



## Legislation Text

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**File #:** 080749, **Version:** 2

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080749

SUBSTITUTE 2

THE CHAIR

A substitute ordinance implementing various provisions of the 2009 city budget.

81-51-2	am
81-51-3	cr
81-60-2-a	am
81-60-2-b	rn
81-60-2-b	cr
81-60-2-c	rn
81-119-2	am
95-14-5-d	cr
100-53-2-c	cr
101-32-3-c-0	am
101-32-3-c-4	am
101-32-3-d-0	am
101-32-3-d-4	am
101-32-3-e-0	am
101-32-3-e-4	am
101-32-3-f-0	am
101-32-3-f-4	am
101-32-3-g-0	am
101-32-3-g-4	am
101-34-2-a	am
101-34-2-b	am
101-34-2-c	am
101-34-2-d	am
101-34-2-e	am
101-34-2-f	am
101-34-2-g	am
101-34-2-h	am
101-34-2-i	am
101-34-2-j	am
101-34-2-k	am
101-34-7-a	am
101-34-7-b	am
101-34-7-c	am
101-34-7-d	am
101-34-7-e	am
101-34-7-f	am
101-34-7-g	am
101-34-7-h	am

101-34-7-i           am  
101-34-7-j           am  
101-34-7-k           am  
116-12-2            rn  
116-12-2-b          cr  
116-12-2-c          cr  
200-33-8.5-c rc  
200-33-8.5-d rn  
200-33-8.5-d cr  
200-33-9            rn  
200-33-9            cr  
200-33-11-zL cr  
200-33-23-m cr  
200-33-43-p         cr  
350-100            am

To implement certain provisions of the 2009 city budget, this ordinance:

1. Clarifies that the fee increases enacted in common council file number 080486, passed on September 12, 2008, effective January 1, 2009, for an extended hours establishment license, a home improvement contractor license and a home improvement salesperson's license apply only to new licenses. The fees for the renewal of these licenses remain unchanged.
2. Adds various provisions to clarify that home improvement contractors, public passenger vehicle permittees and snow plowing equipment licensees whose permits or licenses are suspended due to the cancellation, expiration or nonrenewal of any required surety or performance bonds, direct obligations or insurance policies, shall be subject to the new reinstatement fee enacted in common council file number 080486, prior to reinstatement of their permits or licenses.
3. Increases the annual tavern amusement license (also known as cabaret or nightclub) by \$500, from \$1,500 to \$2,000.
4. Increases parking meter rates for all meters currently charging \$1 per hour to \$1.50 per hour.
5. Increases all forfeitures for nonmoving (parking) traffic violations by 10%.
6. Revises or creates a number of building code fees for permits issued by the department of city development permit center:
  - a. Conditional certificate of occupancy: creates a new certificate, \$150, payable at the time the application is submitted.
  - b. Temporary certificate of occupancy: repeals and recreates the existing fee, which is currently \$50 or 20% of the fee for a certificate of occupancy, whichever is greater, to \$100 or 20% of the fee for a certificate of occupancy, whichever is greater.
  - c. Conditional permit: creates a new permit, \$150.
  - d. Establishes a \$10 development center counter processing fee for electrical, heating and ventilation, and plumbing permits as follows:
    1. For any applicant who in 2008 filed more than 100 of any of these permits in person or by mail.

2. For any applicant not covered above, but who commencing in 2009 files more than 100 applications (charge applies starting with the 101<sup>st</sup>) of these permits in person or by mail.

7. Freezes salaries for members of the common council and the mayor that were scheduled for a 2.5% increase, effective pay period 10, 2009.

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

Part 1. Section 81-51-2 of the code, as affected by common council file number 080486, passed September 12, 2008, effective January 1, 2009, is amended to read:

**81-51. Extended Hours Establishments.**

2. The fee for each >>new<< license shall be \$250.

Part 2. Section 81-51-3 of the code is created to read:

3. The fee for each renewal license shall be \$200.

Part 3. Section 81-60-2-a of the code, as affected by common council file number 080486, passed September 12, 2008, effective January 1, 2009, is amended to read:

**81-60. Home Improvement Contractor's or Salesperson's License.**

- 2.a. The fee for each new ~~[[or renewal]]~~ home improvement contractor's license shall be \$250.

Part 4. Section 81-60-2-b and c of the code is renumbered 81-60-2-c and d.

Part 5. Section 81-60-2-b of the code is created to read:

2.
  - b. The fee for each renewal home improvement contractor's license shall be \$225.

Part 6. Section 81-119-2 of the code is amended to read:

**81-119. Tavern Amusement License.**

2. The annual fee for each tavern amusement license: ~~[[ \$ 1,500 ]]~~ >>\$2,000<<.

Part 7. Section 95-14-5-d of the code is created to read:

**95-14. Home Improvement Contractor and Salesperson Licenses.**

**5. BONDS AND INSURANCE.**

d. Reinstatement Fee. If a home improvement contractor license is suspended due to the cancellation, expiration or nonrenewal of a performance bond or certificate of insurance required by this section, the contractor shall pay a fee specified in s. 81-1-6 prior to reinstatement of the license.

Part 8. Section 100-53-2-c of the code is created to read:

**100-53. Financial Responsibility.**

**2. NOTICE OF CANCELLATION.**

c. If a public passenger vehicle permit is suspended due to the cancellation, expiration or nonrenewal of a surety bond, direct obligations or insurance policy required by this section, the vehicle owner shall pay a fee specified in s. 81-1-6 prior to reinstatement of the permit.

Part 9. Section 101-32-3-c-0, c-4, d-0, d-4, e-0, e-4, f-0, f-4, g-0 and g-4 of the code is amended to

read:

**101-32. Parking Meter Regulations and Zones.**

**3. PARKING METER ZONES (LOCATIONS).**

c. ONE HOUR, 20, 25, 50 cents or ~~[[one-dollar]]~~ >> \$1.50 << per hour, nickels, dimes or quarters only parking meter zones.

c-4. One hour, ~~[[one-dollar]]~~ >> \$1.50 << per hour.

d. TWO HOUR, 20, 25, 50 cents or ~~[[one-dollar]]~~ >> \$1.50 << per hour, nickels, dimes or quarters only parking meter zones.

d-4. Two hour, ~~[[one-dollar]]~~ >> \$1.50 << per hour.

e. THREE HOUR, 20, 25, 50 cents or ~~[[one-dollar]]~~ >> \$1.50 << per hour, nickels, dimes or quarters only parking meter zones.

e-4. Three hour, ~~[[one-dollar]]~~ >> \$1.50 << per hour.

f. FIVE HOUR, 20, 25, 50 cents or ~~[[one-dollar]]~~ >> \$1.50 << per hour, nickels, dimes or quarters only parking meter zones.

f-4. Five hour, ~~[[one-dollar]]~~ >> \$1.50 << per hour.

g. TEN HOUR, 20, 25, 50 cents or ~~[[one-dollar]]~~ >> \$1.50 << per hour, nickels, dimes or quarters only parking meter zones.

g-4. Ten hour, ~~[[one-dollar]]~~ >> \$1.50 << per hour.

Part 10. Section 101-34-2-a to k of the code is amended to read:

**101-34. Stipulation Procedure; Nonmoving Traffic Violations.**

**2. FORFEITURE SCHEDULE.**

a. Citations issued for violation of ss. 101-27 except 101-27-1-a and 4, and 101-24.7-2-b: ~~[[ \$15 ]]~~ >> \$17 <<.

b. Citations issued for violation of ss. 101-23-4 and 6, 101-27-7-d, 101-30 and 101-33: ~~[[20]]~~ >> \$22 <<.

c. Citations issued for parking in prohibited zones, whether required to be posted or not, excluding violation of s. 101-27: ~~[[ \$30 ]]~~ >> \$33 <<.

d. Citations issued for violation of ss. 101-26.5, 101-26.7, 101-27-4 and 101-29: ~~[[ \$30 ]]~~ >> \$33 <<.

e. Citations issued for violation of ss. 101-23-10, 101-26 and 101-27 during a snow emergency declared under s. 101-26: ~~[[ \$35 ]]~~ >> \$39 <<.

f. Citations issued for violation of ss. 101-24, 101-24.1, 101-24.2, 101-24.5, 101-24.7-2-a and 101-25: ~~[[ \$50 ]]~~ >> \$55 <<.

g. Citations issued for violation of s. 101-23.5: ~~[[ \$40 ]]~~ >> \$44 <<.

h. Citations issued for violation of ss. 101-23-9-a-3 and 101-27-1-a: ~~[[ \$30 ]]~~ >> \$33 <<.

i. Citations issued for violations of s. 346.505, Wis. Stats., adopted by s. 101-3: ~~[[ \$180 ]]~~ >> \$200 <<.

j. Citations issued for violations of ss. 101-18, 101-23-11 and 101-23.2: ~~[[ \$55 ]]~~ >> \$60 <<.

k. Citations issued for violations of ss. 101-23, 101-23.5, 101-24, 101-24.1 and 101-24.2 occurring between the hours of 8:00 p.m. and 5:00 a.m. and occurring upon a street designated as a cruising area under s. 101-20.5 including the land within the street lines whether or not improved: the forfeiture upon stipulation for violations provided in pars. b, f and g shall be increased by ~~[[ \$10 ]]~~ >> \$11 <<.

Part 11. Section 101-34-7-a to k of the code is amended to read:

**7. PENALTY.**

a. Violations of ss. 101-27 except s. 101-27-1-a and 4, and 101-24.7-2-b: ~~[[ \$15 to \$45 ]]~~ >> \$17 to \$50 <<.

b. Violations of ss. 101-23-4 and 6, 101-27-7-d, 101-30 and 101-33: ~~[[ \$20 to \$50 ]]~~ >> \$22 to \$55 <<.

- c. Parking in prohibited zones, whether required to be posted or not, excluding s. 101-27 of this code and s. 346.505, Wis. Stats., adopted by s. 101-3: ~~[[\$30 to \$50]]>>\$33 to \$55<<.~~
- d. Violations of ss. 101-26.5, 101-26.7, 101-27-4 and 101-29: ~~[[\$30 to \$50]]>>\$33 to \$55<<.~~
- e. Violations of ss. 101-23-10, 101-26 and 101-27 during a snow emergency declared under s. 101-26: ~~[[\$35 to \$55]]>>\$39 to \$60<<.~~
- f. Violations of ss. 101-24, 101-24.1, 101-24.2, 101-24.5, 101-24.7-2-a and 101-25: ~~[[\$50 to \$70]]>>\$55 to \$77<<.~~
- g. Violations of s. 346.505, Wis. Stats., adopted by s. 101-3: ~~[[\$180 to \$300]]>>\$200 to \$330<<.~~
- h. Violations of s. 101-23.5: ~~[[\$40 to \$60]]>>\$44 to \$66<<.~~
- i. Violations of ss. 101-23-9-a-3 and 101-27-1-a: ~~[[\$30 to \$50]]>>\$33 to \$55<<.~~
- j. Violations of ss. 101-18 and 101-23.2: ~~[[\$55 to \$75]]>>\$60 to \$82<<.~~
- k. Violations of ss. 101-23, 101-23.5, 101-24, 101-24.1 and 101-24.2 occurring between the hours of 8:00 p.m. and 5:00 a.m. and occurring upon a street designated as a cruising area under s. 101-20.5 including the land within the street lines whether or not improved: the lower extent of the range for violations provided in pars. b, f and h shall be increased by ~~[[\$15]]>>\$17<<.~~

Part 12. Section 116-12-2 of the code is renumbered 116-12-2-a.

Part 13. Section 116-12-2-b and c of the code is created to read:

**116-12. Snow Plowing Equipment License.**

**2. INSURANCE REQUIRED.**

- b. The commissioner of public works may suspend a license in the event of the cancellation, expiration or nonrenewal of the public liability insurance required in par. a.
- c. If a license issued under this section is suspended due to the cancellation, expiration or nonrenewal of the public liability insurance policy required in par. a, the licensee shall pay a fee specified in s. 81-1-6 prior to reinstatement of the license.

Part 14. Section 200-33-8.5-c of the code is repealed and recreated to read:

**200-33. Fees.**

**8.5. CERTIFICATES OF OCCUPANCY AND ZONING.**

- c. Conditional Certificate of Occupancy. The conditional application fee for a conditional certificate of occupancy, if issued by the department of city development, shall be \$150. This fee shall be payable at the time the application is submitted to the department.

Part 15. Section 200-33-8.5-d of the code is renumbered 200-33-8.5-e.

Part 16. Section 200-33-8.5-d of the code is created to read:

- d. Temporary Certificate of Occupancy. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of less than 10,000 square feet shall be \$100 or 20% of the fee for a certificate of occupancy, whichever is greater.

Part 17. Section 200-33-9 of the code is renumbered 200-33-10.

Part 18. Section 200-33-9 of the code is created to read:

**200-33. Fees.**

- 9. CONDITIONAL PERMIT.** a. The application fee for a conditional permit shall be \$150. This fee shall be payable at the time the application is submitted to the department of city development.
- b. There shall be a processing fee of \$3 for each conditional permit.

Part 19. Section 200-33-11-zL, 23-m and 43-p of the code is created to read:

**11. ELECTRICAL INSTALLATIONS AND REPAIRS.**

zL. Counter Processing Fee.

zL-1. Effective January 1, 2009, there shall be a counter processing fee of \$10 per electrical installation or repair application filed by an applicant who filed more than 100 applications in person or by mail at the development center in calendar year 2008.

zL-2. Effective January 1, 2009, there shall be a counter processing fee of \$10 per electrical installation or repair application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

**23. HEATING AND VENTILATING SYSTEMS.**

m. Counter Processing Fee.

m-1. Effective January 1, 2009, there shall be a counter processing fee of \$10 per application filed by an applicant who filed more than 100 applications in person or by mail at the development center in calendar year 2008.

m-2. Effective January 1, 2009, there shall be a fee of \$10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

**43. PLUMBING.**

p. Counter Processing Fees.

p-1. Effective January 1, 2009, there shall be a counter processing fee of \$10 per application filed by an applicant who filed more than 100 applications in person or by mail at the development center in calendar year 2008.

p-2. Effective January 1, 2009, there shall be a fee of \$10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

Part 20. Section 350-100 of the code is amended to read:

**350-100. Salaries of Mayor and Members of the Common Council.** At the commencement of the 2008 term of office, salaries for the mayor, common council members and the common council president shall be increased by 2.4% over the rates in effect for the 4<sup>th</sup> year of the 2004-2008 term. Effective pay period 10, ~~[[2009]]~~>>2010<<, and each year thereafter in pay period 10, these rates shall be increased by 2.5% for the remainder of the 2008-2012 term.

Part 21. This ordinance takes effect January 1, 2009.

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: \_\_\_\_\_

LRB08472-3

TWM:mbh

11/6/2008

Clerical corrections -- jro -- 11/17/08