

[REDACTED]  
[REDACTED] No Subject  
Date: November 13, 2013 at 12:18 PM  
[REDACTED]

November 13, 2013

Hello,

We are appealing the decision made by director George Hank in reference to our snow removal charges from the city for the date of February 26, 2013. Although Mr. Hank did provide us pictures showing the before and after situations of our sidewalk, he did not address the main reason for our initial appeal.

The initial snow citation was hidden behind our garage door keypad, dated for February 25, 2013. We do not use the garage door keypad. We do not turn lights on around our garage door keypad. We never saw the citation until weeks later. We did in fact, shovel our sidewalk on February 26, 2013 since it snowed several inches in the afternoon. Apparently a snow removal crew had arrived a few hours prior and cleaned up the existing snow using blue salt. We did not shovel earlier in the day because it was going to snow later in the day. Had the citation been placed in a more conspicuous spot, our front door for instance, we would have certainly remedied the situation and shoveled our sidewalk immediately on February 25, 2013. We do not have the money to pay the city of Madison over \$250 so it would be ludicrous not shovel our sidewalk.

So, in short our defense is this: according to the city of Madison statute we have until noon the following day to clean up the snow after the citation was received. We did not receive a citation for weeks later because it was hidden from our view in a very inconspicuous spot. So, we were not given the allotted time we are entitled to by the city of Madison to clean up our sidewalk. Had we received our allotted timeframe, we would have shoveled the sidewalk immediately.

Brandi and David Branchfield



The first part of the document discusses the importance of maintaining accurate records and the role of the auditor in ensuring the integrity of the financial statements.

The second part of the document describes the various types of audits and the procedures used to conduct them. It also discusses the responsibilities of the auditor and the consequences of non-compliance.

The third part of the document provides a summary of the key findings and conclusions of the audit. It also includes a list of recommendations for improving the internal control system.





Department of Planning & Community & Economic Development  
**Building Inspection Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
**FAX 608 266 6377**  
**PH 608 266 4551**

October 25, 2013

DAVID BRANCHFIELD  
BRANDI BRANCHFIELD  
4146 CARBERRY ST  
MADISON WI 53704

**Subject: Snow Citation and Removal Charges**

Dear Mr. & Ms. Branchfield:

I am writing this letter in follow-up to your letter dated October 18, 2013. I have enclosed copies of the photos that were taken to document the enforcement action that was taken in responding to the anonymous complaint we received on your property.

The photos titled 4146 Carberry Snow Citation Pictures (1&2), show the condition of the sidewalk when the inspector visited your property on February 25, 2013. The photos show a sidewalk that I believe is in violation of MGO 10.28. The final determination of this Citation is left up to the courts.

I did check with Court Services and found that the Citation was not dismissed. The Court action is being held open until April 14, 2014. The Court typically does this with defendants that are new to the system. The fine is either reduced or dismissed if no further violations are documented prior to April 14, 2014.

I also checked local weather data and found that no snow fell from approximately 9:51 p.m. on February 22, 2013, through 4:53 p.m. February 26, 2013.

On February 26, 2013, at approximately 10:25 a.m., a contractor hired by the City, arrived at the property and found that the sidewalk still had not been adequately cleared. See photos titled: 4146 Carberry Pre-Snow Removal Picture (1&2). The photos show one side covered with snow and the other side partially covered with snow and ice. The contractor removed the snow and what ice they could and applied salt (blue tint) to bring the sidewalk into compliance with the Ordinance. See photos titled: 4146 Carberry Post Snow Removal Picture (1&2). The \$153.00 Special Assessment Charge resulted from the \$103.00 charge from the contractor and a \$50.00 Administrative Fee.

With all enforcement issues, the City tries to balance the rights of the property owners and the safety of the general public. The ice and snow from this winters storms have at times left the City's sidewalks in an extremely hazardous condition. The Building Inspection Division

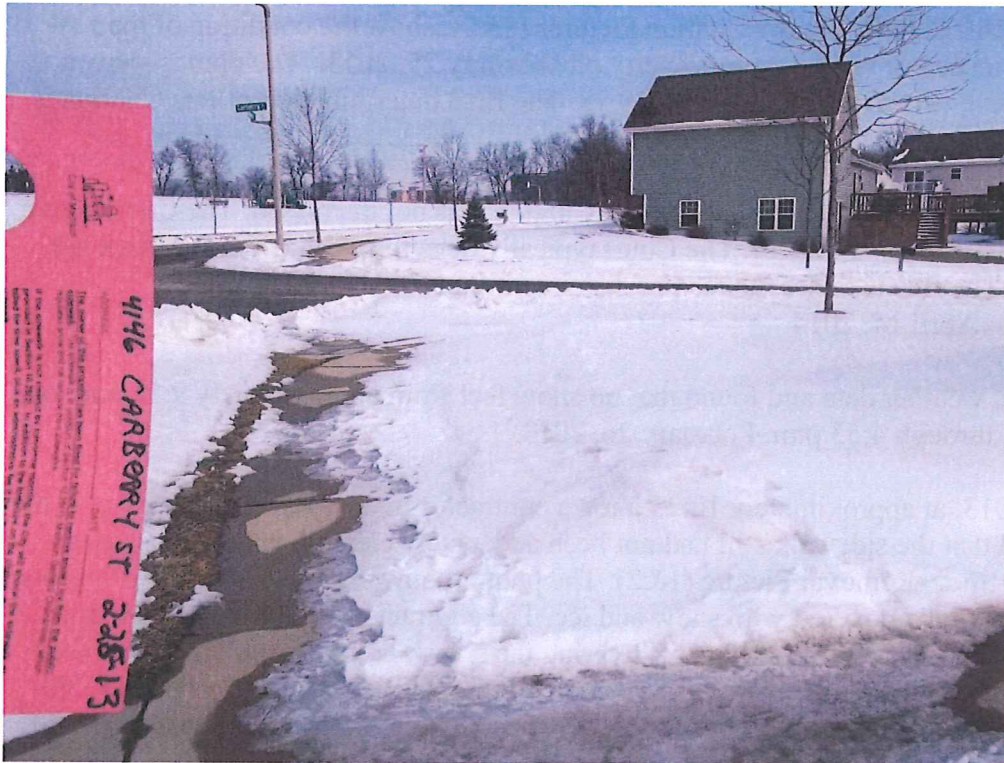
maintains a no warning policy in accordance with the Ordinance for snow and ice removal and has for more than 25 years. This policy supports a goal of reasonable sidewalk safety.

After reviewing the photos and all of the other documentation for this incident, I believe that the Building Inspection Division has acted appropriately. The photos titled 4146 Carberry Pre-Snow Removal Picture shows a sidewalk that is still in violation in my opinion. The photos titled 4146 Carberry Post Snow Removal Picture (1&2) clearly show that snow and ice were removed by the contractor. The blue tint indicates that salt was applied to the ice that could not be removed. The \$153.00 charge will not be dismissed.

My decision may be appealed to the Administrative Review Board. This process is contained in Madison General Ordinance 9.49 a copy of which is enclosed. In short, you must file a written appeal with the Clerk's Office within 30 days of my determination. Please see MGO 9.49(6)(b)

Sincerely,

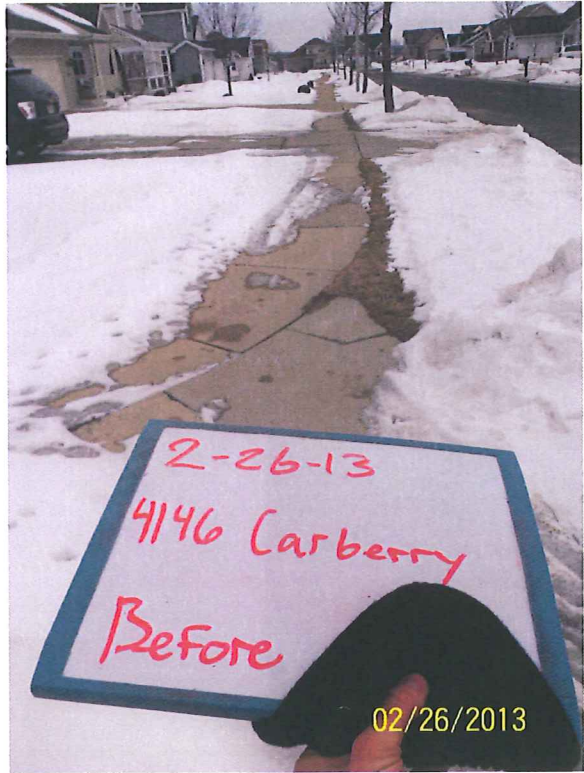
George Hank  
Director



4146 Carberry Snow Citation Picture 1



4146 Carberry Snow Citation Picture 2



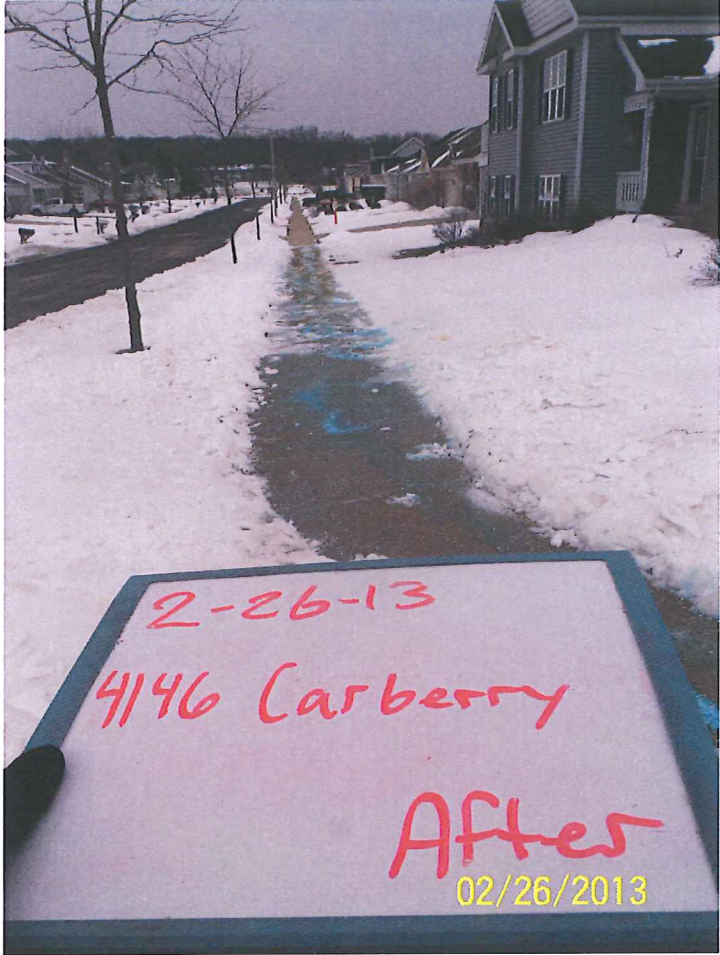
4146 Carberry Pre-Snow Removal Picture 1



4146 Carberry Pre-Snow Removal Picture 2



4146 Carberry Post Snow Removal Picture 1



4146 Carberry Post Snow Removal Picture 2





## **9.49 REVIEW OF ADMINISTRATIVE DETERMINATIONS.**

**(1) Legislative Purpose.** The City of Madison elects not to be governed by any of the provisions of Chapter 68, Wisconsin Statutes. This election is made pursuant to the provisions of Wis. Stat. §68.16.

The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by City authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution, and for which appeal procedures are not already created by other ordinances or statute. There is no intention to create any new or additional rights to administrative review beyond those already guaranteed by the Constitution.

**(2) Review of Administrative Determinations.** A person aggrieved shall be defined as any person having a substantial interest which is adversely affected by an administrative determination of any official, agent, or employee acting on behalf of the City, as set forth in Subsection (3). A person aggrieved by such determination may have it reviewed by following the procedure set forth in Subsection (6).

**(3) Determinations Reviewable.** Except as limited by Subsection (4), the following determinations are reviewable under this section:

(a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority except a license or permit issuable under Chapter 38, MGO, or an adult entertainment license.

(b) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority except a license or permit issuable under Chapter 38, MGO. Sec. 9.49(3)(c)

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(c) 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.

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

**(4) Determinations Not Subject to Review.** The following determinations are not reviewable under this section:

(a) Any action which is subject to review procedures provided by any other ordinance, resolution, statute, or rule.

(b) A legislative enactment. A legislative enactment is an ordinance or resolution adopted by the Common Council.

(c) Denial of a claim.

(d) Suspension, removal, demotion, or discipline, or nonrenewal of a contract of a City employee or officer.

(e) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating

liquor license or other license or permit issuable under Chapter 38, MGO.

(f) Determinations made or actions taken during labor negotiations.

(g) Decisions made by the City pursuant to its contracting, budgeting, or employment authority.

(h) The grant, denial, renewal, nonrenewal, revocation or suspension of an adult entertainment license.

(i) Notwithstanding any other provision of this section, any action or determination which does not affect the constitutionally protected right of a specific person or persons to due process of law in connection with the action or determination.

(j) Any action of a City governmental body, including boards, commissions or committees, for which a method of direct review by the circuit court is provided by ordinance. Such method of review may adopt the procedures of Wis. Stat. § 68.13 by reference. (Cr. By ORD-10-00096, 12-14-10) (Am. by Ord. 13,358, 7-2-03; ORD-06-00144, 11-2-06)

**(5) Administrative Review Board.** The Common Council Organizational Committee (CCOC), as constituted under Sec. 33.13, MGO, shall serve as the Administrative Review Board (ARB) under this ordinance. The CCOC shall adopt rules of procedure when it acts as the ARB. The Common Council staff shall provide staff support to the ARB. (Am. by Ord. 9192, 5-14-87; ORD-08-00092, 8-23-08)

**(6) Procedure for Review.**

(a) Written Determination. Any person aggrieved, as defined in Subsection (2), may request a written statement of reasons for a determination subject to the provisions of this section. Such request shall be in writing, and shall be filed within thirty (30) days after the person receives notice of the determination. The request shall be filed with the City Clerk and the Clerk shall immediately forward it to the authority responsible by law for the decision. The requested written statement shall be approved by the responsible authority or officer, shall be dated, and shall be provided to the requester within thirty (30) days. It shall also inform the requester of procedures to be followed in seeking review. The responsible authority or officer shall consider any revised application, or supplemental facts or argument supplied to him/her in writing, but is not required to provide an interview or hearing, although he/she is permitted to do so. Unless otherwise provided, the determination shall be in effect during the appeal process, if appeal is taken.

(Am. by Ord. 13,358, 7-2-03)

LICENSES AND PERMITS Sec. 9.49(6)(b)

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(b) Appeal From Determination.

1. Notice of Appeal. The written determination may be appealed to the Administrative Review Board, if the person aggrieved files a written notice of appeal within thirty (30) days after he/she receives the determination. Such notice shall be filed with the City Clerk. The Board shall hold a hearing within thirty (30) days after the notice is filed with the Clerk. The appellant shall be notified at least ten (10) days before the hearing.

2. Hearing. At the hearing, the appellant and the responsible City official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the CCOC shall act as the chair of the ARB and shall conduct the hearing, administer oaths to witnesses, and may issue subpoenas. The rules of evidence provided in Wis. Stat., 227.08 for administrative proceedings shall be followed. The Common Council staff shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.

3. Decision. Within thirty (30) days of the completion of the hearing and the filing of briefs, if any, the Board shall issue a written decision stating the reasons therefor. The Board shall have power to affirm or reverse the written determination, or to remand it to the agency or authority with instructions for reconsideration. Such orders shall be consistent with applicable law, and, except for remands, shall be final determinations for the purpose of judicial review.  
(Sec. 9.49 Cr. by Ord. 5973, 9-30-77)

**(7) Judicial Review.**

(a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

(Sec. 9.49(7) Cr. by ORD-10-00101, 10-27-10)

(Sec. 9.49 Am. by ORD-11-00161, 12-6-11)

