



Legislation Details (With Text)

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Title: An ordinance relating to licensing of additional fixed space for storage of salvaged materials by a junk dealer.

Sponsors: THE CHAIR

Indexes: JUNK DEALERS, LICENSES

Attachments: 1. Fiscal Note, 2. Notice Published on 8-13-09

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|--------------------|-------------------------|--------|-------|
| 6/16/2009 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 7/13/2009 | 0 | LICENSES COMMITTEE | RECOMMENDED FOR PASSAGE | Pass | 4:0 |
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090255
ORIGINAL

THE CHAIR

An ordinance relating to licensing of additional fixed space for storage of salvaged materials by a junk dealer.

92-3-4.5 cr

92-3-5-a am

92-3-5-b-2 am

92-3-5-e-2 am

92-3-5-e-7 cr

92-3-9-e cr

This ordinance clarifies the procedures for issuance of a license extending a junk dealer's license from the primary licensed premises to an additional building or other fixed place for the storage of salvaged materials.

The ordinance provides that probative evidence to be considered by the licensing committee in preparing recommendations to the common council on applications for additional fixed places for storage may include the appropriateness of the location, suitability of the premises for the proposed storage of materials, concentration of businesses licensed under this section, and any factor adversely affecting the health, welfare and safety of the public. These factors may include the applicant's record in operating the principal business and any other similarly licensed businesses.

The ordinance further provides that the renewal, non-renewal, revocation or suspension of a license

for an additional fixed place of storage may be considered independently from the renewal of the primary license. However, the non-renewal, revocation or suspension of the primary license may be extended to the license for an additional fixed place of storage if circumstances warrant. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 92-3-4.5 of the code is created to read:

92-3. Junk Collectors and Dealers.

4.5. ADDITIONAL STORAGE. A junk dealer licensee may make application for a license extending the operation of the original junk dealer license beyond the business premises identified in the original application to an additional building or other fixed place for storage of salvaged materials.

Part 2. Section 92-3-5-a of the code is amended to read:

5. INVESTIGATION; HEARING.

a. For applications relating to junk dealer licenses, >>and for applications for an additional fixed place for storage of salvaged materials,<< the report to the licensing committee by the commissioner of neighborhood services shall include information related to the zoning district in which the principal place of business>>, or additional fixed place of storage,<< of the junk dealer is to be located.

Part 3. Section 92-3-5-b-2 of the code is amended to read:

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based upon the fitness of the location of the premises to be maintained as the principal place of business >>or an additional fixed place of storage for an existing licensee<<, the notice shall also be served upon the owner of the premises >>, if different,<< so that the owner has at least 5 working days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to applicant.

Part 4. Section 92-3-5-e-2 of the code is amended to read:

e. The appropriateness of the location and premises to be maintained as the principal place of business>>, or additional fixed place of storage,<< and whether the premises will create undesirable neighborhood problems.

Part 5. Section 92-3-5-e-7 of the code is created to read:

e-7. Probative evidence that may be considered by the committee in preparing recommendations upon an application by a licensed junk dealer for an additional fixed place for storage of salvaged materials may be presented on the subjects in subd. 1 to 6 and shall be considered on the appropriateness of the proposed location of the additional space, suitability of the premises for the proposed storage of materials, and concentration of businesses licensed under this section.

Part 6. Section 92-3-9-e is created to read:

9. PROCEDURES FOR RENEWAL, NON-RENEWAL, REVOCATION OR SUSPENSION.

e. The provisions for renewal, non-renewal, revocation and suspension in this subsection are applicable to a license granted to a junk dealer for an additional fixed place of storage of salvaged materials. A license for an additional fixed place of storage is subject to non-renewal, revocation or suspension independently from consideration of the renewal, non-renewal, suspension or revocation of the original junk dealer's license covering the junk dealer's primary premises or place of business. Non-renewal, revocation or suspension of a junk dealer's primary license may be extended, where circumstances warrant, to the non-renewal, revocation or suspension of the license for an additional fixed place of storage. Notice of the possibility of non-renewal, suspension or revocation of a primary license shall, if the licensee operates under license for one or more additional places for storage, include a statement that non-renewal, suspension or revocation may extend to additional places for storage.

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: _____

LRB09213-2

RLW

6/10/2009