



Legislation Text

File #: 110375, **Version:** 1

110375
SUBSTITUTE 1
THE CHAIR

A substitute ordinance relating to the night operation of vehicular food peddlers.

74-1-3-e am

This ordinance provides a penalty for any person operating as a food peddler under a night operation permit in such a manner as to cause a public disturbance or impede a public way, or who refuses to cease or move peddler operations when requested to do so by police to avoid a public disturbance or blockage of the public way. The penalty is not less than \$50 nor more than \$500 as provided in s. 61-10.

The ordinance also provides a moratorium for the issuance of night operation permits until November 1, 2011.

Whereas, Food peddler operations under night operation permits have from time to time interfered with the use of the public way for its intended purpose with respect to the flow of pedestrian and vehicular traffic and the orderly ingress and egress to and from premises abutting the public way; and

Whereas, Congregations of people around night operations of food peddlers have resulted in littering, loitering, disorderly conduct, noise and other disturbances threatening the safety and welfare of the public; and

Whereas, The chief of police wishes to examine existing vehicle food peddler night operation regulations and associated provisions and their effects on the use of the public way for its intended purpose; now, therefore

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

Part 1. Section 74-1-3 of the code is amended to read:

74-1. Vehicular Food Peddlers.

3. PERMIT CATEGORIES.

e. Night Operation. >>e-1.<<The commissioner shall provide for issuance of a sub-category of each of the permit types identified in pars. a to c to allow a food peddler to sell food between the hours of 9 p.m. and 3 a.m. in addition to sales between 6 a.m. and 9 p.m., except that a food peddler with a nighttime sales permit may sell food until 3:30 a.m. on Saturday and Sunday and at any time on January 1. The applicant for a permit allowing nighttime sales shall pay the surcharge required by s. 60-31.

>>e-2. Any person operating as a peddler under the night operation permit provided in subd. e-1 who operates in such a manner as to cause a public disturbance or impede a public way, or who refuses to cease or move peddler operations when requested to do so by police to avoid a public disturbance or blockage of the public way, shall be subject to the Class D penalty , as provided in s. 61-10.

e-3. The commissioner shall not issue a new night operation permit as provided in subd. e-1 prior to November 1, 2011.<<

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: _____

LRB130577-1
Richard L. Withers
7/7/2011