



Legislation Text

File #: 210362, Version: 1

210362
SUBSTITUTE 1

ALD. PEREZ

A substitute ordinance relating to the licensing of nonconforming motor vehicle repair facilities.

81-79 cr

84-47 cr

This ordinance establishes a license requirement for nonconforming motor vehicle repair facilities, which are motor vehicle repair facilities that were legally established but no longer comply with the regulations of the zoning code.

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

Part 1. Section 81-79 of the code is created to read:

81-79. Nonconforming Motor Vehicle Repair Facility. 1. Each license shall be valid for one year from the date of issuance.

2. The fee for a new or renewal license shall be \$50.
(See s. 84-47.)

Part 2. Section 84-47 of the code is created to read:

84-47. Nonconforming Motor Vehicle Repair Facilities. 1. FINDINGS; PURPOSE. The common council finds that certain legally nonconforming motor vehicle repair facilities may have deleterious effects on surrounding neighborhoods, including consuming much-needed on-street parking spaces and creating visual and noise nuisances, particularly when motor vehicle repair is conducted outdoors or during late-night hours. Because these uses are legally nonconforming, rather than uses requiring review by the board of zoning appeals, residents of surrounding neighborhoods have no means to provide public input on the manner in which these businesses are operating. For these reasons, and to protect the health, safety and general welfare of the community, the common council enacts the following regulations.

2. DEFINITION. In this section, “nonconforming motor vehicle repair facility” means a light motor vehicle repair facility, light motor vehicle body shop, heavy motor vehicle repair facility or heavy motor vehicle body shop, as these terms are defined in ch. 295, which is also a nonconforming prohibited use or a nonconforming special use, as these terms are defined in ch. 295.

3. LICENSE REQUIRED. No person, firm or corporation shall operate a nonconforming motor vehicle repair facility unless the person, firm or corporation possesses a valid license issued pursuant to this section. See s. 81-79 for the required fee.

4. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

5. PLAN OF OPERATION. An application for a nonconforming motor vehicle repair facility license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

- a. The hours of operation for the premises.
- b. The number of customers expected on a daily basis at the premises.
- c. The legal occupancy limit of the premises.
- d. The number of off-street parking spaces available at the premises, both for employee parking and parking of customer vehicles.
- e. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter, noise, and storage of motor vehicle parts and supplies.
- f. Any other licenses held by the applicant or attached to the premises.
- g. A description of any provisions made for clean-up of the premises.
- h. A site plan showing:
 - h-1. The locations of all entrances and exits to the premises from the street, as well as all entrances and exits to the building in which the nonconforming motor vehicle repair activity is conducted.
 - h-2. The locations and dimensions of any off-street parking and loading areas for customer and employee motor vehicles.
- i. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

6. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

7. LICENSE FEE. See ch. 81 for the required license fee.

8. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

10. INVESTIGATION. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of public works in accordance with s.

85-21-2. All applicants for nonconforming motor vehicle repair facility licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

11. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police, commissioner of neighborhood services or commissioner of public works recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

13. POSTING. Each license shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.

15. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

16. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

17. REGULATIONS. Every licensed nonconforming motor vehicle repair facility shall be operated in compliance with the following standards:

- a. No motor vehicle owned by a customer of the repair facility shall be parked on the street before, during or after repair work.
- b. No outdoor motor vehicle repair shall be permitted.
- c. The facility shall not operate between the hours of 10 p.m. and 7 a.m.
- d. No excessive noise shall be generated by the facility.

18. ENFORCEMENT, PENALTY. a. A person who violates any provision of this section or fails to comply with an order of the commissioner that was issued under this section or otherwise issued concerning the operation of a nonconforming motor vehicle repair facility shall be liable upon conviction to a Class J penalty under s. 61-16. Each day of a continued violation is a separate offense.

b. Citations may be issued for any violation of this section with or without prior order or notice. The

stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply

.LRB
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: _____
Department of City Development
LRB176738-2
Jeff Osterman
06/21/2021