



Legislation Details (With Text)

File #: 160591 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/1/2016 **In control:** COMMON COUNCIL

On agenda: **Final action:** 11/1/2016

Effective date:

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

Sponsors: THE CHAIR

Indexes: REVISORS BILL

Attachments: 1. Notice Published on 11-17-16

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|-----------------------------------|---------------------------|--------|-------|
| 9/1/2016 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 9/6/2016 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 9/8/2016 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 9/12/2016 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HELD TO CALL OF THE CHAIR | Pass | 4:0 |
| 9/27/2016 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 10/17/2016 | 1 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 10/24/2016 | 1 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 4:0 |
| 11/1/2016 | 1 | COMMON COUNCIL | PASSED | Pass | 15:0 |
| 11/10/2016 | 1 | MAYOR | SIGNED | | |
| 11/17/2016 | 1 | CITY CLERK | PUBLISHED | | |

160591
SUBSTITUTE 1

THE CHAIR

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

75-5-16-a am
75-20-1 am
81-56-2 rp
81-56-3 rp
81-56-4 rn
81-56-5 rn
81-60.7-5 rp
81-60.7-6 rp
93-7-3-b am

| | |
|--------------|----|
| 100-51-3 | am |
| 105-49-2 | am |
| 200-42-3-b-0 | am |
| 200-46-1 | am |
| 207-3-1-f | am |
| 207-3-8-a | am |
| 207-3-15-a | am |
| 295-1107-129 | am |
| 370-1-10 | rp |

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

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

Part 1. Section 75-5-16-a of the code is amended to read:

75-5. Bed and Breakfast Establishments.

16. REGULATIONS.

a. Adoption of State Code. The city of Milwaukee adopts ~~[[ch. DHS 197]]~~. >>ch. ATCP 73<<, Wis. Adm. Code, as amended.

Part 2. Section 75-20-1 of the code is amended to read:

75-20. Swimming Pools and Places.

1. ADOPTION OF STATE CODE. Except as otherwise provided in this section, the city of Milwaukee adopts ch. SPS 390, and ~~[[ch. DHS 172]]~~ >> ch. ATCP 76<<, Wis. Adm. Code, as amended, as part of this code.

Part 3. Sections 81-56-2 and 3 of the code is repealed.

Part 4. Section 81-56-4 and 5 of the code is renumbered 81-56-2 and 3.

Part 5. Section 81-60.7-5 and 6 of the code is repealed.

Part 6. Section 93-7-3-b of the code is amended to read:

93-7. Penalty.

3. WASTE TIRES.

b. A citation may be issued for any violation of ~~[[s. 94-49]]~~ >>s. 93-49<<, with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

Part 7. Section 100-51-3 of the code is amended to read:

100-51. Vehicle Inspection.

3. NOTICE OF INSPECTION. Notice of inspection including the time and place of inspection shall be provided by the ~~[[department of public works]]~~ >>city clerk<< by U.S. first class mail, postage prepaid, at least 3 days prior to inspection.

Part 8. Section 105-49-2 of the code is amended to read:

105-49. Smoking Prohibited on City Property.

2. STATE SIGNAGE REQUIREMENTS. Signs setting forth the prohibition against smoking shall comply with requirements established by the state of Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< , if any, and shall include information reasonably sufficient to inform individuals of the physical area within which smoking shall not be permitted. It is a violation of this section for an individual, following warning by any city employee or by any member of the public, to continue smoking within the posted area.

Part 9. Section 200-42-3-b-0 of the code is amended to read:

200-42. Certificate of Occupancy.

3. WHEN ISSUED.

b. Unless otherwise required by law, in the case of a proposed use, as described in ~~[[ch. Comm-62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, a daycare, a rooming house, a tavern, fast food/carryout restaurant as defined under s. 295-20-449 or a sit-down restaurant, as defined under s. 295 201-501, or if otherwise requested, the commissioner of city development shall issue a certificate of occupancy indicating conformance with the use requirements set forth in ch. 295 and:

Part 10. Section 200-46-1 of the code is amended to read:

200-46. Changes in Occupancy or Use. 1. No change in any occupancy or use as described in ~~[[ch. Comm-62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.

Part 11. Section 207-3-1-f of the code is amended to read:

207-3. Explosives. 1. DEFINITIONS.

f. Blaster. Any person or persons designated by the superintendent or employer to supervise blasting operations or to handle explosives, and who shall possess a certificate of competency for blasters issued by the ~~[[department of commerce]]~~ >>Wisconsin department of safety and professional services<<.

Part 12. Section 207-3-8-a of the code is amended to read:

8. MAGAZINES. a. Every magazine shall be of approved concrete or masonry construction, or of wood construction consisting of double walls not less than 6 inches apart, filled from sill to plate with dry sand, and the magazine completely surfaced on the outside with not less than No. 26 U.S. gage galvanized iron. Such magazine shall have only approved ventilating screened openings and entry door. The door lock and method of locking the door of the magazine shall be approved by the commissioner, but in all cases the lock shall be a mortise or rim dead lock to open easily from the inside. The magazine shall be constructed as further regulated in general orders issued by the >>Wisconsin<< department of ~~[[commerce]]~~ >>safety and professional services<<.

Part 13. Section 207-3-15-a of the code is amended to read:

15. BLASTING AND FIRING. a. No person shall explode a blasting charge unless he has a certificate of competency from the >>Wisconsin<< department of ~~[[commerce]]~~ >>safety and professional services<<.

Part 14. Section 295-1107-129 of the code is amended to read:

295-1107. Definitions.

129. PRIVATE SEWAGE SYSTEM means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<<, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel from the structure.

Part 15. Section 370-1-10 of the code is repealed.

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: _____

LRB165646-2

Teodros W. Medhin

9/22/2016