



Legislation Details (With Text)

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Title: A substitute ordinance relating to various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

Sponsors: THE CHAIR

Indexes: CODE OF ORDINANCES

Attachments: 1. Hearing Notice List, 2. Notice Published on 10-9-14

Date	Ver.	Action By	Action	Result	Tally
9/3/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/9/2014	1	CITY CLERK	DRAFT SUBMITTED		
9/15/2014	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
9/23/2014	1	COMMON COUNCIL	PASSED	Pass	15:0
10/2/2014	1	MAYOR	SIGNED		
10/9/2014	1	CITY CLERK	PUBLISHED		

140737
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

60-31 rp

60-39 rp

68-11-1-c am

68-11-2-c am

68-21-4-a am

68-21-4-d am

68-23-1 am

68-31-3-c am

68-41-4-a am

68-41-7-d-1 am

68-41-7-h am

68-43-4 am

80-12-2-c-1-v am

81-85-4 am

84-7-2-a am

100-3-25-c-1-0

100-50-9 am
100-50-11-a am
100-50-11-b-2 am
100-51.5-1-c-1 am
263-01 am

This ordinance revises various provisions of the code for the purposes of revising errors, clarifying language and eliminating obsolete provisions.

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

Part 1. Section 60-31 of the code is repealed.

Part 2. Section 60-39 of the code is repealed.

Part 3. Section 68-11-1-c of the code is amended to read:

68-11. Construction or Alteration of Licensable Food Establishments.

1. PLAN EXAMINATION.

c. Plan examination fees shall be paid as required in ~~[[s. 60-25]]~~ >>s. 81-55.3<< and prior to the plan examination.

Part 4. Section 68-11-2-c of the code is amended to read:

2. SITE EVALUATION.

c. Site evaluation fees shall be paid as required in ~~[[s. 60-72]]~~ >>s. 81-55.3<<.

Part 5. Section 68-21-4-a of the code is amended to read:

68-21. Food Dealer License.

4. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. a. The commissioner shall issue a license to each applicant for a new or renewal license who meets all the requirements of this section and has paid to the city treasurer the fee required in

~~[[s. 60-24]]~~ >>s. 81-55<< unless there is an objection by the commissioner, the department of neighborhood services, the common council member in whose district the food establishment is located, or any person affected by the operation or proposed operation of the applicant.

Part 6. Section 68-21-4-d of the code is amended to read:

d. The late renewal fee for a license issued under ~~[[ss. 60-24 to 60-34]]~~ >>this chapter<< may not be waived unless definite proof exists that the delay is the fault of the health department or the city clerk.

Part 7. Section 68-23-1 of the code is amended to read:

68-23. Meal Service Establishments.

1. The application is fully and accurately completed and is accompanied by the fee provided in ~~[[s. 60~~

~~-21-5]] >>s. 81-55-5<<.~~

Part 8. Section 68-31-3-c of the code is amended to read:

68-31. Temporary Food Dealer License.

3. SPECIAL NONPROFIT TEMPORARY EVENT REGULATIONS.

c. Fees. Application for a special nonprofit temporary event license shall be accompanied by the fees specified in ~~[[s. 60-23]]~~ >>s. 81-56<<.

Part 9. Section 68-41-4-a of the code is amended to read:

68-41. Food Peddlers.

4. FEE. a. All new and renewal applications shall be accompanied by the applicable fees specified in ~~[[ss. 60-29 and 60-31]]~~ >>s. 81-56.3<<.

Part 10. Section 68-41-5-b of the code is amended to read:

5. PROCEDURE FOR ISSUING NEW OR RENEWAL PERMIT.

b. Night Operation. The city clerk shall provide for issuance of a of a sub-category of each of the permit types identified in par. a to allow for a food peddler to sell food between the hours of 9 p.m. and 3 a.m., in addition to sales between 6 a.m. and 9 p.m., except that a food peddler with a nighttime sales permit may sell food until 3:30 a.m. on Saturday and Sunday and at any time on January 1. The applicant for a permit allowing nighttime sales shall pay a surcharge required under ~~[[s. 60-31]]~~ >>s. 81-56.3-2<<.

Part 11. Section 68-41-7-d-1 of the code is amended to read:

7. RULES AND OPERATING REGULATIONS.

d-1. Whenever any street or portion thereof has been closed to traffic by common council resolution in connection with any civic event, the city clerk may, upon receipt of the required fee, issue a permit to any person holding a permit for the sale of food from a vehicle further permitting the person to park on the closed streets longer than the one-hour limit provided in this paragraph. The permit shall specify the dates for which it is issued, and the fee required in ~~[[ch. 60]]~~ >>ch. 81<< shall be charged for each date. No permit shall be issued without the approval of the chief of police, unless the common council by resolution shall so direct.

Part 12. Section 68-41-7-h of the code is amended to read:

h. Scale Required. A food peddler shall provide a scale for items that are sold by weight and weighed at the time of sale. The scale shall be approved and licensed under ~~[[ss. 60-94]]~~ >>ss. 81-135<< and 82-14.

Part 13. Section 68-43-4 of the code is amended to read:

68-43. Ice Cream Peddler License.

4. DEPOSIT OF FEE. At the time of application, each applicant shall deposit with the city clerk the full amount of the fee required in ~~[[s. 60-48]]~~ >>s. 81-60.7<<. The city clerk shall to accept the deposit, issue a receipt therefore, and cause a record to be kept thereof.

Part 14. Section 80-10-2-c-1-v of the code is amended to read:

80-10. Chronic Nuisance Premises.

2. DEFINITIONS.

c.

c-1-v. The operation of a convenience store in violation of any provision of ~~[[s. 68-4-3]]~~ >>s. 68-55<<.

Part 15. Section 81-85-4 of the code is amended to read:

81-85. Parking Permit; On-Street All Night; Off-Street Municipal Parking Lot.

4. There shall be a ~~[[\$2]]~~ >>\$1<< fee for each permit purchased online.

Part 16. Section 84-7-2-a of the code is amended to read:

84-7. Extended Hours Establishments.

2. DEFINITIONS.

a. "Convenience store" shall have the meaning set forth in ~~[[s. 68-4-3-1-a]]~~ >>s. 68-1-6-a<<.

Part 17. Section 100-50-9 of the code is amended to read:

9. COUNCIL ACTION. If the chief of police files no written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the city clerk shall issue the permit in accordance with ~~[[sub. 11]]~~ >>this section<<. If the chief of police files a written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the application shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

Part 18. Section 100-50-11-a and b-2 of the code is amended to read:

11. a. ~~[[It shall be the duty of the city clerk, whenever]]~~ >>Whenever<< a public passenger vehicle permit has been granted by the common council ~~[[,]]~~ >>or whenever the chief of police files no written report summarizing the arrests and convictions of an applicant which could form a basis for denial, the city clerk shall<< ~~[[to]]~~ prepare and deliver to the applicant a permit in accordance with this ~~[[chapter]]~~ >>section<<.

- b.
b-2. If the vehicle is leased, an approved lease consistent with this ~~[[chapter]]~~ >>section<<.

Part 19. Section 100-51.5-1-c-1 of the code is amended to read:

100-51.5. Vehicle Standards and Equipment Requirements.

1. GENERAL REQUIREMENTS.

c. Vehicle Markings.

c 1. Each taxicab not meeting the definition of network vehicle and each shuttle vehicle, excepting a shuttle vehicle meeting the definition ~~[[s.100-3-26-b]]~~ >>s.100-3-25-b<<, shall have the following clearly and permanently marked:

Part 20. Section 263-01 of the code is amended to read:

263-01. Adoption of State Code. The city of Milwaukee adopts ~~[[ch-SPS-263]]~~ >>ch. SPS 322<<, Wis. Adm. Code, as amended, as part of the code.

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:_____

Teodros W. Medhin
Amy E. Hefter
LRB152671-2
9/5/2014