Legislation Text

File #: 971299, **Version:** 1

971299
SUBSTITUTE
922065
THE CHAIR
Substitute resolution to rescind a portion of Common Council 922065, being a special privilege to permit the occupancy of the public way by S.D. & Co. for the purpose of doing business as a direct seller, for the location within the 11th Aldermanic District due to operating deficiencies.

- Analysis -

This resolution rescinds a portion of Common Council 922065, being a special privilege to permit the occupancy of 11 locations within the public way by S.D. & Co. for the purpose of doing business as a direct seller. Specifically, the location within the 11th Aldermanic District is rescinded due to operating deficiencies. This resolution also deletes 2 other locations that the grantee indicated are not being used. Consequently, 8 locations will remain. Further, the name of the grantee as changed from S.D. & Co. to Devoe Enterprises. This resolution also corrects the name of the grantee.

Whereas, S.D. & Co. was granted permission by the adoption of Common Council Resolution File Number 922065 to occupy 11 locations within the public way while doing business in the City of Milwaukee as a direct seller in accordance with Chapter 95 of the Milwaukee Code of Ordinances; and

Whereas, At the location in the 11th district operating deficiencies have created complaints to the district Alderwoman; and

Whereas, The intent of the subject Council File is to rescind use of that location; and

Whereas, The grantee has indicated that the name of the Company has changed from S.D. & Co. to Devoe Enterprises; and

Whereas, The grantee has also indicated that two locations previously permitted under Common Council File Number 922065 are no longer in use; and

Whereas, The legislation should be corrected at this time to reflect the new business name and the active locations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 922065, is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Devoe Enterprises, 3959 South Howell Avenue, Milwaukee, WI 53207 is hereby granted the following special privilege:

To generally occupy the public way as listed below:

North side of West Brown Deer Road - 200 feet west of the westline of North Servite Drive, extended

East side of North 76th Street - 260 feet north of the northline of West Good Hope Road

South side of West Layton Avenue - 250 feet west of the westline of South Howell Avenue

North side of West Silver Spring Drive - within 50 feet of a point 100 feet west of the westline of North 60th Street

North side of West Silver Spring Drive - 100 feet west of the westline of North 103rd Street

North side of East Capitol Drive - 395 feet west of the westline of North Holton Street

North side of West Wisconsin approximately 60 feet west of the westline of Old World Third Street

North side of East Chicago Street - 465 feet west of the west curb of North Harbor Drive

Also, the occupancy of the public way for the purpose of doing business as a Direct Seller shall be subject in full to the provisions of Chapter 95 of the Milwaukee Code of Ordinances. Specifically, said occupancy shall be subject to the following additional restrictions:

-limited to seven (7) linear feet parallel to curbline

-limited to three and one-half (3.5) linear feet perpendicular to curbline

-limited to being no closer than 20 feet from any building entrance

-limited to being no closer than 20 feet from any driveway

-limited to being no closer than 20 feet from any crosswalk

-not allowed within a bus stop

-not allowed against a display window of fixed location business

-not allowed to touch, lean on or be affixed permanently or temporarily to any building, structure, or street landscape item including but not limited to lamp posts, parking meters, mail boxes, traffic signal/stations, fire hydrants, tree boxes, benches, newspaper vending boxes, bus shelters, refuse baskets or traffic barriers

-not allowed within 500 feet of certain public premises so named in Chapter 105-56 of the Code

-only a push cart is required to be used when located within the Central Business District as established under the Zoning Code.

;and, be it

Further Resolved, It has been determined to be in the public's best interest that the following additional restrictions are also established:

-limited to being no closer than 1.5 feet to the curbline of any street

-limited to being no closer than 10 feet from any fire hydrant

-limited to being no closer than 20 feet from any alley

-not allowed in posted loading zones

-six (6) feet of unencumbered walk be maintained for pedestrian usage at all times

The grantee shall, prior to establishing said occupancy, apply for and obtain a Direct Seller's License from the City of Milwaukee License Clerk.

The area of occupancy shall be maintained to the satisfaction of the Commissioner of Public Works, Commissioner of Health and the Chief of Police.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Devoe Enterprises, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of $1,000 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk 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. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of $260.93. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of PublicWorks any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time

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specified, the Commissioner of Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

;and, be it

Further Resolved, That a certified copy of this resolution be transmitted by the City Clerk to the grantee, License Clerk, Commissioner of Public Works, City Engineer, Commissioner of Building Inspection, Commissioner of Health and the Chief of Police for their reference and use in enforcing its provisions.
Infrastructure Services Division
DAN:cjt
December 2, 1997
971257

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