



## Legislation Text

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**File #:** 081724, **Version:** 1

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081724

Substitute 1

THE CHAIR

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

64-01-2	am
66-12-5-g-1-d	am
66-22-4-b-1	am
66-22-4-h-2	am
66-22-4-h-11	am
66-22-5-b	am
66-22-11	am
68-01	am
75-15-1-j	am
75-20-1	am
75-20-12	am
75-25-1-d	am
75-25-1-e	am
75-51-3	am
75-51-4	am
80-75-3	rp
81-36	rp
81-37	rp
81-126-1	am
85-11-2	am
108-11-1-b	am
200-33-44.2-0	am
200-33-44.3-0	am
214-7-1-d	am
236-21-2	am
252-76-3	am
261-103-5	am
261-103-6-a	am
275-20-1.5	am
295-201-183	am
295-203-1-h	am
295-311-7-f	am
295-503-2-i	am
301-5	rp

This ordinance revises various provisions of the code for purposes of revising errors, clarifying

language and eliminating obsolete provisions.

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

Part 1. Part 2-2 to 4 of File Number 981375, passed January 19, 1999, is repealed.

Part 2. Section 80-75-3 of the code is repealed.

Part 3. Sections 81-36 and 81-37 of the code is repealed.

Part 4. Section 81-126-1 of the code is amended to read:

**81-126. Taxicab Permit.** 1. Each meter fare or zone permit shall be issued for a one-year period expiring on October [[30]] >>31<< irrespective of the date of issuance.

Part 5. Section 85-11-2 of the code is amended to read:

**85-11. Purpose and Scope.** 2. SCOPE AND APPLICATION. The provisions of this subchapter shall not supersede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for application and administration are otherwise silent.>>This subchapter provides uniform procedures for licenses and permit disqualifications and for consideration of changes in circumstances following denial, nonrenewal or revocation.<<

Part 6. Section 108-11-1-b of the code is amended to read:

**108-11. Non-renewal, Revocation or Suspension of Licenses.**

1. PROCEDURE.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern [[~~except that oral argument before the common council shall only be permitted at the discretion of the chair~~]].

Part 7. Section 200-33-44.2-0 of the code is amended to read:

**44.2. PROPERTY RECORDING [[ ENFORCEMENT]] FEE.**

Part 8. Section 200-33-44.3-0 of the code is amended to read:

**44.3 PROPERTY RECORDING >> ENFORCEMENT << FEE.**

Part 9. Section 214-7-1-d of the code is amended to read:

**214-7. Fire Prevention.**

1. RESPONSIBILITIES OF THE FIRE CHIEF.

d. Other Duties. The chief shall be responsible for carrying out the requirements of s. Comm [[14.47(4)]]>>14.01(11)(b)4<<, Wis. Adm. Code, as amended, and s. 214-31.

Part 10. Section 236-21-2 of the code is amended to read:

**236-21. Flammable and Combustible Liquids**

2. RELINING OF UNDERGROUND STORAGE TANKS. The relining of steel, underground tanks used for storage of flammable and combustible liquids shall be permitted, provided s. Comm [[10.51]]>>10.530<< Wis. Adm. Code, are complied with and flex connectors are placed at the top of the tank

and between the tank and the vent pipe.

Part 11. Section 252-76-3 of the code is amended to read:

**252-76. Security Barriers in Commercial Districts.**

3. EXTERIOR SECURITY BARRIERS. No security barriers shall be placed on the exterior of any portion of any façade of any enclosed building located in a residential and office, neighborhood shopping, local business, commercial service, regional shopping or downtown zoning district. Any security barrier in place on the exterior of the façade of an enclosed building in one of the specified zoning districts on July 1, 1998, may remain in place until a new certificate of occupancy [~~or certificate of zoning~~] is issued for the premises on which the barrier is located. The security barrier shall be removed within 180 days of the date of issuance of the new certificate of occupancy [~~or certificate of zoning~~].

Part 12. Section 295-311-7-f of the code is amended to read:

**295-311. Appeals.**

**7. APPEALS OF PERMIT DENIALS; OVERLAY ZONES.**

f. The [~~board~~] >> commission << may reverse or affirm, wholly or partially, the decision of the city officer to deny the applicant's permit request.

Part 13. Section 301-5 of the code is repealed.

(Note: the provisions being repealed read as follows:

**301-5. Impeachment Proceedings.** 1. OFFICIAL MISCONDUCT CHARGES. Whenever any specific charges of official misconduct shall be preferred in writing against any member of the common council or any other officer of said city, and the common council shall determine to investigate the same and shall appoint a committee for the purpose of conducting such investigation, it shall be the duty of such committee to fix on a time and place for the hearing of such charges, and a copy of the same, signed by the chairman of such committee, together with a citation for the accused to appear and answer the same at the time and place fixed on as aforesaid, shall be served by the chief of police or by any police officer of said city, by delivering to the party accused a copy of said charges and citation, or by leaving a copy thereof at his usual place of residence at least 5 days before the time set for the hearing.

2. APPEARANCE; CONTINUANCE. Every officer so cited before such committee shall, at the time and place fixed for said hearing, appear either in person or by counsel and answer to said charges, and may, for good cause shown, have a continuance of the investigation for such period as the committee may determine, not exceeding 30 days. He may bring witnesses and be heard before such committee either in person or by counsel in his defense.

3. SUBPOENAS. The city clerk shall upon application, issue under the seal of the said city subpoenas for the attendance of witnesses and the production of papers either on behalf of the prosecution or the defense.

4. REPORT. After the evidence and arguments in said hearing shall be concluded, said committee shall report such evidence to the common council with such recommendations as it may deem proper.

5. EVIDENCE TO BE READ. Whenever said committee shall report that the charges against the accused are in its opinion well founded, the evidence taken before said committee may be read before the common council before action is taken upon the report of the committee, and the common council may, in its discretion, hear further testimony either on behalf of the prosecution or defense.

6. DISMISSAL FROM OFFICE. As soon as practicable after the hearing shall be concluded, the common council shall proceed to vote viva voce upon the question of the dismissal of the accused

from office, and if, upon such vote, a majority of all the members elect of the common council shall vote in favor of the dismissal of such accused he shall be considered as dismissed from office, and his office shall be vacant.)

Part 14. Wherever the term "HFS" appears in the following sections of the code, the term "DHS" is substituted: 64-01-2, 66-12-5-g-1-d, 66-22-4-b-1, h-2 and 11, 66-22-5-b, 66-22-11, 68-01, 75-15-1-j, 75-20-1 and 12, 75-25-1-d and e, 75-51-3 and 4, 261-103-5 and 6-a, and 275-20-1.5.

Part 15 Wherever the term "HFS 45" appears in the following sections of the code, the term "DCF 250" is substituted: 295-201-183 and 295-203-1-h.

Part 16. The term "HFS 46.061 (11) in s. 295-503-2-i of the code is deleted and "DCF 251.06 (11)" is inserted.

APPROVED AS TO FORM

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Legislative Reference Bureau

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

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

City Clerk-Legislative Reference Bureau

LRB09002-2

BJZ:mbh

4/21/2009

Clerical correction -- jro -- 5/20/09