~~  
172 ~~the person designated by him to act on his behalf.~~

173

174 ~~(b) Commencement of transportation network company vehicle service.~~  
175 ~~The first trip (as defined by this section) of a transportation network~~  
176 ~~company (TNC) vehicle.~~

177

178 ~~(c) County entity. Any entity controlled by Milwaukee County (the~~  
179 ~~county).~~

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181 ~~(d) Geo-Fence. A virtual perimeter of a specific geographical location on~~  
182 ~~airport property.~~

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- ~~(e) *Monthly Trip Fee.* The total trip fees paid to the county in a given calendar month.~~
  - ~~(f) *TNC Passenger Pick-Up Area.* Any one of the three geographical areas designated in exhibit A to this permit as the permitted area in which permittee may pause to pick up TNC passengers.~~
  - ~~(g) *TNC permit fee.* The one hundred twenty-five dollar (\$125.00) fee for each TNC vehicle providing TNC services at GMIA during the term of the permit.~~
  - ~~(h) *TNC staging area.* The area designated on exhibit A where TNC vehicles may park and wait prior to proceeding to the TNC passenger pickup area.~~
  - ~~(i) *Transportation network company (TNC).* A corporation, partnership, sole proprietorship, or other entity, licensed under s. 440.4 et seq., Wis. Stats., to operate in Wisconsin, which uses a digital network to connect riders to drivers for the purpose of providing transportation. A TNC does not provide taxi service transportation. A TNC does not provide taxi service, transportation service arranged through a transportation broker, or any transportation service over fixed routes at regular intervals. As used in this permit, all references to TNC are references to permittee in particular.~~
  - ~~(j) *Transportation network company driver (TNC driver).* An individual who uses his or her vehicle to provide services for riders matched through a TNC's digital network.~~
  - ~~(k) *Transportation network company vehicle (TNC vehicle).* A vehicle driven by a TNC driver to provide transportation to riders using the TNC's digital network.~~
  - ~~(l) *Trip.* The loading of a passenger at GMIA in any one of the three TNC passenger pick-up areas identified on exhibit A attached to this permit.~~
  - ~~(m) *Trip fee.* The fee paid by permittee to the county for the privilege of picking up a passenger at GMIA under the terms of this permit.~~
- (21) Licenses, permits, fees.**
- ~~(a) All TNCs operating under this section shall satisfy all of the licensing requirements required by ch. 440, Wis. Stats., and sign an airport permit similar in form to the TNC permit contained in Appendix G—General Mitchell International Airport Transportation Network~~

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**Company Permit for Operation.**

- (a) No Person shall carry on, conduct, or engage in the business of TNC Services, including the advertising and soliciting of customers, at the Airport, except pursuant to the terms of a written TNC Operating Permit entered into with the County.**
- (b) All TNCs shall be a properly-licensed company with the State of Wisconsin.**
- (c) For the privilege of picking up and/or dropping off an Airport Customer at the airport, the TNC shall pay a Trip Fee for each pick-up and each drop-off, as specified in the TNC Operating Permit.**
- (d) The total Trip Fees for each Trip during the preceding calendar month are due and payable to County no later than the twentieth (20<sup>th</sup>) day of the month following the month of activity.**

**SECTION 5.** Section 4.09 of the Milwaukee County Code of General Ordinances is hereby created as follows:

**Section 4.09. - Interest and Penalties on Unpaid Balances.**

- (1) Interest. Interest may be charged on unpaid balances due to the Airport at the discretion of the Airport Director. The interest charged may be up to current market-rate percentages, calculated on a monthly basis or fraction of a month. The obligation for payment and calculation thereof shall commence upon the day following the due date.**
- (2) Penalty. In addition to the interest described above, unpaid balances are subject to an additional penalty, at the discretion of the Airport Director. The obligation for payment and calculation thereof shall commence upon the day following the due date.**

**SECTION 6.** Section 4.11 of the Milwaukee County Code of General Ordinances is hereby amended as follows:

**Section 4.11. - Schedule of fees, rates and charges.**

Air carriers and air transportation companies who operate under a long-term lease agreement at General Mitchell International Airport (GMIA) guaranteeing the county's costs for operating the airport system ("signatory carriers") shall pay the rates, fees, and charges specified in their lease agreement or, if there is no such specified rate, fee or charge, then those rates, fees, and charges required by this chapter or any schedule developed under this chapter shall apply. Air carriers and air transportation companies not under a lease agreement or operating agreement with the county who occupy or

276 use GMIA ("non-signatory carriers") shall be liable for and pay the county rates, fees,  
277 and charges for rental of space in the passenger terminal and adjacent apron areas of  
278 GMIA. Said rates, fees and charges are payable in monthly installments and county's  
279 airport director shall transmit to the air carrier or air transportation company a statement  
280 of the fees and charges incurred by the air carrier or air transportation company during  
281 the month and the same shall be paid by the air carrier or air transportation company  
282 within fifteen (15) days after receipt of such statement. In the event that any such  
283 statement shall remain unpaid for a period of forty-five (45) days after the date of such  
284 statement, interest and penalty charges shall accrue as described in **subsections**  
285 **4.11(g) and 4.11(h) Sections 4.09(1) and 4.09(2)**.  
286

287 Rates, fees, and charges required under this section shall be computed at a  
288 minimum, annually, or, when required, semi-annually. Rates, fees and charges of non-  
289 signatory carriers under this section shall be computed at one hundred twenty-five (125)  
290 percent of the then-current rates, fees and charges assessed to signatory carriers. The  
291 actual amounts of the then-current rates, fees, and charges developed under this  
292 chapter shall be available for review and inspection, at reasonable times upon written  
293 request, at the GMIA administration office. Said rates, fees and charges under this  
294 section will be assessed for the following rental space categories:  
295

296 **SECTION 7.** Section 4.11(g),(h), and (i) of the Milwaukee County Code of General  
297 Ordinances is hereby amended as follows:  
298

299 ~~(g) **Interest.** Unless waived by the county board, air carriers and air~~  
300 ~~transportation companies shall be responsible for payment of interest on~~  
301 ~~amounts not remitted in accordance with the requirements of this~~  
302 ~~section. The rate of interest shall be the statutory rate in effect for~~  
303 ~~delinquent county property taxes (presently one (1) percent per month or~~  
304 ~~fraction of a month) as described in s. 74.80(1), Wis. Stats. The obligation~~  
305 ~~for payment and calculation thereof shall commence upon the day~~  
306 ~~following the due dates established herein.~~  
307

308 ~~(h) **Penalty.** In addition to the interest described above, air carriers and air~~  
309 ~~transportation companies shall be responsible for payment of penalty on~~  
310 ~~amounts not remitted in accordance with the terms of this section. Said~~  
311 ~~penalty shall be the statutory rate in effect for delinquent county property~~  
312 ~~taxes (presently five-tenths (0.5) percent per month or fraction of a~~  
313 ~~month) as described in section 6.06(1) of the Code and s. 74.80(2), Wis.~~  
314 ~~Stats. The obligation for payment and calculation thereof shall commence~~  
315 ~~upon the day following the due dates established herein.~~  
316

317 ~~(ig)~~ As security for payment of the fees, rates and charges described herein,  
318 each new entrant carrier or air transportation company shall provide a  
319 deposit in the form of a check to be negotiated or an irrevocable letter of  
320 credit prior to said carrier or air transportation company commencing service  
321 at General Mitchell International Airport. Said security deposit is to be in an

322 amount equal to six (6) months of the new entrant's projected activity  
323 covering applicable fees, rates and charges due for items (a), (b), (c), (d), (e)  
324 and (f) above. Said security deposit shall be deposited in the account of  
325 General Mitchell International Airport and returned to air carrier or air  
326 transportation company without interest after submission of evidence  
327 satisfactory to the airport director that all fees, rates and charges have been  
328 paid in full upon termination of the above-referenced service or upon timely  
329 payment of county invoices for two (2) years.  
330

331 **SECTION 8.** Section 4.33(1)(g) of the Milwaukee County Code of General Ordinances  
332 is hereby amended as follows:  
333

334 4.33. - Off-airport fees and charges.  
335

336 (1) *Off-airport rental car privilege fee.*  
337

338 (g) *Delinquent charges of fees.*  
339

340 (i) *Interest.* ~~Unless waived by the county board of supervisors, the off~~  
341 ~~airport rental car company shall be responsible for payment of~~  
342 ~~interest on amounts not remitted in accordance with the terms of~~  
343 ~~this subsection (1). The rate of interest shall be the statutory rate in~~  
344 ~~effect for all delinquent county property taxes (presently one (1)~~  
345 ~~percent per month or fraction of a month) as described in s.~~  
346 ~~74.80(1) Wis. Stats. The obligation for payment and calculation~~  
347 ~~thereof, shall commence upon the day following the due date~~  
348 ~~established herein~~Interest may be assessed in accordance with  
349 Section 4.09.  
350

351 (ii) *Penalty.* ~~In addition to the interest described above, the off-airport~~  
352 ~~rental car company may be responsible for payment of penalty and~~  
353 ~~amounts not remitted in accordance with the terms of this~~  
354 ~~subsection (1), as may be determined by the administrator of this~~  
355 ~~subsection or his designee. Said penalty shall be the statutory rate~~  
356 ~~in effect for delinquent county property taxes (presently one-half~~  
357 ~~(1/2) percent per month or fraction of a month) as described in~~  
358 ~~subsection 6.06(1) of the Code and s. 74.80(2) Wis. Stats. The~~  
359 ~~obligation for payment and calculation thereof shall commence~~  
360 ~~upon the day following the due date established herein~~Penalties  
361 may be assessed in accordance with Section 4.09.  
362

363 (iii) *Audit results.* If, as a result of the annual audit required herein,  
364 additional amounts are disclosed to be due and owing, interest and  
365 penalty shall be calculated thereon ~~in accordance with the above~~  
366 ~~method.~~ The off-airport rental car company shall remit to the county  
367 any additional amounts identified as due and owing as a result of the



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audit including interest and penalty thereon within thirty (30) days following receipt of the audit report.

**SECTION 9.** Section 4.33(2)(g) of the Milwaukee County Code of General Ordinances is hereby amended as follows:

(2) *Off-airport catering privilege fee.*

(g) *Delinquent charges of fees.*

(i) *Interest.* ~~Unless waived by the county board of supervisors, the off-airport catering operator shall be responsible for payment of interest on amounts not remitted in accordance with the terms of this subsection. The rate of interest shall be the statutory rate in effect for all delinquent county property taxes (presently one (1) percent per month or fraction of a month) as described in s. 74.47(1) Wis. Stats. The obligation for payment and calculation thereof, shall commence upon the day following the due date established herein~~Interest may be assessed in accordance with Section 4.09.

(ii) *Penalty.* ~~In addition to the interest described above, the off-airport catering operator shall be responsible for the payment of a penalty for amounts not remitted in accordance with the terms of this subsection, as may be determined by the administrator of this subsection or his designee. Said penalty shall be the statutory rate in effect for delinquent county property taxes (presently one-half (1/2) percent per month or fraction of a month) as described in subsection 6.06(1) of the Code and s. 74.47(2) Wis. Stats. The obligation for payment and calculation thereof shall commence upon the day following the due date established herein~~Penalties may be assessed in accordance with Section 4.09.

(iii) *Audit results.* If, as a result of the annual audit required herein, additional amounts are found to be due and owing, interest and penalty shall be calculated thereon ~~in accordance with the above method.~~ The off-airport catering operator shall remit to the county any additional amounts identified as due and owing as a result of the audit including interest and penalty thereon within thirty (30) days following receipt of the audit report.

**SECTION 10.** Section 4.33(3)(g) of the Milwaukee County Code of General Ordinances is hereby amended as follows:

(3) *Off-airport parking operator privilege fee.*

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(g) *Delinquent charges of fees.*

(i) ~~Interest. Unless waived by the Milwaukee County Board of Supervisors, the off-airport parking operator shall be responsible for payment of interest on amounts not remitted in accordance with the terms of this ordinance. The rate of interest shall be the statutory rate in effect for all delinquent county property taxes (presently one (1) percent per month or fraction of a month) as described in s. 74.80(1), Wis. Stats. The obligation for payment and calculation thereof, shall commence upon the day following the due date established herein~~Interest may be assessed in accordance with Section 4.09.

(ii) ~~Penalty. In addition to the interest described above, the off-airport parking operator shall be responsible for payment of penalties and amounts not remitted in accordance with the terms of this ordinance, as may be determined by the administrator of this ordinance, or his designee. Said penalties shall be the statutory rate in effect for delinquent Milwaukee County property taxes (presently 5 percent per month or fraction of a month) as described in Milwaukee County Ordinance section 6.06(1) and s. 74.80(2), Wis. Stats. The obligation for payment and calculation thereof shall commence upon the day following the due date established herein~~Penalties may be assessed in accordance with Section 4.09.

(iii) *Audit results.* If, as a result of any audit required herein, additional amounts are discovered to be due and owing, interest and penalty shall be calculated thereon ~~in accordance with the above method.~~ The off-airport parking operator shall remit to the Milwaukee County any additional amounts identified as due and owing as a result of the audit including interest and penalty thereon within thirty (30) days following receipt of the audit report.

449 **SECTION 11.** Appendix F - General Mitchell International Airport Non-Signatory Airline  
450 Regulations, Article V, Section 509(D) of the Milwaukee County Code of General  
451 Ordinances is hereby amended as follows:

452  
453 Section 509 - Statistical Report

454  
455 (D) *Penalty for Late or Inaccurate Report.* In the event that Airline fails to deliver  
456 the required statistical report on time or provides inaccurate reporting, Airline  
457 shall incur and pay a service per day fee ~~of one hundred dollars (\$100.00) per~~  
458 ~~day~~ beginning with the day after the due date at the discretion of the Airport  
459 Director.

460 **SECTION 12.** Appendix F - General Mitchell International Airport Non-Signatory Airline  
461 Regulations, Article V, Section 511(E) of the Milwaukee County Code of General  
462 Ordinances is hereby amended as follows:  
463

464 Section 511 - Payment Provisions  
465

466 (E) *Interest ~~and Penalty~~ Charges and ~~Late Charges on Overdue Payment on~~*  
467 *Unpaid Balances.*  
468

469 (i) *Interest. ~~Unless waived by the County Board, air carriers and air~~*  
470 *~~transportation companies shall be responsible for payment of interest~~*  
471 *~~on amounts not remitted in accordance with the requirements of this~~*  
472 *~~section. The rate of interest shall be the statutory rate in effect for~~*  
473 *~~delinquent county property taxes (presently one (1) percent per month~~*  
474 *~~or fraction of a month) as described in s. 74.80(1), Wis. Stats. The~~*  
475 *~~obligation or payment and calculation thereof shall commence upon~~*  
476 *~~the day following the due dates established herein~~Interest may be*  
477 *assessed in accordance with Section 4.09.*  
478

479 (ii) *Penalty. ~~In addition to the interest described above, air carriers and air~~*  
480 *~~transportation companies shall be responsible for payment of penalty~~*  
481 *~~on amounts not remitted in accordance with the terms of this section.~~*  
482 *~~Said penalty shall be the statutory rate in effect for delinquent county~~*  
483 *~~property taxes (presently five-tenths (0.5) percent per month or~~*  
484 *~~fraction of a month) as described in section 6.06(1) of the Code and s.~~*  
485 *~~74.80(2), Wis. Stats. The obligation for payment and calculation thereof~~*  
486 *~~shall commence upon the day following the due dates established~~*  
487 *~~herein~~Penalties may be assessed in accordance with section 4.09 of*  
488 *the code.*  
489

490 **SECTION 13.** The provisions of this Ordinance shall become effective upon passage  
491 and publication.  
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S:\Committees\2024\December\FINANCE\Resolutions\24-916 ORD Airport Dropoff Fees and Penalties.docx