



Legislation Text

File #: 171153, **Version:** 1

171153
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to regulations, requirements, and procedures for various licenses and permits.

81-78 rc
81-102.2 rp
84-49 rc
100-3-9 rp
100-4-3 am
100-50-4-b-5 am
100-50-11-b-1 am
100-50-11-b-2 rp
100-50-11-b-3 rn
100-50-11-b-4 rn
100-50-11-d rp
100-50-11-e rn
100-50-11-f rn
100-50-11-h rn
100-50-12-b rp
100-50-12-e-1 am
100-50-13-a am
100-50-16-b-2 am
100-50-16-b-3 am
100-51.5-1-a am
100-53-1 rc
100-53-2 rp
100-53-3 rp
100-53-4 rn
100-53-5 rn
100-53-6 rn
100-70-5-a-2 am
100-70-5-b-1 am
100-70-7 am
115-33.5 rc

This ordinance revises and updates various code provisions relating to public passenger vehicles, including the following:

1. Streamlining vehicle registration and insurance reporting requirements.

2. Updating provisions relating to financial responsibility requirements to properly reference state law.
3. Standardizing and clarifying language.

This ordinance also:

1. Establishes that, in places of current permitting requirements, the city clerk may establish guidelines for the distribution of printed materials in the city hall complex.
2. Eliminates the licensing requirement for newspaper vending boxes. The ordinance maintains current regulations relating to newspaper vending boxes, including regulations relating to the removal of newspaper vending boxes found in violation of these regulations.

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

Part 1. Section 81-78 of the code is repealed and recreated to read:

81-78. Newspaper Vending Box Retrieval Fee. The fee for retrieving a newspaper vending box from the designated holding place shall be \$35 per box.

Part 2. Section 81-102.2 of the code is repealed.

Part 3. Section 84-49 of the code is repealed and recreated to read:

84-49. Distribution of Printed Materials in City Hall Complex. The city clerk shall furnish periodical boxes for distribution of newspapers, newsletters, magazines, or other publications, which are published on a regular schedule. Any person, group, or organization distributing publications shall ensure that the periodical boxes are kept in a neat and orderly manner at all times and that publications are kept up-to-date. The city clerk may issue guidelines for the enforcement of this section. Any publications not maintained in accordance with this section or the guidelines established by the city clerk may be removed by the city clerk.

Part 4. Section 100-3-9 of the code is repealed.

Part 5. Section 100-4-3 of the code is amended to read:

100-4. Licensing Committee.

3. REGULATIONS; ORDERS. The committee may prescribe regulations and issue orders, in conformity with this chapter, applicable to ~~[[operators]]~~ >>permittees or drivers<< of public passenger vehicles. The committee may require the filing of reports, schedules and other data by the ~~[[operators]]~~ >>permittees or drivers<< of public passenger vehicles so that the provisions of this chapter may be carried out. Any permittee ~~[[,lessee]]~~ or driver who does not comply with the regulations or orders of the committee shall be subject to the penalty provisions of this chapter.

Part 6. Section 100-50-4-b-5 of the code is amended to read:

4. APPLICATION.

b-5. The current state registration of each motor vehicle, naming the applicant as ~~[[sole]]~~ title holder ~~[[and not as lien holder]]~~.

Part 7. Section 100-50-11-b-1 of the code is amended to read:

11. ISSUANCE.

b-1. A current state vehicle registration naming the applicant as ~~[[sole]]~~ titleholder ~~[[and not as lien holder]]~~.

Part 8. Section 100-50-11-b-2 of the code is repealed.

Part 9. Sections 100-50-11-b-3 and 4 of the code is renumbered 100-50-11-b-2 and 3.

Part 10. Section 100-50-11-d of the code is repealed.

Part 11. Sections 100-50-11-e, f, and h of the code is renumbered 100-50-11-c, d, and e.

Part 12. Section 100-50-12-b of the code is repealed.

Part 13. Section 100-50-12-e-1 of the code is amended to read:

12. REGULATIONS.

e-1. No permit may be transferred to any other vehicle unless the owner ~~[[or lessee]]~~ of the vehicle is also the permittee, demonstrates financial responsibility for the vehicle >>₁<< and the owner has paid the required vehicle replacement fee. The city clerk shall be notified of all vehicle replacements.

Part 14. Section 100-50-13-a of the code is amended to read:

13. TRANSFER OF PERMITS. a. If a permittee dies or becomes disabled, the permit may be transferred, upon notification of the city clerk by the claimant, to the surviving spouse, and if there is no surviving spouse, to the legal representative of the permittee or the estate, who shall be eligible for the operation ~~[[or lease]]~~ of the vehicle for the remainder of the permit period. A permit may also be transferred with the permittee's consent to a spouse for good cause and upon approval of the licensing committee.

Part 15. Section 100-50-16-b-2 and 3 of the code is amended to read:

16. PROCEDURE FOR NON-RENEWAL, REVOCATION OR SUSPENSION.

b. Grounds for Non-renewal, Suspension or Revocation.

b-2. Pending charges against or conviction of any felony, misdemeanor, municipal offense >>₁<< or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the permittee, or by any ~~[[employee,]]~~ >>employee or<< driver ~~[[or lessee]]~~ of the permittee.

b-3. The permittee, or any ~~[[employee,]]~~ >>employee or<< driver ~~[[or lessee]]~~ of the permittee, having violated any of the operating regulations and prohibited practices set forth in this chapter.

Part 16. Section 100-51.5-1-a of the code is amended to read:

100-51.5. Vehicle Standards and Equipment Requirements. 1. GENERAL REQUIREMENTS.

a. Responsibility. No vehicle owner ~~[[, lessee]]~~ or other person shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle first meeting the vehicle standards and equipment requirements established in this section.

Part 17. Sections 100-53-1 of the code is repealed and recreated to read:

100-53. Insurance Required. 1. INSURANCE. No person may operate, or shall be issued a permit to operate, a public passenger vehicle unless in that person is in conformance with the financial responsibility requirements under ch. 344, Wis. Stats.

Part 18. Sections 100-53-2 to 3 of the code is repealed.

Part 19. Sections 100-53-4 to 6 of the code is renumbered 100-53-2 to 4.

Part 20. Section 100-70-5-a-2 and b-1 of the code is amended to read:

100-70. Provisional Licenses and Permits.

5. ISSUANCE.

a-2. Evidence of possessing a valid motor vehicle driver's license, excluding occupational licenses, issued by the state of Wisconsin. >>This requirement shall apply to a person applying solely for a provisional permit.<<

b-1. The current state registration of each motor vehicle naming the applicant as ~~[[sole]]~~ title holder ~~[[and not as lien holder]]~~.

Part 21. Section 100-70-7 of the code is amended to read:

7. EXPIRATION DATE. A provisional license or permit shall expire 60 days after the date of issuance by the city clerk or upon issuance >>denial, non-renewal, or suspension<< of the regular license or permit, whichever is sooner, and shall not be renewable.

Part 22. Section 115-33.5 of the code is repealed and recreated to read:

115-33.5. Newspaper Vending Boxes.

1. DEFINITIONS. a. "Box" means newspaper vending box.

b. "Commissioner" means the commissioner of public works.

c. "Department" means the department of public works.

d. "Newspaper vending box" means any self-service or coin-operated box, container unit or dispenser installed, used or maintained for the display, distribution or sale of newspapers, periodicals or other publications.

e. "Public right-of-way" means any area which has been deeded or dedicated for public use by pedestrians or vehicles.

2. REGULATIONS. a. Location. No newspaper vending box shall be located:

a-1. Within 2 feet of the face of the curb.

a-2. Within 3 feet of any fire hydrant, callbox, or other emergency structure.

a-3. Within 3 feet of any bus shelter or bench.

a-4. Within 3 feet of any traffic sign or signal.

a-5. Within 5 feet of any driveway.

a-6. Within that portion of a pedestrian area adjacent to a designated handicapped-parking space or commercial loading zone.

a-7. Where a paved pedestrian area does not extend to the curb, and the width of the continuous, undivided space for pedestrian travel would be reduced to less than 4 feet as a result of the placement of a newspaper vending box.

a-8. Where a paved pedestrian area extends to the curb and the width of the continuous, undivided space for pedestrian travel would be reduced to less than 7 feet as a result of the placement of a newspaper vending box.

a-9. On the landscaped area of the public right-of-way between the curb and sidewalk wherein street trees are typically planted.

a-10. Within, or within 2 feet of, the area bounded by the curb, the front entrance of a business establishment, and 2 straight lines which extend from each outer edge of the entrance door frame to the curb and are perpendicular to the curb.

a-11. Within 30 feet of a catch basin.

b. Concentration. Not more than 8 newspaper vending boxes may be placed on any one city blockface as defined in s. 295-201-63.

c. Design and Placement. c-1. A freestanding newspaper vending box shall face away from the roadway, with the rear edge of each box being located on a line parallel to the curb. Each freestanding newspaper vending box shall be bolted to the sidewalk or pavement. If a box is removed, the sidewalk or pavement shall be restored to a safe condition. No vending box that has

been designed to be freestanding may be strapped or in any way attached to a city light pole or other city fixture.

c-2. Newspaper vending boxes that are not freestanding may be banded to aluminum and concrete poles. No newspaper box shall be banded to a steel street light pole. A newspaper vending box which is not freestanding may only be attached to a city-owned light pole which is more than 20 feet in height. The box shall be securely strapped to the pole so as to prevent movement of the box and shall be oriented so that customers can stand on paved sidewalk when accessing it. Not more than 2 boxes may be strapped to any single pole. A newspaper vending box strapped to a light pole shall not obscure any traffic sign or reflector or in any way obstruct the visibility of the sign or reflector. Fastening straps shall be made of stainless steel and shall be painted to match the color of the affected light pole. No chains or cables may be used. A newspaper vending box may be attached to a pole owned by any other entity provided permission from the entity is presented to the department prior to installation.

c-3. A newspaper vending box shall have a door which swings closed and latches after each opening.

c-4. A newspaper vending box shall not exceed 50 inches in height, 26 inches in width, and 20 inches in depth.

c-5. A newspaper vending box shall bear the name and mailing address of the owner of the box.

d. Maintenance. Newspaper vending boxes shall be kept clean, graffiti-free, and in proper working order at all times. The responsible party shall clean, repair, or remove graffiti within 5 working days of notification by the commissioner of the condition.

3. REMOVAL OF NEWSPAPER VENDING BOXES. a. If a newspaper vending box is found in violation of this section, the department may remove the box. A box may be transferred to a designated holding place as follows:

a-1. Notice shall be given prior to removal of the box. The department shall notify the owner that if the box is not removed within 10 working days following mailing of the notice by first-class mail to the owner's last known address, the department may relocate the box to a designated holding facility. The address of this facility shall be included in any notification.

a-2. If, 10 working days following mailing of the notice by first-class mail to the owner's last known address, the box has not been removed from the location, the department may relocate the box to the designated holding facility.

a-3. A box may be held at the facility until the box's owner claims it or until the department disposes of it. The fee for retrieving a newspaper vending box from the designated holding place shall be as provided in s. 81-78-4. The department may dispose of boxes that have been held for 15 days or more at the designated holding facility.

b. When it is deemed necessary that a newspaper vending box be removed for the maintenance or improvement of the public right-of-way, including when the public right-of-way is temporarily occupied by abutting land owners for construction, demolition, or other lawful purpose as set forth in ch. 115, and in cases of special privileges granted by the city pursuant to ch. 245, the department may take

the following steps toward removing the box:

b-1. The department shall notify the owner of the box in writing that within 10 working days following mailing of the notice by first-class mail to the address provided on the box that the box shall be either removed or transferred to another location that has been specified by the department.

b-2. If the owner of the box fails to remove the box from the location after 10 working days following mailing of the notice to remove the box from the location or transfer the box to another location that has been specified by the department, the department may follow the same procedure specified in par. a-2 and 3.

c. If the owner of a box fails to comply with any condition specified in sub. 2, the department may take the following steps to remove the box:

c-1. The department may order the owner of the box in writing to correct the violation within 10 working days following the mailing of the order by first-class mail to the address provided on the box.

c-2. If the owner of the box fails to comply within the time allotted by the department, the department may follow the same procedure specified in par. a-2 and 3.

d. If the department removes a newspaper vending box pursuant to this subsection, the owner of the box shall not place a different box at the location from which the department removed the box.

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: _____

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Tea Norfolk
1/23/2018