



Legislation Details (With Text)

File #: 100991 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/23/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 5/24/2011
Effective date:

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

Sponsors: THE CHAIR

Indexes: REVISORS BILL

Attachments: 1. Hearing Notice List, 2. City Atty Letter, 3. Notice Published on 6-13-11

Date	Ver.	Action By	Action	Result	Tally
11/23/2010	0	COMMON COUNCIL	ASSIGNED TO		
11/29/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/13/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
5/16/2011	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/24/2011	1	COMMON COUNCIL	PASSED	Pass	13:0
6/1/2011	1	MAYOR	SIGNED		
6/13/2011	1	CITY CLERK	PUBLISHED		

100991

SUBSTITUTE 1

100208

THE CHAIR

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

59-7-2 am
60-29-2 am
68-4.6-1 am
81-55 rp
87-1-7 am
87-2-5-0 am
87-2-7-a-0 am
90-4-7.9-e am
90-4-11-c-4 am
90-37-1 am
90-37-2-a rn
90-37-2-b rp
92-10-2.5 rp
95-2-4-a am

95-14-3-b-7	am
95-14-3-f-1	am
101-5.5-6	rp
109-5-4-h	rp
109-5-4-i	rp
112	rp
115-32-1-d	rp
200-22.5-4	am
200-53-10	am
340-1-6	rp

This ordinance revises various provisions of the code for 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 59-7-2 of the code is amended to read:

59-7. Right of Entry and Examination.

2. SPECIAL INSPECTION WARRANT. If any person~~[[;]]~~ ~~>>~~₁~~<<~~ or occupant, or other person in charge of a building, structure, premises or conveyance refuses, impedes, inhibits, interferes with entry and free access to inspection authorized by sub. 1, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., as amended.

Part 2. Section 60-29-2 of the code is amended to read:

60-29. Food Peddler Basic Permit.

2. For each pushed, ~~[[peddled]]~~ ~~>>~~~~pedaled~~~~<<~~ or pulled vehicle: \$117.

Part 3. Section 68-4.6-1 of the code is amended to read:

68-4.6. Meal Service Establishments.

1. The application is fully and accurately completed and is accompanied by the fee set forth in s. ~~[[60-21-9]]~~ ~~>>~~60-21-5~~<<~~.

Part 4. Section 81-55 of the code is repealed.

Part 5. Section 87-1-7 of the code is amended to read:

87-1. Pool and Billiard Table Licenses.

7. VIOLATIONS.

b. Revocation. The common council may revoke the license of any person licensed under this section for any of the reasons set forth in s. 87-2-7, and the common council shall issue an order to such licensee to appear before it or its ~~[[utilities and licenses]]~~ ~~>>~~licensing~~<<~~ committee and show cause why the license should not be revoked.

Part 6. Section 87-2-5-0 and 7-a-0 of the code is amended to read:

87-2. Pool and Billiard Hall License.

5. HEARINGS. The general health, safety and welfare of the public is of primary concern to the common council. The application for a license may be denied as to a particular location within the city whenever the common council finds that the location and physical layout of the premises are such and the layout characteristics are such that it is against the health, safety and general welfare of the public to permit the operation of a billiard hall at that location. Any premises declared to be unsafe

by the written report of the commissioner of neighborhood services, or a fire hazard by the written report of the fire chief shall be deemed ineligible for a license. In determining whether or not a license should be issued, a hearing shall be held before issuance by the common council or ~~>>licensing<<~~ committee ~~[[on utilities and licenses]]~~. At ~~[[such]]~~ ~~>>the<<~~ hearing the following factors shall be considered:

7. REVOCATION OF LICENSE.

a. The common council may suspend or revoke the license of any licensee for cause, after notice to the licensee and a hearing before the council or its ~~[[utilities and licenses]]~~ ~~>>licensing<<~~ committee, on any of the following grounds:

Part 7. Section 90-4-7.9-e of the code is amended to read:

90-4. Classification of Licenses.

7.9. PERMANENT EXTENSION OF PREMISES.

e. Committee Action. The licensing committee shall hold a hearing on whether or not to grant each application for a permanent extension of licensed premises ~~[[for special events]]~~. If any interested person objects to the granting of a particular application, ~~[[then]]~~ the licensee shall receive at least 3 ~~[[days]]~~ ~~>>days<<~~ notice of the hearing date and the nature of the objection to the application. The applicant shall have an opportunity to appear at the hearing and be represented by counsel and to cross-examine witnesses opposed to the granting of the application for permanent extension of the licensed premises, and to present evidence in favor of the granting of the application. At the conclusion of the hearing, the committee shall make a recommendation to the common council on whether to grant the application. In making its recommendation, the committee may consider, among other factors, the appropriateness of the location for which a permanent extension of licensed premises is sought, whether ~~[[such]]~~ ~~>>the<<~~ location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare. The common council shall act on the committee's recommendation without further hearing.

Part 8. Section 90-4-11-c-4 of the code is amended to read:

11. CLASS "D" PROVISIONAL OPERATOR'S LICENSE.

c-4. The applicant has not been denied a Class "B" manager's or Class "D" operator's license, or has not had his or her Class "B" or Class "D" license not renewed ~~[[,any]]~~ within the preceding 12 months.

Part 9. Section 90-37-1 of the code is amended to read:

90-37. Centers for the Visual and Performing Arts. 1. FINDINGS. The Wisconsin state statutes create the designation "centers for the visual and performing arts" and ~~[[exempts]]~~ ~~>>exempt<<~~ them from certain restrictions relating to the presence of underage persons on licensed Class "B" alcohol beverage premises. The state statutes do not, however, provide a definition for "centers for the visual and performing arts". The prevention of the underage consumption of alcohol and the regulation of alcohol beverage premises where underage persons congregate is a primary concern of the common council, given its responsibility to protect its most vulnerable residents. The common council finds, therefore, that it is essential to define and license "centers for the visual and performing arts" to help ensure the health, safety and welfare of the people of the city of Milwaukee and, in this light, to grant this license infrequently and only after careful consideration, review and deliberation.

Part 10. Section 90-37-2-a of the code is renumbered 90-37-2-0.

Part 11. Section 90-37-2-b of the code is repealed.

Part 12. Section 92-10-2.5 of the code is repealed.

Part 13. Section 95-2-4-a of the code is amended to read:

95-2. Transient Merchants.

4. ISSUANCE; QUALIFICATIONS OF LICENSEES; POSTING.

a. ~~[[All licenses shall be issued from a bound book with proper reference stubs kept for the purpose, numbered in the order in which they are issued and]]~~ >>Each license<< shall state clearly the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the ~~[[dates]]~~ >>date<< of issuance and expiration of the license, the fee paid and the name and address of the licensee, and the date of revocation of ~~[[all licenses]]~~ >>any license<< revoked.

Part 14. Section 95-14-3-b-7 and f-1 of the code is amended to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

3. APPLICATION.

b.

b-7. The date of birth of the ~~[[applicants]]~~ >>applicant<<.

f. Changes, Transfers.

f-1. Changes to be Reported. All persons licensed under this section shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form within ~~[[5]]~~ >>10<< days after the change occurs.

Part 15. Section 101-5.5-6 of the code is repealed.

Part 16. Section 109-5-4-h and i of the code is repealed.

Part 17. Chapter 112 of the code is repealed.

Part 18. Section 115-32-1-d of the code is repealed.

Part 19 . Section 200-22.5-4 of the code is amended to read:

200-22.5. Registration of Residential Properties Pending Foreclosure.

4. NOTIFICATION OF ABANDONED RESIDENTIAL PROPERTY.

If, inspection of the residential property required under sub. 3 shows the property is abandoned, the filing parties shall notify the commissioner of the abandoned state of the property >>within 5 working days<< on a form prescribed by the commissioner that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification form shall identify the agent or servicing company, if any, that is authorized by the filing party to enter upon the property and to conduct repairs or maintenance as required in sub. 5-a.

Part 20. Section 200-53-10 of the code is amended to read:

200-53. Residential Rental Certificate.

10. REVOCATION. A certificate of residential rental code compliance may be revoked at the discretion of the commissioner if violations which are considered to be an unfit or unsafe condition pursuant to sub.~~[[7-a]]~~ >>6-d<<are observed during a complaint investigation.

Part 21. Section 340-1-6 of the code is repealed.

Part 22. Part 11 of File Number 100208 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: _____

City Clerk-Legislative Reference Bureau

LRB123577-2

Teodros W. Medhin/lp

5/6/11