



## Legislation Text

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**File #:** 180529, **Version:** 1

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180529

### SUBSTITUTE 1

#### THE CHAIR

A substitute ordinance relating to the licensing of micro markets and certain weighing and measuring devices.

60-70-1-c-4	cr
60-70-2-c	cr
68-1-20	am
68-1-35	rn
68-1-36	rn
68-1-37	rn
68-1-38	rn
68-1-39	rn
38-1-40	rn
68-1-41	rn
68-1-42	rn
68-1-43	rn
68-1-44	rn
68-1-45	rn
68-1-46	rn
68-1-47	rn
68-1-48	rn
68-1-49	rn
68-1-50	rn
68-1-51	rn
68-1-52	rn
68-1-53	rn
68-1-54	rn
68-1-55	rn
68-1-56	rn
68-1-57	rn
68-1-58	rn
68-1-59	rn
68-1-35	cr
68-21-8	am
68-23-4	cr
68-27-2	am

81-55-3-f cr  
81-135-2-b am  
81-135-3-b rc  
82-14-2-b-1 rc  
82-14-2-b-4 rc  
Subch. 2, ch. 82 rp

This ordinance creates a licensing requirement for “micro markets,” in accordance with recent state law changes.

This ordinance also exempts vehicle tank meters and vehicle scales from the weights and measures licensing requirement, in accordance with state law.

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

Part 1. Section 60-70-1-c-4 of the code is created to read:

**60-70. Inspection Fees for Health Code and Weights and Measures.**

**1. HEALTH CODE INSPECTION FEES.**

c. Reinspection.

c-4. This paragraph does not apply to a retail food establishment that is a micro market.

Part 2. Section 60-70-2-c of the code is created to read:

**2. WEIGHTS AND MEASURES INSPECTION FEES.**

c. Vehicle Tank Meters. The fee for inspection of a vehicle tank meter, as defined in s. 98.224(1), Wis. Stats., shall be \$125.

Part 2. Section 68-1-20 of the code is amended to read:

**68-1. Definitions.** In this chapter:

**20. FOOD ESTABLISHMENT** shall have the meaning provided in ch. DHS 196 Appendix, Wis. Adm. Code, as amended. This term shall include any restaurant, food peddler, >>micro market,<< community food program, school, college, university, or temporary food stand.

Part 3. Section 68-1-35 to 59 of the code is renumbered 68-1-36 to 60.

Part 4. Section 68-1-35 of the code is created to read:

**35. MICRO MARKET**, as provided in s. 97.01(9m), Wis. Stats., means any indoor, unstaffed, self-service area that is accessible only to persons authorized by the person in control of the premises and not accessible to the general public, where a customer may obtain unit servings of food or beverage either in bulk or in package before payment at an automated kiosk or by other automated method, without the necessity of replenishing the area between each transaction. “Micro

market” does not include a vending machine, a device which dispenses only bottled, prepackaged, or canned soft drinks, a one-cent vending device, a device dispensing only candy, gum, nuts, nut meats, cookies, or crackers, or a device dispensing only prepackaged Grade A pasteurized milk or milk products.

Part 5. Section 68-21-8 of the code is amended to read:

**68-21. Licensure of Food Establishments; General.**

**8. INVESTIGATION.** >>Each application for a license under this chapter, except for an application for a food dealer license by a micro market, shall comply with the requirements of s. 85-21-2.<< In addition to the requirements of s. 85-21-2, if applicable:

Part 6. Section 68-23-4 of the code is created to read:

**68-23. Food Dealers.**

**4. MICRO MARKETS.** At the commissioner’s discretion, a food dealer license for a micro market may be issued prior to inspection.

Part 7. Section 68-27-2 of the code is amended to read:

**68-27. Ice Cream Peddlers.**

**2. LICENSE REQUIRED.** No person shall operate or act as an ice cream peddler within the city without first having obtained an ice cream peddler license. The ice cream peddler license required by this section shall be in addition to the food peddler license required in s. 68-41. No ice cream peddler license shall be required if all retail sales are conducted at a temporary event, as defined in ~~[[s. 68-1-56]]~~ >>s. 68-1-57<<, provided that average daily attendance is estimated at 5,000 persons or more.

Part 8. Section 81-55-3-f of the code is created to read:

**81-55. Food Dealer’s License.**

**3.** The annual food dealer’s license fee shall be as follows:

f. Micro markets:

f-1. For one micro market located in a building: \$40.

f-2. For 2 or more micro markets located in the same building: \$60.

Part 9. Section 81-135-2-b of the code is amended to read:

**81-135. Weighing and Measuring Device Licenses.**

**2. LIQUID MEASURING DEVICES.**

b. All other liquid measuring device licenses, including ~~[[vehicle tank and]]~~ bulk plant meter licenses, shall be valid for 24 months from the date of issuance.

Part 10. Section 81-135-3-b of the code is repealed and recreated to read:

**3. SCALES.**

b. The fee for each scale license shall be \$55.  
(See s. 82-14)

Part 11. Section 82-14-2-b-1 and 4 of the code is repealed and recreated to read:

**82-14. Weighing or Measuring Device License.**

**2. EXEMPTIONS.** The following shall be exempt from the license requirement of this section:

b-1. A vehicle scale licensed under ch. ATCP 92.31, Wis. Admin. Code.

b-4. A vehicle tank meter licensed under ch. ATCP 92.50, Wis. Admin. Code.

Part 12. Subchapter 2 of chapter 82 is repealed.

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: \_\_\_\_\_

City Clerk - License Division

LRB171644-2

Andrew R. VanNatta: Jeff Osterman

7/13/2018