



## Legislation Details (With Text)

**File #:** 020767 **Version:** 1

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

**File created:** 9/4/2002 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 10/15/2002

**Effective date:**

**Title:** A substitute ordinance relating to transferring authority for approving use of the civic center plaza from the city clerk to the commissioner of public works.

**Sponsors:** THE CHAIR

**Indexes:** CIVIC CENTER, PERMITS APPROVAL

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
9/4/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/4/2002	0	COMMON COUNCIL	ASSIGNED TO		
9/9/2002	1	CITY CLERK	DRAFT SUBMITTED		
9/26/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/26/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/26/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/2/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/15/2002	1	COMMON COUNCIL	PASSED	Pass	15:0
10/23/2002	1	MAYOR	SIGNED		
10/31/2002	1	CITY CLERK	PUBLISHED		

020767

SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to transferring authority for approving use of the civic center plaza from the city clerk to the commissioner of public works.

116-38-2 am  
116-38-3-0 am  
116-38-3-g am  
116-38-6 am  
116-38-7 am  
116-38-8 am

This ordinance transfers the authority for determining the availability of the civic center plaza (bounded by West Wells Street, West State Street, North 7<sup>th</sup> Street and North 9<sup>th</sup> Street) from the city clerk to the commissioner of public works. It also transfers from the city clerk to the commissioner of public works the authority to determine whether or not a group applying to use the civic center plaza is entitled to do so pursuant to the requirements established in the code and requires that appeals of these decisions be filed with the commissioner and not the city clerk.

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

Part 1. Section 116-38-2 of the code is amended to read:

**116-38. Civic Center Plaza.**

**2. APPROVAL.** The availability of the facilities of the civic center plaza shall be determined ~~[[by the city clerk, subject to the approval of the commissioner of public works and the]]~~ >>by the commissioner of public works, subject to the approval of the<< chief of police, and all applications for the use of such facilities shall be directed to ~~[[said city clerk]]~~ >>the commissioner of public works<<.

Part 2. Section 116-38-3-0 of the code is amended to read:

**3. APPLICATION.** Any group, organization, association, or assembly, or agent thereof, desiring to make use of the facilities of the civic center plaza shall make written application on a form prescribed by the common council public improvements committee and shall file the same in duplicate with the ~~[[city clerk]]~~ >>commissioner of public works<< at least 20 days prior to the date or dates of the use of the facilities. The application shall contain the following information:

Part 3. Section 116-38-3-g of the code is amended to read:

g. Such other information as shall be deemed pertinent by the ~~[[city clerk, subject to the approval of the commissioner of public works and]]~~ >>commissioner of public works, subject to the approval of the chief of police<<.

Part 4. Section 116-38-6 of the code is amended to read:

**6. AUTHORITY.** ~~[[Said city clerk, subject to the approval of the commissioner of public works and the]]~~ >>The commissioner of public works, subject to the approval of the<< chief of police, shall determine, within 120 hours after filing of an application for use of the civic center plaza, whether the applicant is entitled to the use of the facilities and shall make his >>or her<< determination ~~[[upon]]~~ >>on<< the basis of use, the public interest and assurance of an orderly use of the facilities and may prescribe conditions of the use in order to safeguard the public. Upon acting, the ~~[[city clerk]]~~ >>commissioner<< shall file ~~[[said]]~~ >>the<< application in his >>or her<< office, together with the permit, or written reasons for denial of the permit as the case may be. It shall be the duty of the applicant to obtain the action of the ~~[[city clerk from said clerk]]~~ >>commissioner of public works from the commissioner<<.

Part 5. Section 116-38-7 of the code is amended to read:

**7. APPEALS.** Any group, organization, association or assembly, or agent thereof, that is denied use of the civic center plaza may file a notice of appeal with the ~~[[city clerk upon]]~~ >>commissioner of public works on<< a form prescribed by the common council public improvements committee, within 72 hours from the date of the filing of the denial by the ~~[[city clerk]]~~ >>commissioner<<. ~~[[Said]]~~ >>The<< appeal shall be reviewed and acted ~~[[upon]]~~ >>on<< by the public improvements committee within 120 hours after filing of ~~[[said]]~~ >>the<< appeal. Upon acting, the committee shall file its action in writing with the ~~[[city clerk]]~~ >>commissioner<<. It shall be the duty of the applicant to obtain the action of the committee from the ~~[[city clerk]]~~ >>commissioner<<. Whenever the use of the civic

center plaza is granted upon appeal, the ~~[[city clerk]]~~ >>commissioner<< shall notify the ~~[[~~  
~~commissioner of public works and the]]~~ chief of police forthwith.

Part 6. Section 116-38-8 of the code is amended to read:

8. REGULATIONS. The committee may from time to time promulgate such rules and regulations as in its judgment are appropriate with respect to the use of the facilities of the civic center plaza and shall file ~~[[such]]~~ >>the<< rules and regulations with the ~~[[city clerk]]~~ >>commissioner<< within 5 days after ~~[[the same]]~~ >>they<< have been promulgated by the committee.

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:\_\_\_\_\_

LRB02396-2

jro  
09/09/02