



## Legislation Details (With Text)

**File #:** 130644 **Version:** 0

**Type:** Ordinance **Status:** Passed

**File created:** 9/4/2013 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 9/24/2013

**Effective date:**

**Title:** An ordinance relating to accessibility and operation of public utilities upon licensed and permitted premises and upon public properties.

**Sponsors:** ALD. BAUMAN

**Indexes:** PUBLIC UTILITIES

**Attachments:** 1. Hearing Notice List, 2. Notice Published on 10-10-13

Date	Ver.	Action By	Action	Result	Tally
9/4/2013	0	COMMON COUNCIL	ASSIGNED TO		
9/5/2013	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/5/2013	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/6/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/10/2013	0	LICENSES COMMITTEE	RECONSIDERED	Pass	5:0
9/10/2013	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	5:0
9/10/2013	0	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
9/11/2013	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
9/24/2013	0	COMMON COUNCIL	PASSED	Pass	15:0
9/27/2013	0	MAYOR	SIGNED		
10/10/2013	0	CITY CLERK	PUBLISHED		

130644  
ORIGINAL

ALD. BAUMAN

An ordinance relating to accessibility and operation of public utilities upon licensed and permitted premises and upon public properties.

85-32 cr

115-39-1 am

115-39-7 am

115-39-8 cr

This ordinance requires the operators of licensed or permitted premises to ensure compliance of with U.S. federal communications commission requirements related to utility services made available to

members of the public, including telephone, Internet and broadcast services. The ordinance further specifies that telephones on licensed and permitted premises that are regularly available for public use must comply with federal communications commission accessibility requirements, including the provision of toll-free calling in emergencies. The penalty for violating the federal communications commission requirements is a forfeiture of not less than \$1 nor more than \$500.

The ordinance also amends current requirements for erection of telephone booths on public facilities by clarifying that telephone booths include any permanent fixtures upon which or within which telephones are placed. The current requirement that a visible message be posted on telephone booths with fire and police phone numbers is amended to include a requirement that the notice include a statement that "911" may be called in an emergency without customer charge by direction of the U.S. federal communications commission. Failure of the utility to comply with the requirements of the section may result in removal of the telephone booth at the utility's expense upon a 48-hour notice.

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

Part 1. Section 85-31 of the code is created to read:

**85-32. Operation of Public Utilities on Licensed Premises.** 1. GENERALLY. Operators of a licensed or permitted premises shall not permit or allow the operation, whether directly or under contract, of any telephone, Internet, broadcast or other public utility service as defined in s. 196.01, Wis Stats., in any manner inconsistent with the rules, regulations and requirements of the U.S. federal communications commission.

2. TELEPHONE ACCESSIBILITY. A telephone made routinely available to members of the public by a licensee or permittee for payment or otherwise, shall be provided and operated in compliance with all U.S. federal communications requirements for accessibility, including rules, regulations or other requirements ensuring toll free calling in emergencies.

3. PENALTY. In addition to any other penalty provided in law, any person, firm or corporation who shall willfully violate or fail to comply with this section shall be punished by a forfeiture of not less than \$1 nor more than \$500 and, in default of payment, may be imprisoned as provided by law.

Part 2. Section 115-39-1 and 7 of the code is amended to read:

**115-39. Erection of Telephone Booths on Public Property.** 1. No public utility, as defined in s. 196.01, Wis. Stats., which owns, operates or has under its management or control any plant or equipment, or part of a plant or equipment, within this state for the conveyance of telephone messages, shall erect, maintain or operate any public telephone booth on public property>>, including any permanent fixture upon which or within which a telephone is provided,<< except in accordance with this section.

7. There shall be posted inside of>> or visibly upon<< [[said]]>>the<< booth in a conspicuous space and in large type the telephone numbers of the police department and fire department>> together with a notice that "911" may be called in an emergency without customer charge by direction of the U.S. federal communications commission<<.

Part 3. Section 115-39-8 of the coded is created to read:

8. Upon a 48 hour notice in writing that a telephone booth including any permanent fixture upon which or within which a telephone is provided has been found to be out of compliance with this section, the telephone booth may be removed by the department of public works at the expense of the public utility if the telephone booth is not brought into compliance.

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: \_\_\_\_\_

LRB148702-1  
Richard L. Withers  
09/03/2013