



Legislation Details (With Text)

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Title: A substitute ordinance relating to licensing parking lots or places.

Sponsors: ALD. BAUMAN

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Date	Ver.	Action By	Action	Result	Tally
2/6/2018	0	COMMON COUNCIL	ASSIGNED TO		
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171671
SUBSTITUTE 2

- ALD. BAUMAN
- 81-81-1 am
 - 84-20-1 rc
 - 84-20-1.5 cr
 - 84-20-3 am
 - 84-20-4-e rc
 - 84-20-4.5 cr
 - 84-20-5.4 rc
 - 84-20-5.5 rc
 - 84-25-5.9 rc

A substitute ordinance relating to licensing parking lots or places.
This ordinance:

1. Reduces the term for a parking lot license from 2 years to one year.
2. Requires that parking lot license applications be signed by property owners as well as parking lot operators.
3. Stipulates that no license application will be considered without a completed security plan.
4. Requires that each new and each renewal applications possibly subject to non-renewal, suspension or revocation be referred to the licensing committee for a hearing.
5. Requires that each license application be reviewed by the police department to evaluate the suitability of security measures implemented.

6. Stipulates that additional security measures, as directed by the police department, shall be implemented on a parking lot where 2 or more security incidents occur in a month. A security incident is defined as any incident on the premises of a parking place that results in criminal harm to parking patrons, vandalism of vehicles, theft of vehicles or property inside vehicles, or any other incidents that threaten patron health, safety and welfare.

Body

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

Part 1. Section 81-81-1 of the code is amended to read:

81-81. Parking Lot or Place License.

1. Each license shall be valid for ~~[[2-years]]~~ >>one year<< from the date of issuance.

Part 2. Section 84-20-1 of the code is repealed and recreated to read:

84-20. Parking Lots or Places.

1. DEFINITIONS. a. "Downtown parking place" means a parking place within a C9 zoning district, or any surface parking facility serving a surface transportation provider or terminal.
- b. "Event parking place" means a downtown parking place operating principally to provide temporary parking for events and festivals.
- c. "Parking place" means any garage or other building, or any plot, piece or parcel of land in or upon which a business is conducted of storing motor vehicles where the owner or person storing the vehicle is charged a fee. This term does not include the renting of private parking places that have parking spaces for 15 or fewer motor vehicles.
- d. "Person" means any individual, partnership, firm, association or corporation.
- e. "Security incident" means any incident on the premises of a parking place that results in criminal harm to parking patrons, vandalism of vehicles, theft of vehicles or property inside vehicles, or any other incidents that threaten patron health, safety and welfare.
- f. "Security lighting" means natural or artificial lighting producing a minimum of 0.5-foot candle in horizontal luminance and 0.25-foot candle in vertical luminance, an average of 2.5-foot candle in horizontal luminance , and a maximum to minimum uniformity ratio of 15:1.
- g. "Surface transportation" means the movement of people by road, train or ship.

Part 3. Section 84-20-1.5 of the code is created to read:

1.5. FINDINGS. The common council finds that downtown parking places are inherently more prone than other parking places to crimes against parking patrons, vandalism of vehicles, theft of vehicles or property inside vehicles, and other threats to the security of parking patrons and property due to population density in the area, ease of access to the area and other factors. The common council further finds that greater oversight of the issuance of new licenses and the renewal of existing licenses for downtown parking places is likely to ameliorate the greater threat to the health, safety and security of parking patrons posed by downtown parking places.

Part 4. Section 84-20-3 of the code is amended to read:

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. >>Each application shall be signed by the property owner,<<

Part 5. Section 84-20-4-e of the code is repealed and recreated to read:

4. PLAN OF OPERATION.

e. A security plan describing the security measures implemented on the premises to protect patrons from harm, and vehicles and property inside vehicles from theft, vandalism or other damage.

Part 6. Section 84-20-4.5 of the code is created to read:

4.5. DOWNTOWN PARKING PLACES. a. Police Review. Following submission of a new license application by a downtown parking place, but prior to the scheduling of a license committee hearing, the applicant shall meet in person with a police department community liaison officer, or other designee of the chief of police, to review the plan of operation, and to conduct a crime prevention through environmental design (CPTED) survey.

b. Grounds for Non-renewal, Suspension or Revocation. In addition to the evidence provided in s. 85-4-4, probative evidence concerning whether or not a license granted to a downtown parking place should be subject to non-renewal, suspension or revocation shall include the suitability of the security plan for the premises and how the security plan compares to the review conducted by the police department under pars. a and b.

c. Additional Security Measures. If 2 or more security incidents occur on the premises within a month, a downtown parking place licensed under this section shall implement additional security measures, as determined by the police department, to protect the health, safety and welfare of parking patrons and the security of property. The downtown parking place shall maintain these measures during the remaining term of the license. These measures may include, but shall not be limited to:

c-1. Employment of at least one attendant. Each attendant shall be on duty on the premises whenever a customer's vehicle is parked on the premises. An attendant shall patrol the entire premises at least once every 40 minutes during daylight hours and every 20 minutes otherwise.

c-2. Security lighting throughout the premises whenever customer vehicles are parked on the premises.

c-3. A security video surveillance system capable of producing retrievable images. Cameras shall be positioned to view the faces of persons entering and leaving the parking facility, and moving among the parked vehicles. Videos shall be stored on digital video recorders, or other comparable media, and be readily available to assist law enforcement in identification, apprehension and prosecution of suspected law breakers. A security video surveillance system shall include drones or robots if appropriate.

c-4. Security fencing at least 6 feet tall enclosing the premises with gates for vehicle entry and egress.

c-5. At least one fixed or mobile elevated surveillance platform, staffed by an attendant whenever customer vehicles are parked on the premises, for every 200 spaces available for customer parking, if the parking place is not a garage.

Part 7. Section 84-20-5.4 of the code is repealed and recreated to read;

5.4. INVESTIGATION AND FINGERPRINTING. Each application for a new license under this section shall be referred to the chief of police and commissioner of neighborhood services in accordance with s. 85-21. Each applicant under this section shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

Part 8. Section 84-20-5.5 of the code is repealed and recreated to read:

5.5. HEARING. Each application for a new license shall be referred to the licensing committee for a hearing in accordance with s. 85-2.7.

Part 9. Section 84-20-5.9 of the code is repealed and recreated to read:

5.9. RENEWAL. a. Application for the renewal of a parking lot license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police and the commissioner of neighborhood services for review.

b. If the chief of police and the commissioner of neighborhood services indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires.

c. If the city clerk determines that there is cause to question the renewal of the license on the basis of one or more written complaints related to operation of the licensee during the current license period, or if the chief of police objects on the basis of police reports of incidents and activities on or related to the licensed premises not previously considered by the licensing committee establishing cause to question whether renewal of the license may have an adverse impact on the health, safety and welfare of the public and the neighborhood, or if the applicant has been issued a warning letter or been subject to administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection, the city clerk shall cause the application to be scheduled for hearing. A written objection shall meet the definition in s. 85-2-4 and shall comply with the requirements of s. 85-3-3.

Part 11. For any license in effect on the date of the effective date of this ordinance, [March 16, 2018], the licensee shall, at least 90 days prior to the expiration of the license, meet in person with a police department community liaison officer, or other designee of the chief of police, to review the plan of operation, and to conduct a crime prevention through environmental design (CPTED) survey. This provision shall expire 2 years after passage of the ordinance, [February 27, 2018].

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: _____

LRB 170814 - 3
Aaron Cadle
February 23, 2018