Legislation Details (With Text)

File #:	071682 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	4/9/2008	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	5/20/2008
Effective date:			
Title:	A substitute ordinance related to sales on the public right of way.		
Sponsors:	ALD. BAUMAN		
Indexes:	DIRECT SELLERS, SPECIAL EVENT SALES		
Attachments:	1. Hearing notice list, 2. Fiscal note, 3. Notice Published on 6-6-08		

Date	Ver.	Action By	Action	Result	Tally
4/9/2008	0	COMMON COUNCIL	ASSIGNED TO		
4/30/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/7/2008	0	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	4:0
5/7/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/7/2008	1	CITY CLERK	DRAFT SUBMITTED		
5/20/2008	1	COMMON COUNCIL	PASSED	Pass	13:0
5/30/2008	1	MAYOR	SIGNED		
6/6/2008	1	CITY CLERK	PUBLISHED		

071682
SUBSTITUTE 1

ALD. BAUMAN
A substitute ordinance related to sales on the public right of way.
105-57-1 am
105-57-2 rc
105-57-3 rc
105-57-4 rn
105-57-4 cr
This ordinance prohibits the sale, or offer to sell, of any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the designated right of way for, Jazz in the Park, River Rhythms, Riversplash, the Westown Farmer's Market, and certain special events designated by the commissioner of public works.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-57-1-of the code is amended to read:
105-57. Sales on Public Right of Way (Special Events). 1. PURPOSE. It is determined and declared that the use of certain public right of way on the days on which certain special events listed in sub. 2 are scheduled for the specific public purposes to which the right of way is intended is preeminent. It is further determined and declared that sales on the designated public right of way in

sub. 2 interferes with their use for their intended purposes. >>It is further determined and declared that the use of the public sidewalk and streets outside of the designated right of way for events listed in sub. 2 interferes with the orderly ingress and egress to and from those special events and therefore with their use for their intended purposes.<<

Part 2. Section 105-57-2 of the code is repealed and recreated to read:
2. SPECIAL EVENTS; DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, Riversplash, the Westown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

Part 3. Section 105-57-3 of the code is repealed and recreated to read:
3. REGULATIONS. a. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the right of way for special events designated in sub.2, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell within the designated right of way of the special events listed in sub 2.
b. An organization sponsoring a special event specified in sub. 2 shall assign locations to vendors for the event. All vendor vehicles or tents must be located at least 15 feet apart from each other.

Part 4. Section 105-57-4 of the code is renumbered 105-57-5.

Part 5. Section 105-57-4 of the code is created to read:
4. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

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: _____
DPW-Administrative Services
LRB6022-8
JWC
5/4/08