



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Martin G. Collins
Commissioner

Schuyler F. Seager
Deputy Commissioner

July 2, 2002

To the Public Improvements Committee

Subject: Common Council File Number 020239

Dear Honorable Members:

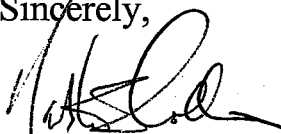
It is a rare occasion that I do not join with the Commissioner of Public Works and the City Engineer in endorsing special privilege applications, but I do so today on this file. This special privilege would allow the applicant to do business as a direct seller on the public way in two locations: east side of North 76th Street north of West Clovernook Street and north side of West Oak Street west of West Fond du Lac Avenue. The reasons for my objections to this type of use in the public way are as follows.

1. The new zoning code which goes into effect later this year will make uses of this type of business, had it been located on private property, a special use exception. The intention is to severely limit the proliferation of open-air market uses.
2. The special privilege sets limitations on the location of the direct seller. However, it is our experience that these limitations are observed more in the breach than in reality and are extremely hard to police adequately. The department lacks the resources to keep an adequate eye on uses of this type.
3. Revocation of special privileges is extremely difficult and nearly useless for seasonal sales operations.

4. Street sales of this type quickly attract other people to set up additional sales operations, almost always without going through the special privilege process. That leads to more enforcement problems.
5. Street sales take away business from building owners. The owners of those buildings pay taxes and depend on the sales by legal occupants for rent. Sales in the public right-of-way detracts from the use of already constructed buildings except where the street sales are part of a retail operation inside of an adjacent building.

For the reasons stated above, I object to the granting of this special privilege and other special privileges of this type.

Sincerely,



Martin G. Collins
Commissioner
Department of Neighborhood Services

c Tracy Williams
Ron Roberts