



## Legislation Details (With Text)

**File #:** 091665 **Version:** 0  
**Type:** Ordinance **Status:** Passed  
**File created:** 4/13/2010 **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:** **Final action:** 5/4/2010  
**Effective date:**  
**Title:** An ordinance relating to special privilege administration, penalties and bonding requirements.  
**Sponsors:** ALD. DUDZIK  
**Indexes:** SPECIAL PRIVILEGE PERMITS  
**Attachments:** 1. Fiscal note, 2. Hearing Notice List, 3. Notice Published on 5-20-10

| Date      | Ver. | Action By              | Action                  | Result | Tally |
|-----------|------|------------------------|-------------------------|--------|-------|
| 4/13/2010 | 0    | COMMON COUNCIL         | ASSIGNED TO             |        |       |
| 4/15/2010 | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT    |        |       |
| 4/21/2010 | 0    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PASSAGE | Pass   | 5:0   |
| 5/4/2010  | 0    | COMMON COUNCIL         | PASSED                  | Pass   | 13:0  |
| 5/10/2010 | 0    | MAYOR                  | SIGNED                  |        |       |
| 5/20/2010 | 0    | CITY CLERK             | PUBLISHED               |        |       |

091665

081687

ALD. DUDZIK

An ordinance relating to special privilege administration, penalties and bonding requirements.

115-35 rp

200-33-51.7 cr

245-12-2 rc

245-12-3-b am

245-12-5 am

245-12-7 rc

Current code places administrative responsibility for special privileges under the purview of the city clerk. These duties include the filing of applications and certificates of insurance, the issuance of permits, and the filing of amendment petitions. This ordinance transfers these responsibilities to the commissioner of public works.

Current code also requires the city clerk to monitor and enforce all provisions relating to special privileges, including written notification of non-compliance and penalty issuance. This ordinance transfers special privilege compliance and enforcement to the commissioner of public works, consistent with the enforcement powers granted to public works in s. 115-32-3.

In addition, this ordinance repeals code provisions relating to special privilege permits for the use of public ways by persons regularly engaged in the business of wholesale food distribution.

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

Part 1. Section 115-35 of the code is repealed.

Part 2. Section 200-33-51.7 of the code is created to read:

**200-33. Fees.**

**51.7. SPECIAL PRIVILEGE ENFORCEMENT FEE.**

A monthly fee of \$25 may be charged for failure to comply with an order issued under s. 245-12.

Part 3. Section 245-12-2 of the code is repealed and recreated to read:

**245-12. Special Privileges.**

2. FIXED COSTS. Any person, firm, association or corporation desiring such special privileges shall file with the commissioner of public works a petition in writing on a form furnished for such purpose by the city engineer or the commissioner of city development, and shall pay to the city treasurer the fee as specified in s. 81-115, special privileges, for the purpose of defraying the cost of printing and other expenses which the city may incur in the consideration of such resolution for a special privilege, as regulated in s. 301-7.

Part 4. Section 245-12-3-b and 5 of the code are amended to read:

**3. PROVISIONS.**

b. The applicant shall file with the ~~[[city-clerk]]~~>>commissioner of public works<< a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury to more than one person in any one accident, and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege, and naming the city of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least 30 days' notice in writing to the ~~[[city-clerk]]~~>>commissioner of public works<<. In lieu of the insurance policy coverage, a public service corporation, or a cooperative association organized under ch. 185, Wis. Stats., to render or furnish telephone, gas light, heat or power, or colleges and universities may file with the ~~[[city-clerk]]~~>>commissioner of public works<< proof of financial responsibility containing the conditions and giving the protection required in the public liability policy. Acceptance of the proof of financial responsibility shall be subject to approval by the city attorney upon consultation with the city comptroller.

5. AMENDMENTS. a. A grantee desiring to add items to or remove items from a special privilege shall file with the ~~[[city-clerk]]~~>>commissioner of public works<< a special privilege amendment petition in writing on a form furnished for this purpose by the city engineer or the commissioner of city development.

b. Any sale, transfer or conveyance of ownership of a property with a special privilege requires the new ownership to file with the ~~[[city-clerk]]~~>>commissioner of public works<< a special privilege amendment petition in writing on a form furnished for this purpose by the city engineer or the commissioner of city development.

Part 5. Section 245-12-7 of the code is repealed and recreated to read:

7. ENFORCEMENT; SANCTIONS. If the commissioner of public works determines that a person has failed to comply with the provisions of this section, the commissioner shall notify the person of the violation. If the person fails to comply with any order issued by the commissioner within 60 days of receipt of the order, the commissioner may assess the person a monthly enforcement fee under 200-33 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

Part 5. This ordinance takes effect 60 days after passage and publication.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB10085-4  
TWM:MST:sd  
4/12/10

Clerical corrections -- JRO -- 07/21/10