



## Legislation Text

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**File #: 930234, Version: 1**

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930234  
SUBSTITUTE 1

ALD. E. F. ANDERSON, PRATT, BUTLER, HENNINGSEN,  
GORDON, NARDELLI, SCHRAMM AND MURPHY

A substitute ordinance relating to placement of telephone booths on public property.

115-39-3 rc  
115-39-4 rc  
115-39-5 rc  
115-39-8 cr  
115-39-9 cr

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- Analysis -

This ordinance:

1. Replaces the current procedure for granting permission to place a telephone booth on public property with a new requirement that the applicant obtain a special privilege permit from the common council.
2. Replaces the current \$10 application fee with the standard fee for granting of special privileges.
3. Establishes a requirement that the common council member in whose district a proposed telephone booth would be located be notified of the proposal within 5 days of submittal of the special privilege permit application.
4. Makes explicit the authority of the common council to revoke, at any time, a permit allowing a telephone booth on public property.
5. Creates a requirement that any public utility which owns, operates, manages or otherwise controls telephone booths on public property in the city of Milwaukee submit a list of all such booths to the department of public works on an annual basis.
6. Exempts telephone booths placed on public property prior to the effective date of this ordinance from the requirement for special privilege permits but allows the common council to order the removal of such telephone booths upon serving proper written notice to the affected public utility.

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

Part 1. Section 115-39-3 to 5 of the code is repealed and recreated to read:

115-39. Erection of Telephone Booths on Public Property.

3. The applicant shall save the city harmless from all

liability for damages and from all claims, actions and causes of action, and liens of any kind whatsoever, and from all costs, charges and expenses incurred in defending such suits or actions which may in any way arise out of the installation and maintenance of the proposed telephone booth or result therefrom.

4. The department of public works shall secure on said application the approval of the city engineer, the division of traffic engineering and electrical services, and the division of bridges and public buildings. The common council member in whose district the telephone booth is to be located shall be notified of the proposal within 5 working days of the date of submission of the application.

5. After obtaining the required approvals, the department of public works shall forward the application to the common council for consideration of a special privilege permit, in accordance with the relevant provisions of s. 301-7, to allow placement of the proposed telephone booth on public property. No permit shall be granted unless the proposed telephone booth is to be lighted at the applicant's expense and unless adequate access walks leading from the public sidewalk to said booth are to be provided at the expense of the applicant. An approved special privilege permit shall constitute permission to place the telephone booth as proposed. A special privilege permit or any other permit previously granted to allow a telephone booth on public property may be revoked by resolution of the common council at any time upon giving written notice of at least 30 days to the public utility. The public utility may remove any booth on public property at any time upon giving written notice of at least 30 days to the city of Milwaukee. In the event of any such removal, the special privilege permit for the affected location shall be

cancelled.

Part 2. Section 115-39-8 and 9 of the code is created to read:

8. Any public utility which owns, operates or has under its management or control public telephone booths on public property in the city shall annually prepare a list of the locations of all such booths in use on January 1 of the relevant year and submit said list to the department of public works on or before January 30 of that year.

9. Public telephone booths placed on public property before the effective date of this ordinance [city clerk to insert date] shall not be subject to the requirement to obtain a special privilege permit allowing such placement. However, the common council may, by resolution, order the removal of a telephone booth placed on public property before the effective date of this ordinance [city clerk to insert date] upon giving written notice of at least 30 days to the affected public utility.

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:

LRB93190-2  
JDO:jdo  
6/29/93  
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IS LEGAL AND ENFORCEABLE

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