



## Legislation Text

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File #: 191363, Version: 1

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### 191363 SUBSTITUTE 1

#### THE CHAIR

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

68-1-60	rp
68-21-8	am
68-21-12	am
68-23-3-e	am
68-25-3-f	rp
81-1-9	cr
81-41	rp
81-55-10	rp
81-55.3-9	am
81-55.5-2-f	am
81-56-1-c	rp
81-56.3-4	am
81-70-5	rp
81-70-6	rp
81-100	rc
81-129.5	rp
85-18	rc
85-24-1	rc
90-5-1-c-3	rc
90-37-5	rc
93-3-11	am
93-5-4-f	am
95-14-6	am
101-23.7-11	am
101-23.7-12	cr

This ordinance makes various changes to regulations, requirements, and procedures for various licenses and permits, including:

1. Amending application and renewal requirements for temporary food dealer licenses.
2. Standardizing provisional renewal license fees.
3. Repealing redundant provisions relating to the issuance and transfer of licenses.

4. Repealing the requirement that alcohol beverage establishment license applicants file proof of the right to occupy the premises, to be consistent with other license types. Alcohol beverage establishment licensees shall still provide documentation upon request and notify the city clerk if their right to occupy the premises will be interrupted or terminated.

5. Amending issuance procedures for centers for visual and performing arts licenses to correctly reference chapter 85.

6. Clarifying provisions relating to applicants who fail to receive their licenses or permits.

7. Correcting errors, clarifying language, and eliminating obsolete provisions.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 68-1-60 of the code is repealed.

Part 2. Section 68-21-8 of the code is amended to read:

#### **68-21. Licensure of Food Establishments; General.**

**8. INVESTIGATION.** Each application for a license under this chapter, except for an application for a food dealer license by a micro market >>or an application for a temporary food dealer license<<, shall comply with the requirements of s. 85-21-2. In addition to the requirements of s. 85-21-2, if applicable:

Part 3. Section 68-21-12 of the code is amended to read:

**12. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. ~~[[The]]~~ >>Except for an application for a food dealer license by a micro market or an application for a temporary food dealers license, the<< city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

Part 4. Section 68-23-3-e of the code is amended to read:

#### **68-23. Food Dealers.**

##### **3. TEMPORARY OPERATION.**

e. The procedures for issuance of a temporary food ~~[[dealers]]~~ >>dealer<< license shall be as set forth in sub. 2. An individual who has applied for, but has not been issued, a food dealer license shall not be issued a temporary food dealer license at the location where the food dealer license application is pending ~~[[, unless the common council member in whose district the food dealer license is pending has approved the temporary food dealer license application]].~~

Part 5. Section 68-25-3-f of the code is repealed.

Part 6. Section 81-1-9 of the code is created to read:

**81-1.General Provisions.**

9. WAIVER FEE. The fee to apply for a waiver under s. 85-18 shall be \$55.

Part 7. Section 81-41 of the code is repealed.

Part 8. Section 81-55-10 of the code is repealed.

Part 9. Section 81-55.3-9 of the code is amended to read:

**81-55.3. Food Operation - Public Health Plan Review and Site Evaluation.**

9. Fees under this section shall be nonrefundable unless the plan is withdrawn prior to plan review being performed. ~~[[See s. 68-14]]~~ >>(See s. 68-7)<<

Part 10. Section 81-55.5-2-f of the code is amended to read:

**81-55.5. Food Operation - Exempt Establishments Requiring Registration.**

**2. SCHOOL MEAL PROGRAM.**

f. A late fee of \$75 shall be assessed if a school meal program is found to be operating ~~[[its]]~~ after >>its<< registration has expired. ~~[[See s. 68-21]]~~ >>(See s. 68-23)<<

Part 11. Section 81-56-1-c of the code is repealed.

Part 12. Section 81-56.3-4 of the code is amended to read:

**81-56.3. Food Peddler Licenses.**

4. A veteran, as defined in ~~[[s. 68-59]]~~ >>s. 45.01(12), Wis. Stats.<<, shall be granted a food peddler license without payment of any fee. The veteran shall be the operator of the food peddler vehicle or carried container for which the fee has been waived.

Part 13. Section 81-70-5 and 6 of the code are repealed.

Part 14. Section 81-100 of the code is repealed and recreated to read:

**81-100. Provisional Renewal License.** The fee for each provisional renewal license shall be \$15.

Part 15. Section 81-129.5 of the code is repealed.

Part 16. Section 85-18 of the code is repealed and recreated to read:

**85-18. License or Permit Not Issued. 1.** No person shall be issued any license or permit after one year from the date of granting or approval of the license or permit.

**2.** The common council may waive the requirement of sub. 1 upon demonstration of unusual circumstances and payment of the fee provided in s. 81-1-9. A waiver shall be effective for one year from the date of approval by the common council.

**3.** If a waiver is filed under sub. 2, the hearing procedures of s. 85-2.7 and the investigation requirements of 85-21-2 shall apply.

Part 17. Section 85-24-1 of the code is repealed and recreated to read:

**85-24. Issuance and Transfer of License.**

**1. STATE TAX DOCUMENTATION REQUIRED.** The city clerk shall not issue any business license or permit until the license applicant has provided the city clerk with proof of one of the following:

a. The applicant is the holder of or exempt from holding a seller's permit or use tax registration certificate issued by the Wisconsin department of revenue.

b. The applicant is registered with the Wisconsin department of revenue to collect, report and remit use tax under subch. III of ch. 77, Wis. Stats.

c. The applicant has been informed by an employee of the Wisconsin department of revenue that the department will issue a seller's permit or use tax registration certificate to the applicant or register the applicant to collect, report and remit use tax.

Part 18. Section 90-5-1-c-3 of the code is repealed and recreated to read:

**90-5. Licensing.**

**1. APPLICATION: FORM AND CONTENTS.**

c. Additional Requirements.

c-3. Right to Occupy. An applicant for an alcohol beverage retail establishment license shall provide any information that may be requested by the city clerk relating to the terms and conditions of occupancy of the premises for which the license is sought.

Part 19. Section 90-37-5 of the code is repealed and recreated to read:

## **90-37. Centers for the Visual and Performing Arts.**

**5. ISSUANCE.** a. An application shall be referred to the chief of police and the commissioner of neighborhood services, each of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with the provisions of s. 85-2.5 and 85-2.7.

Part 20. Section 93-3-11 of the code is amended to read:

### **93-3. Definitions.**

**11. JUNK** means any secondhand materials or products recovered or diverted from solid waste, as defined in s. 79-1-12, that may be reused or converted to new materials or products, including materials or products made of wood, paper, glass, plastic, fabric, earthenware or rubber. This definition does not include valuable metal, as defined in sub. 30; recyclable material, as defined in s. 79-23-23; or secondhand articles of personal property for resale that are subject to the provisions of ~~[[s. 92-2]]~~ >>subch. 2 of ch. 92<<.

Part 21. Section 93-5-4-f of the code is amended to read:

### **93-5. License Required.**

#### **4. EXCEPTIONS.**

f. Any business licensed and operating >>solely<< as a secondhand motor vehicle dealer, as provided in ~~[[s. 92-3]]~~ >>subch. 3 of ch. 92<<, shall not be required to obtain a license under this chapter. This shall not exempt secondhand motor vehicle dealers from the provisions of s. 93-49.

Part 22. Section 95-14-6 of the code is amended to read:

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

**6. INVESTIGATION AND COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE.** Each license application shall be referred to the chief of police, who shall cause an investigation to be made and report his or her findings to the city clerk. If the chief files no written report summarizing the arrests and convictions of the application which could form a basis for denial, the city clerk shall issue the license. If the chief files a written report summarizing the arrests and convictions of the applicant which could form a basis for denial, the application shall be subject to common council review and approval in accordance with the provisions of ss. >>85-2.5 and<< 85-2.7 ~~[[and 85-5.7]]~~.

Part 23. Section 101-23.7-11 of the code is amended to read:

### **101-23.7. Loading and Unloading Zone Permits.**

**11. CHANGE OF CIRCUMSTANCE.** a. When a disabled person for whom a loading and unloading zone permit is issued dies or is no longer disabled as defined by this section, the

loading and unloading zone permit issued for this person shall be surrendered to the city clerk within 30 days of the change of circumstance >>, unless the permit is transferred under s. 85-19 <<.

Part 24. Section 101-23.7-12 of the code is created to read:

**12. TRANSFER OF LICENSE OR CHANGE OF NAME.** a. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

b. Except for permits issued to disabled persons, permits issued under this section shall not be transferred from one premises to another under s. 85-19-2. The common council may approve the transfer of a loading zone permit issued to a disabled person to another location in the city at no charge if the permittee moves to a different residence during the period for which the permit was issued and the permittee submits a new loading zone permit application to the city clerk.

c. A loading zone permit issued to a disabled person may be transferred to another member of the person's household at no charge. Such transfer may occur only if the permittee or the person to whom the permit is being transferred submits to the common council evidence that the person to whom the permit is being transferred is a disabled person as defined in s. 101-23.7-1-b.

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: \_\_\_\_\_

City Clerk - License Division

LRB175701-2

Andrew VanNatta/Jeff Osterman

02/03/2020