



Legislation Details (With Text)

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**Effective date:**

**Title:** A substitute ordinance relating to revisions of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

**Sponsors:** THE CHAIR

**Indexes:** CODE OF ORDINANCES, PRINTING

**Attachments:** 1. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
5/14/2002	0	COMMON COUNCIL	ASSIGNED TO		
5/17/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
5/20/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
5/20/2002	1	CITY CLERK	DRAFT SUBMITTED		
5/29/2002	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/4/2002	1	COMMON COUNCIL	PASSED	Pass	16:0
6/13/2002	1	MAYOR	SIGNED		
6/20/2002	1	CITY CLERK	PUBLISHED		

020238  
SUBSTITUTE 1

**THE CHAIR**

A substitute ordinance relating to revisions of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

- 61-5-1            am
- 61-16-2        am
- 84-43-3        am
- 100-54-2-e    am
- 101-27.7-8-b-3 am
- 200-22-1-a    am
- 200-22-3-a    am

This ordinance revises various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

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

Part 1. Section 61-5-1 of the code is amended to read:

**61-5. General Provisions.**

1. Any person who violates any provision of chapters 62 to 78 >>, ch.80,s.80-48<< or order of the commissioner of health, a representative of the commissioner or any city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding shall be subject to penalties as set forth in this chapter and as referenced in specific sections of those chapters. Where citations are issued the Milwaukee municipal court deposit schedule shall be used as a guide for penalties for violations of these chapters.

Part 2. Section 61-16-2 of the code is amended to read:

**61-16-2. Class J.**

2. The minimum forfeiture shall be not less than \$500 for a second or subsequent conviction of any of the following violations committed within a 2-year period. All other penalty provisions for violations of s.66-22 ~~[[and of subchapter 3 of ch. 66]]~~ shall be as provided in sub. 1.
- a. Violation of any provision of s.66-22 ~~[[or of subchapter 3 of ch. 66]]~~.
  - b. Failure to obey any order of the commissioner to conform to any provision of s.66-22 ~~[[or of subchapter 3 of ch. 66]]~~.

Part 3. Section 84-43-3 of the code is amended to read:

**84-43. Cigarette and Tobacco License.**

3. LICENSE APPLICATION; ISSUANCE. An application for a license shall be filed in writing with the city clerk and require the name of the person, firm or corporation ~~[[and]]~~ >><sub>1</sub><< the address of the premises where business is to be conducted >>and a statement by the applicant indicating whether he or she intends to sell, exchange, barter, dispose of, or give away cigarettes or tobacco products over the counter, in a vending machine, or both<<. Every license shall name the licensee and the place wherein he or she is authorized to conduct such business. Each license shall be issued for a period of one year from the date of issuance unless sooner revoked for violation of this section or other pertinent sections of the code.

Part 4. Section 100-54-2-e of the code is amended to read:

**100-54. Driver's License.**

2. QUALIFICATIONS AND APPLICATIONS. e. Be able to read, write and speak the English language to the extent necessary to operate a public service vehicle licensed by the city. In order to satisfy this requirement, applicants must pass a test regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles. Alternate tests shall be available for those applicants who possess limited ability to read the English language. ~~[[This requirement shall apply to all new licenses issued by the city on and after March 18, 1998.]]~~

Part 5. Section 101-27.7-8-b-3 of the code is amended to read:

**101-27.7. Residential Daytime Parking Privilege for Commuter Impacted Parking Areas.**

**8. APPLICATION AND PERMIT.**

b. Application and Permit Information

b-3. Permit may be renewed annually by the ~~[[city-clerk]]~~>>police department<<.

Part 6. Section 200-22-1-a of the code is amended to read:

**200-22. Rent Withholding.**

1. NONCOMPLIANCE. a. Deposit in Escrow. Notwithstanding any other provision of law or any agreement, whether oral or written, if an owner of real property, except rooming houses licensed under s.275-20, or owner-occupied 2-family dwellings, fails or neglects to comply with an order of the commissioner to correct a violation of this code or an order of the commissioner of health to comply with ss.66-20 to ~~[[66-73]]~~ >>66-22<<, upon the expiration of the order to correct those violations, the tenant of the premises is authorized as of that date to deposit rental payments into an escrow account designated by the commissioner. The only violation exempt from the provisions of this section is that rent withholding is not authorized for failure to comply with an exterior painting order that was not issued pursuant to subch. 2~~[[or-3]]~~ of ch. 66. Rent withholding is available for failure to comply with an exterior painting order that was issued pursuant to lead poisoning prevention and control regulations or the residential rental property lead-based paint hazard control pilot project, subch. 2 ~~[[ or-3]]~~ of ch. 66. Rent withholding is available regardless of whether the commissioner has granted an extension of the order to correct violations, except that rent withholding is not available for failure to comply with an exterior painting order issued pursuant to subch 2 ~~[[or-3]]~~ of ch. 66 if the commissioner of health has granted an extension of that order for seasonal considerations. A tenant shall not be prevented from withholding rent if other violations are past due even if exterior paint orders are or are not past due. The tenant may commence rental deposits into the escrow account after the orders are past due, provided that payment is made prior to expiration of a 5-day pay or quit notice or service of a 14-day termination notice given by the lessor under ch. 704, Wis. Stats. The owner shall be notified of rent withholding authorization by the commissioner by first class mail within 5 days. In the event that the tenant has commenced rental deposits in the escrow account, it shall be the responsibility of the owner to notify the commissioner of the service of any of the notices referenced in this section that are served after the tenant has commenced rent withholding, and to provide a copy of such notice to the commissioner. The tenant shall be allowed to deposit rent into the escrow account until the copy of the notice is received. It shall be an affirmative defense to a rent withholding under this section to show that the damage or condition on which the violation is based is caused by negligence or improper use by the tenant.

Part 7. Section 200-22-3-a of the code is amended to read:

3. RELEASE OF FUNDS. a. To the owner of record as recorded with the register of deeds at the time of certification by the department. Certification means that the premises, at the time of inspection for certification, are free of any violations of this code and of any violation of subch. 2 ~~[[or-3]]~~ of ch. 66, except for any violation for which the commissioner of health has granted an extension for seasonal consideration.

APPROVED AS TO FORM

Date: \_\_\_\_\_  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date: \_\_\_\_\_

City Clerk-Legislative Reference Bureau  
LRB02240-2  
BJZ/cac  
5/20/2002