

CITY OF MILWAUKEE

LEGISLATIVE REFERENCE BUREAU
Interoffice Correspondence

M E M O

TO: Ald. Paul A. Henningsen

FROM: Jim Owczarski, Legislative Research Analyst

DATE: January 25, 2002

RE: Requiring a surety bond from persons or organizations who request a special event permit and who also request the City to hood or remove 7 or more parking meters

Attached, please find an ordinance, drafted at your request, requiring a \$2,500 surety bond of any person or organization who both applies for a special event permit and who also asks the City to hood or temporarily remove 7 or more parking meters. Although submitted for your review, I have some concerns about this ordinance that I thought worthy of mention.

As you are aware, the City requires surety bonds in many contexts. Public passenger vehicle licensees must have them (s. 100-53-1-a), sidewalk cafe operators may be required to have them (s. 115-32.6-4-c) and transient merchants must have them (s. 95-2-10), just as examples. A common theme, however, throughout these code provisions is a direct relationship between the problems individuals and organizations can cause and the manner in which surety bonds solve these problems. Construction companies, for example, are expected to complete projects in a timely manner and in a workmanlike fashion. The cost of repairs and re-inspections of inferior work can be deducted from the surety bonds posted by these companies. Likewise, in all these cases, the City reasonably expects to incur costs related to undoing whatever the problems might be. These costs can be itemized and documented prior to their deduction from the surety bond. It is not clear how this would be the case with individuals or organizations that ask the City to hood 7 or more parking meters. What is the relationship between the hooding of meters and the \$2,500 surety bond? What problem, again specifically related to the hooding of meters, is the bond intended to prevent? Why 7 or more meters? It should also be noted that the City already charges, per s. 81-83, \$5 per meter hooded per day. In that context, is \$2,500 an excessive amount? At what point would an individual or organization have money deducted from the bond and how much?

Particularly as concerns the relationship between hooded meters, the use of the public way through a special event permit and the requirement of a surety bond, I might suggest that an opinion be solicited from the City Attorney's office.

Should you have further questions, please feel free to contact me at your convenience. I am at extension x2299.

02036.doc