



Legislation Details (With Text)

**File #:** 021062      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/6/2002      **In control:** LICENSES COMMITTEE

**On agenda:**      **Final action:** 12/20/2002

**Effective date:**

**Title:** A substitute ordinance relating to the regulations governing home improvement contractors.

**Sponsors:** ALD. D'AMATO

**Indexes:** LICENSES

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

Date	Ver.	Action By	Action	Result	Tally
11/6/2002	0	COMMON COUNCIL	ASSIGNED TO		
11/7/2002	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
11/7/2002	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
11/12/2002	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
11/26/2002	0	COMMON COUNCIL	NOT RETURNED BY CITY ATTORNEY		
12/4/2002	1	CITY CLERK	DRAFT SUBMITTED		
12/5/2002	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
12/5/2002	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
12/10/2002	0	LICENSES COMMITTEE	RECONSIDERED	Neither	
12/10/2002	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
12/20/2002	1	COMMON COUNCIL	PASSED	Pass	15:0
12/20/2002	1	MAYOR	SIGNED		
1/10/2003	1	CITY CLERK	PUBLISHED		
9/24/2013	0	COMMON COUNCIL	HEARING NOTICES SENT		

021062

SUBSTITUTE 1

ALD. D'AMATO

A substitute ordinance relating to the regulations governing home improvement contractors.

81-60 rc  
95-14-0 am  
95-14-1-c am  
95-14-2 am

95-14-3 rc  
95-14-4-a am  
95-14-7 am  
95-14-9-b am  
95-14-11-a am  
95-14-11-c-7 am  
95-14-11-d-0 am  
95-14-11-d-2 am  
95-14-11-d-3 am  
95-14-12 am  
95-14-16-a am

This ordinance makes the following changes to code provisions governing home improvement contractor's and salesperson's licenses:

1. It clarifies that contractor's and salesperson's licenses - both of which are valid for 2 years - which are issued in even-numbered years shall expire in even-numbered years. Those issued in odd-numbered years shall expire in odd-numbered years.
2. It deletes a provision under which contractors which are partnerships or corporations were required to acquire salesperson's certificates for each partner and every officer of the partnership or corporation whenever the partner or officer acted as a salesperson.
3. It adds individuals, corporations which include only one person, or limited liability companies having only one member, which have been issued a contractor's certificate to the list of those who are not required to obtain a separate salesperson's license.

This ordinance also updates the language of this section to make it gender-neutral.

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

Part 1. Section 81-60 of the code is repealed and recreated to read:

**81-60. Home Improvement Contractor's or Salesperson's License.**

1. a. Each new home improvement contractor's or salesperson's license issued in an even-numbered year shall expire on February 28 of the next even-numbered year. An original home improvement contractor's or salesperson's license issued in an odd-numbered year shall expire on February 28 of the next odd-numbered year.
- b. Each renewal home improvement contractor's or salesperson's license shall expire 2 years from the expiration date of the license being renewed.
2. a. The fee for each new or renewal home improvement contractor's license shall be \$180.
- b. The fee for each new salesperson's license shall be \$30.
- c. The fee for the renewal of each salesperson's license shall be \$18.

(See s.95-14.)

Part 2. Section 95-14-0 and 2 of the code is amended to read:

**95-14. Home Improvement Contractors and ~~[[Salesmen]]~~ >>Sales Personnel<< to be Certified.**

2. CERTIFICATE REQUIRED OF CONTRACTOR. No person shall within the city act as a contractor as defined in this section without first having obtained a certificate as provided under this section, except that licensed master plumbers licensed under the statutes of the state of Wisconsin and licensed electrical contractors licensed by the city need not obtain a contractor's certificate but shall in all other respects comply with the provisions of this section. ~~[[Where the contractor applying for a certificate is a partnership or corporation, each partner and every officer of said partnership or corporation shall have a salesman certificate as hereinafter provided whenever any such partner or officer of a corporation acts as a salesman as herein defined.]]~~ >>If the applicant is a corporation or

limited liability company, the name of the corporation or company shall be set forth exactly as it is set forth in its articles of incorporation, together with the names, dates of birth and addresses of each of its officers, directors, designated agent and managers, if any; the application shall be verified in the presence of an officer authorized by law to administer oaths by any officer of the corporation or limited liability company. If the applicant is a partnership or limited liability partnership, the application shall set forth the name, date of birth and the resident address of each partner, including limited partners, and the application shall be verified in the presence of an officer authorized by law to administer oaths by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.<<

Part 3. Section 95-14-3 of the code is repealed and recreated to read:

**3. CERTIFICATE REQUIRED OF SALES PERSONNEL.**

- a. No person shall within the city engage in the business of salesperson as defined in this section without first having obtained a salesperson's certificate as provided in this section.
- b. Individuals, corporations which include only one person, or limited liability companies having only one member, which have been issued a contractor's certificate as provided in this section, or licensed master plumbers licensed under the statutes of the state of Wisconsin, or licensed electrical contractors licensed under the code need not have a salesperson's certificate, but shall in all other respects comply with the provisions of this section.

Part 4. In the following sections the term "he" is replaced by "he or she": 95-14-11-d-2 and 95-14-11-d-3.

Part 5. In the following section the term "his" is replaced by "his or her": 95-14-11-d-2.

Part 6. In the following section the term "materialman" is replaced by "material supplier": 95-14-11-a.

Part 7. In the following section the term "materialmen" is replaced by "material suppliers": 95-14-11-a.

Part 8. In the following sections the term "salesman" is replaced by "salesperson": 95-14-1-c, 95-14-4-a, 95-14-7, 95-14-9-b, 95-14-11-c-7, 95-14-11-d-0, 95-14-12 and 95-14-16-a.

Part 9. In the following section the term "salesmen" is replaced by "sales personnel": 95-14-12.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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

LRB02535-2

jro

12/02/02