

..Number
101299
..Version
PROPOSED SUBSTITUTE A
..Reference

..Sponsor
ADL. BOHL

..Title
A substitute ordinance amending food-related provisions.

..Sections
68-4-2-d am
68-4-5-a am
68-4-5-c am
68-4.5-2-a am
68-5-1 am
74-1-5 rc
74-2-4 am
74-2-4-d rn
74-2-4-d cr
75-40-1 am

..Analysis
This ordinance makes clarifications and minor non-substantive changes to food-related provisions of the code, including:

1. A food dealer licensee shall notify the commissioner when leaving the state for more than 30 days. Currently, the code requires notification after an “extended period of time”.
2. Currently, the health department has a policy requiring a site evaluation by the health department for a food location that has not been operating as a food establishment for the past 5 years. This policy is now being codified.
3. Members of the food license review board and environmental health board shall not be required to be city residents. Currently, board members must be city residents.
4. Vehicular food peddler and ice cream peddler license applications shall include 2 recent photographs of each applicant. Currently, these license application requirements do not include the submission of photographs.

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

Part 1. Section 68-4-2-d of the code is amended to read:

68-4. Food Dealer License.

2. APPLICATION.

d. The signature of all applicants and their agents to confirm that all information on the application is correct and acknowledge that any change in the information on the application shall be reported to the ~~[[commissioner]]~~ >>city clerk<< within ~~[[14]]~~ >>10<< days of the change.

Part 2. Section 68-4-2-5-a and c of the code are amended to read:

5. CHANGES TO BE REPORTED.

a. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within ~~[[5]]~~ >>10<< days after the change occurs.

c. An individual applicant or licensee who resides outside Wisconsin or who leaves the state for ~~[[an extended period of time]]~~ >>more than 30 days<< shall provide the commissioner or the commissioner's authorized agent with the name, address and telephone number of a responsible person or agent within the state of Wisconsin upon whom any process, notice or demand required or permitted under this section to be served upon the licensee may be served, and the commissioner shall notify the city clerk. Violation of this subsection may result in suspension or revocation of the license.

Part 3. Section 68-4.5-2-a of the code is amended to read:

68-4.5. Construction or Alteration of Licensable Food Establishments.

2. SITE EVALUATION. a. A site evaluation by the health department is required for any food establishment in a location where the immediate predecessor was not a food operation >>or where a food establishment has not been in operation at that location in the past 5 years<<.

Part 4. Section 68-5-1 of the code is amended to read:

68-5. Food License Review Board.

1. ESTABLISHMENT. A food license review board is ~~[[herewith]]~~ established to consist of 3 professional environmental health personnel, including sanitarians, appointed by the commissioner of health. Board members shall be appointed to serve 4-year terms >>and are not required to be city residents<<. Elected officials and municipal employees who serve on the board shall do so without remuneration.

Part 5. Section 74-1-5 of the code is repealed and recreated to read:

74-1. Vehicular Food Peddlers.

5. APPLICATION. a. Each person requiring a permit shall make written application to the city clerk.

b. Photos. Each applicant for a vehicular food peddler's permit shall file with the application 2 recent photographs suitable in size and form, as determined by the city clerk, for inclusion on the applicant's official permit. One photograph shall be attached to the permit when issued, and the other photograph shall be filed with the application with the city clerk.

Part 6. Section 74-2-4 of the code is amended to read:

74-2. Ice Cream Peddler License.

4. APPLICATION. Application for a new or renewal license shall be filed with the city clerk ~~[[on a form provided therefore]]~~. The application shall state:

Part 7. Section 74-2-4-d of the code is renumbered to 74-2-4-e.

Part 8. Section 74-2-4-d of the code is created to read:

d. Photos. Each applicant for a ice cream peddler's license shall file with the application 2 recent photographs suitable in size and form, as determined by the city clerk, for inclusion on the applicant's official license. One photograph shall be attached to the license when issued, and the other photograph shall be filed with the application with the city clerk.

Part 9. Section 75-40-1 of the code is amended to read:

75-40. Environmental Health Board.

1. ESTABLISHMENT. An environmental health board is established consisting of 3 members appointed by the health commissioner. At least 2 members shall be professional environmental health personnel. >>Members are not required to be city residents.<< Elected officials and city employes who serve on the board shall not receive remuneration.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date:_____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date:_____

..Requestor

..Drafter
LRB125293-3
Amy E. Hefter
2/10/2011