CHAPTER 6

ADMINISTRATIVE REVIEW PROCEDURE

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6.01 PURPOSE. The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by all City officers, employees, agents, agencies, committees, boards and commissions which may involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution. Chapter 68, Wis. Stats., relating to municipal administrative review procedure, shall be in full force and effect in the City, except as to those provisions otherwise provided in this chapter.

6.02 REVIEW OF INITIAL DETERMINATION. Upon the filing of a written request by any person aggrieved to review an initial determination filed pursuant to the provisions of §68.08, Wis. Stats., all City officers, employees, agents, agencies, committees, boards and commissions receiving such a request shall conduct administrative reviews of their own determinations in accordance with §68.09, Wis. Stats. In addition, all such written requests shall be immediately referred to the City Attorney.

6.03 DETERMINATIONS REVIEWABLE. The following determinations are reviewable under this chapter: (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.

(2) The suspension, revocation or non-renewal of an existing permit, license right, privilege or authority, except as provided in sec. 6.04 of this chapter.

(3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.

(4) The imposition of a penalty or sanction upon any person except a City employee or officer, other than by a court.

6.04 DETERMINATIONS NOT SUBJECT TO REVIEW. Except as provided in sec. 6.03 of this chapter, the following determinations are not reviewable under this chapter: (1) A legislative enactment, which is an ordinance, resolution or adopted motion of the Council.

(2) Any action subject to administrative or judicial review procedures under statutes other than Ch. 68, Wis. Stats.

(3) The denial of a tort or contract claim for money, required to be filed with the City pursuant to statutory procedures for the filing of such claims.

(4) The suspension, removal or disciplining or non-renewal of a contract of a City employee or officer.

(5) The grant, denial, suspension or revocation of a fermented malt beverage license or intoxicating liquor license under §125.12 (1), (2) and (3), Wis. Stats.

(6) Judgments and orders of a court.

(7) Determinations made during City labor negotiations.

(8) Any action which is subject to administrative review procedures as otherwise provided in this Code.

(9) Notwithstanding any other provision of this chapter, any action or determination of a City authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

6.05 ADMINISTRATIVE REVIEW APPEALS BOARD. (1) MEMBERSHIP. See sec. 1.56 of this Code.

(2) POWERS AND DUTIES. The Administrative Review Appeals Board shall have the duty and responsibility of hearing appeals from initial determinations of administrative determinations or decisions of City officers, employees, agents, agencies, committees, boards and commissions filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Council shall be governed by §§68.11 and 68.12, Wis. Stats.

6.06 CONFLICTING CODE PROVISIONS. The provisions of this chapter shall not be deemed to repeal or supersede the provisions of any other section of this Code in conflict herewith or providing other procedures for review of administrative determinations within the City except when otherwise specifically provided in said sections.