



Legislation Text

File #: 020239, **Version:** 1

020239

SUBSTITUTE THE CHAIR

Substitute resolution granting a special privilege to Mr. David L. Evans to permit the occupancy of the public way for the purpose of doing business as a direct seller , in the 9th and 15th Aldermanic Districts, respectively, in the City of Milwaukee.

This special privilege resolution grants permission to Mr. David L. Evans to do business as a direct seller in the public way in accordance with the provisions set forth in Chapter 95 of the Milwaukee Code of Ordinances. Whereas, Mr. David L. Evans is desirous to do business in the City of Milwaukee as a direct seller in accordance with Chapter 95 of the Milwaukee Code of Ordinances; and

Whereas, The applicant must first be granted a special privilege by the Common Council prior to the application for a Direct Seller's License in order to occupy and do business in the public way; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee that Mr. David L. Evans is hereby granted the following special privilege:

To occupy the public way as listed below:

East side of North 76th Street, approximately 100 feet north of West Clovernook Street extended. (Abutting Mill Road Shopping Center)

North side of West Oak Street, approximately 115 feet west of West Fond du Lac Avenue. (Abutting Lena's Foods)

The occupancy of the public way for the purpose of doing business as a Direct Seller shall be subject in full to the provisions of Chapter 95 of the Milwaukee Code of Ordinances. Specifically, said occupancy shall be restricted to the following restrictions:

- limited to seven (7) linear feet parallel to curblin.
- limited to three and on-half (3.5) linear feet perpendicular to curblin.
- limited to being no closer than 20 feet from any building entrance.
- limited to being no closer than 20 feet from any crosswalk.
- not allowed within a bus stop.
- not allowed against a display window of a fixed location business.

- not allowed to touch, lean on or be affixed to any building or structure, including but not limited to lamp posts, parking meters, mail boxes, traffic signal stations, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.

- not allowed within 500 feet of certain public premises so named in Section 105-56 of the Code.

- not allowed within 300 linear feet of any currency exchanges, as indicated in Section 95-1-a-12 of the Code

Further, it has been determined to be in the public's best interest that the following additional restrictions are also established:

- limited to being no closer than 1.5 feet to the curblineline of any street.

- limited to being no closer than 10 feet from any fire hydrant.

- limited to being no closer than 20 feet from any alley.

- not allowed in posted loading zones.

- six (6) feet of unencumbered walk be maintained for pedestrian usage at all times.

The grantee shall, prior to establishing said occupancy, apply for and obtain a Direct Seller's License from the City of Milwaukee License Clerk and permit from the Commissioner of Public Works.

As part of the Commissioner of Public Works permit application, the grantee shall include a sketch showing the location of the occupancy in sufficient detail to verify compliance with the restrictions as named above and as may be further contained in or referred to in Chapter 95 of the Code.

The area of occupancy shall be used and maintained to the satisfaction of the Commissioner of Public Works, Commissioner of Health, and the Chief of Police and be in accord with all applicable Codes and regulations;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Mr. David L. Evans, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty

days notice in writing to the City Clerk.

3. Pay to the City Treasure an annual fee which has an initial amount of \$35.00. The subsequent annual fee schedule is subject to change pursuant to the annual fee schedule in effect at the time of the annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0915(3) of the Wisconsin Statutes(1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Drafter:
Infrastructure Services Division
JJM:lja
June 25, 2002
020239

Clerical error corrected 8/29/02. mbh
Aldermanic Dist. correction from 7th to 15th 6/15/04