



## Legislation Text

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**File #: 991910, Version: 1**

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991910  
SUBSTITUTE  
970485  
THE CHAIR

Substitute resolution amending a special privilege granted to Mr. William Schragger to occupy the public way for the purpose of doing business as a direct seller by adding three locations and deleting three existing locations, within the 4th and 9th Aldermanic Districts of the City of Milwaukee.

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- Analysis -

This special privilege resolution grants permission for the occupancy of the public way by the grantee for the purpose of doing business as a direct seller in accordance with the provisions set forth in Chapter 95 of the Milwaukee Code of Ordinances for 4 locations. The applicant sells inflatable balloons and novelties.

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Whereas, Mr. William Schragger was granted permission by the adoption of Common Council Resolution File Number 970485 on July 11, 1997 to occupy the public way while doing business in the City of Milwaukee as a direct seller in accordance with Chapter 95 of the Milwaukee Code of Ordinances; and

Whereas, Mr. William Schragger now requests to delete three locations and add three locations; and

Whereas, The deleting and adding locations requires amending the existing resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 970485, adopted July 11, 1997, is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Mr. William Schragger and/or Merrill Schragger, 9043 West Grantosa Drive, Milwaukee, Wisconsin, 53225, are hereby granted the following special privilege:

To occupy the public way as listed below:

South side of West Wisconsin Avenue 20 feet east of the eastline of Old World 3rd Street.

North side of East Chicago Street 500 feet west of the westline of North Harbor Drive

South side of West Good Hope Avenue 1,660 feet west of the centerline of North 76th Street

East side of North Prospect Avenue North of the northline of East Mason Street

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 subject to the following restrictions:

- limited to 7 linear feet parallel to curblines
- limited to 3.5 linear feet perpendicular to curblines
- limited to being no closer than 20 feet from any building entrance
- limited to being no closer than 20 feet from any driveway
- limited to being no closer than 20 feet from any crosswalk.
- not allowed within a bus stop
- not allowed against a display window of fixed location business
- not allowed to touch, lean on or be affixed permanently or temporarily to any building, structure, or street landscape item including but not limited to lamp posts, parking meters, mail boxes, traffic signal/stations, fire hydrants, tree boxes, benches, newspaper vending boxes, bus

shelters, refuse baskets, or traffic barriers.

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

- only a push cart is required to be used when located within the Central Business District as established under the zoning code

;and, be it

Further Resolved, 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

- 6 feet of unencumbered walk be maintained for pedestrian usage at all times except on Wisconsin Avenue where 10 feet is required.

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

The area of occupancy shall be maintained to the satisfaction of the Commissioner of Public Works, Commissioner of Health and the Chief of Police

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Mr. William Schragger and/or Merrill Schragger, 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 Treasurer an annual fee which has an initial amount of \$111.04. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of 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 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Occupy the east side of North Prospect Avenue - north of the northline of East Mason Street only twice a year: during FirStar Bank (4th of July holiday) fireworks and on the Summerfest related fireworks (Big Bang).

Infrastructure Services Division

JJM:cjt

May 31, 2000

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