

..Number

140862

..Version

PROPOSED SUBSTITUTE B

..Reference

131559

..Sponsor

THE CHAIR

..Title

A substitute ordinance relating to licensing requirements and procedures.

..Sections

79-9-2-a am

84-7-7 rc

100-50-11-g rp

100-50-14-b-2 am

100-51-6-a am

100-51-6-d-1-0 am

100-51.5-3-a-3 rp

100-54-11-a am

..Analysis

This ordinance:

1. Eliminates the requirement that a license sticker issued to a private waste collector correspond to the authorized licensed private waste collector.
2. Repeals the requirement that, in the case of an extended hours establishment license application, the building owner or applicant shall file a valid occupancy certificate for operation of the premises or provide proof of having applied for an occupancy certificate.
3. Repeals a provision allowing an authorized representative of an applicant for a public passenger vehicle permit to pick up a permit issued by the city clerk if the permittee has first filed a statement with the city clerk, signed in the presence of a notary public, designating the authorized representative.
4. For both public passenger vehicle permit applications and public passenger driver's license applications, creates cross-references to the standard notice requirements and procedures of ch. 85 (the general licensing chapter).
5. Provides that an inspection sticker for a public passenger vehicle need not be affixed to the exterior of the vehicle, and that no inspection sticker shall be required for a horse and surrey livery or a pedicab.
6. Repeals the assignment of the color orange to taxicabs affiliated with the Brew City Cab Cooperative.
7. Changes the effective date of provisions of Common Council File Number 131559 relating to self-service laundries, campgrounds, festivals, massage establishments,

licensed dwelling facilities, and waste tire transporters and generators from January 1, 2015, to August 1, 2015.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 79-9-2-a of the code is amended to read:

**79-9. Private Waste Collector Regulations.**

**2. PRIVATE COLLECTOR'S LICENSE.**

a. No person, except employes of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley, except those acting under the authority of a licensed private waste collector. Each vehicle used by a collector shall bear a license sticker ~~[[corresponding to the authorized licensed private waste collector]]~~. The sticker shall be prominently displayed on each vehicle.

Part 2. Section 84-7-7 of the code is repealed and recreated to read:

**84-7. Extended Hours Establishments.**

7. FINGERPRINTING. All applicants shall be fingerprinted as provided in s. 85-21-1.

Part 3. Section 100-50-11-g of the code is repealed.

(Note: The provision being repealed reads as follows:

**100-50. Public Passenger Vehicle Permits.**

**11. ISSUANCE.**

g. Authorized Representative. g-1. If a permittee first files a statement with the city clerk signed in the presence of a notary public designating an individual who is authorized to represent the permittee, the authorized representative may pick up from the city clerk a permit issued to the permittee after the permittee has filed an affidavit with the city clerk for a duplicate permit.

g-2. No permit shall be released to any individual who is authorized under this subsection to represent the permittee without the city clerk first securing 2 adequate items of identification from the authorized representative.)

Part 4. Section 100-50-14-b-2 of the code is amended to read:

**14. RENEWAL.**

b. Procedure for Renewal.

b-2. If the chief of police files a written report summarizing the arrest and convictions of the applicant which could form a basis for nonrenewal, or there is a written objection to the renewal of the permit by any interested person >>in accordance with the provisions of s. 85-3-3<< , the application shall be forwarded to the licensing committee for its recommendation as to whether or not each permit should be renewed.

Part 5. Section 100-51-6-a of the code is amended to read:

### **100-51. Vehicle Inspection.**

#### **6. INSPECTION ACTIONS.**

a. Inspection Sticker. The department of public works shall place in a conspicuous location a nonremovable sticker on ~~[[the exterior of]]~~ each public passenger vehicle thoroughly inspected by the department of public works and found to meet the vehicle standards and equipment requirements established in this subchapter. The city clerk may provide for an inconspicuous inspection sticker for limousines. >>No inspection sticker shall be required for a horse and surrey livery or a pedicab.<<

Part 6. Section 100-51-6-d-1-0 of the code is amended to read:

#### **d. Suspend Permit.**

d-1. Without any further action, the ~~[[department of public works]]~~ >>city clerk<< shall immediately suspend the permit and notify the permittee by ~~[[United States]]~~ first class mail ~~[[, postage prepaid mail]]~~ of the suspension whenever the department of public works receives information that any of the following has occurred:

Part 7. Section 100-51.5-3-a-3 of the code is repealed.

(Note: The provision being repealed reads as follows:

### **100-51.5. Vehicle Standards and Equipment Requirements.**

#### **3. TAXICAB REQUIREMENTS (CLASS T).**

##### **a. Body Colors.**

a-3. Orange – Brew City Cab Cooperative.)

Part 8. Section 100-54-11-a of the code is amended to read:

### **100-54. Public Passenger Vehicle Driver's License.**

#### **11. RENEWAL AND NON-RENEWAL.**

a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application to the chief of police for review. The chief of police may object to renewal of the applicant's license based on the applicant's criminal history and

shall object to renewal of the license if, within the most recent license period, the applicant has been convicted of 3 or more moving violations, as defined in s. 343.01(2)(cg), Wis. Stats., arising out of separate incidents or occurrences. If the chief of police indicates that the applicant still meets the licensing qualifications, the city clerk shall issue the license unless a written objection ~~>>to renewal of the license<<~~ has been filed with the city clerk ~~[[at least 45 days prior to the date on which the license expires]]~~ ~~>>in accordance with the provisions of s. 85-3-3<<~~ . ~~[[This objection may be filed by any interested person.]]~~ If a written objection is filed, or if a determination by the city clerk or a designee of the city clerk is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

Part 9. Part 171 of Common Council File Number 131559 is amended to read:

Part 171. Parts ~~[[2,]]~~ 3, ~~[[40, 41,]]~~ 14, 15, ~~[[46,]]~~ 17, ~~[[19, 20, 21, 25, 26, ]]~~ 27, 28, 29, ~~[[37,]]~~ 57, ~~[[68, 71,]]~~ 90, ~~[[96,]]~~ 118, 119, 120, 121, ~~[[122, 123, 124, 125, 126, 127, 128, 129, 130, 138, 139, 140, 141, 142, 143, 144,]]~~ 145, 146, 147 ~~[[,]]~~ ~~>>and<<~~ 148 ~~[[, 152, 153, 154, 155, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167 and 168]]~~ of this ordinance shall be effective January 1, 2015.

Part 10. Part 172 of Common Council File Number 131559 is created to read:

Part 172. Parts 2, 10, 11, 16, 19, 20, 21, 25, 26, 37, 68, 71, 96, 122, 123, 124, 125, 126, 127, 128, 129, 130, 138, 139, 140, 141, 142, 143, 144, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167 and 168 of this ordinance shall be effective August 1, 2015.

..LRB

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

..Requestor

City Clerk's Office

..Drafter

LRB155647-3

Jeff Osterman

11/5/2014