

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 1**

**SUMMARY**

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

- 150356      An ordinance relating to body colors for affiliated taxicabs.
- 151292      A substitute ordinance relating to minimum allowable rates for meter fare taxicabs.
- 151359      A substitute ordinance relating to overnight parking in certain designated areas.
- 151387      An ordinance relating to food peddler permits.
- 151458      A substitute ordinance revising various recycling, salvaging or towing license regulations.
- 151472      An ordinance relating to lead abatement charges.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #346)</b>				v-vi	v-vi
66-22-3-d-0	am	151472	2/26/2016	141-142	141-142
66-22-3-d-1	rp	151472	2/26/2016	"	"
66-22-3-d-2	rp	151472	2/26/2016	"	"
66-22-14	cr	151472	2/26/2016	142e-142f	142e-142f
Ch. 66 (hist.)				142g-142h	142g-142h
68-31-1-b-3	cr	151387	2/26/2016	159-162	159-162
68-33-1-b-3	cr	151387	2/26/2016	"	"
68-41-2-a	am	151387	2/26/2016	"	"
68-41-7-a	am	151387	2/26/2016	"	"
81-56.3-4-c	rp	151387	2/26/2016	261-264	261-264
81-102.8-3	ra to	151458	2/26/2016		
	81-102.8-4			267-268	267-268
81-102.8-3	cr	151458	2/26/2016	"	"
93-5-2-a	rc	151458	2/26/2016	415-416	415-416
93-5-4-f	cr	151458	2/26/2016	"	"
93-43-9-b	am	151458	2/26/2016	419-426	419-426

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
93-45-1-b	am	151458	2/26/2016	419-426	419-426
93-47-3-b	am	151458	2/26/2016	"	"
93-47-3-c	am	151458	2/26/2016	"	"
93-47-4-d	am	151458	2/26/2016	"	"
Ch. 93 (hist.)				"	"
100-51.5-3-a	rp	150356	2/26/2016	493-494	493-494
100-51.5-3-b	rn to 100-51.5-3-a	150356	2/26/2016	"	"
100-51.5-3-c	rn to 100-51.5-3-b	150356	2/26/2016	"	"
100-51.5-3-d	rn to 100-51.5-3-c	150356	2/26/2016	"	"
100-52-2-c	am	151292	2/26/2016	"	"
101-27-1-a-2-0	am	151359	2/26/2016	543-550	543-550
101-27-1-a-2-a	rc	151359	2/26/2016	"	"
101-27-1-a-2-b	rc	151359	2/26/2016	"	"
101-27-1-a-2-c	rc	151359	2/26/2016	"	"
101-27-1-a-2-d	cr	151359	2/26/2016	"	"
101-27-1-a-2-e	cr	151359	2/26/2016	"	"
101-27-1-a-2-f	cr	151359	2/26/2016	"	"
101-27-1-a-2-g	cr	151359	2/26/2016	"	"
101-27-1-a-2-h	cr	151359	2/26/2016	"	"
101-27-1-b	rc	151359	2/26/2016	"	"
101-27-2-a	am	151359	2/26/2016	"	"
101-27-3-b-3	cr	151359	2/26/2016	"	"

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

Revised 2/9/2016  
Suppl. #347

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through February 9, 2016.

Revised 2/9/2016  
Suppl. #347



a. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

**22.** STANDARD TREATMENT means a department-approved lead hazard reduction method required for compliance with department orders.

**23.** SUPPLEMENTAL LOCATION means any dwelling, dwelling unit or premises where any person cares for, teaches, trains or supervises a child, including any structure adjacent to the dwelling unit of a lead poisoned child.

**24.** TARGET HOUSING means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any dwelling without a bedroom unless a child occupies or is expected to occupy the dwelling.

**25.** VISUAL EXAMINATION means an inspection by department staff of standard treatments conducted by trained or certified individuals, for the purposes of ensuring that work quality matches department specifications as set forth in the standard treatments.

**26.** WET-SCRAPED means the moistening of a surface to limit the creation of airborne dust during the removal of a coating containing lead, while containing all runoff of the wetting agent for proper disposal.

**66-22. Lead Poisoning Prevention and Control Regulations. 1. PROHIBITED ACTS.**

a. No owner or person may create or knowingly allow to exist in or on their property any lead-based nuisance, as defined in s. 66-21-15.

b. No person may apply lead bearing coatings having a lead content greater than or equal to 0.06% by weight, calculated as lead in the total nonvolatile content or any other coating material which would result in a lead based surface to:

b-1. Any exposed surface on the interior or exterior of a dwelling, dwelling unit, supplemental location or premises.

b-2. Any object to be used inside, outside or upon any exposed surface of a dwelling, dwelling unit, supplemental location or premises.

**2. WARNING LABEL REQUIRED.**

a. No person may store, sell, give away or accept any paint, coating material or object which has a lead content greater than or equal to 0.06% by weight, calculated as lead metal in the total nonvolatile content of the liquid, including any additives, or a finished surface that contains lead at a concentration greater than or equal to .7 milligram per square centimeter, unless such paint, coating material or object has a securely attached, prominently displayed and easily read label with the following wording:

**WARNING!**

Contains Lead!

Harmful If Consumed!

**KEEP OUT OF REACH OF CHILDREN.**

**DO NOT APPLY WHERE**

**ACCESSIBLE TO CHILDREN.**

b. The warning statement shall also be required on any accompanying literature, instructions or directions.

c. The warning label requirement does not apply to dwelling units.

**3. ENFORCEMENT.**

a. The department may conduct an inspection of a dwelling, dwelling unit, supplemental location or premises on surfaces, substances or objects which the department has reason to believe constitutes a lead based nuisance and may also take samples of materials which are believed to contain lead for further laboratory analysis.

b. If the department is refused admittance to any dwelling, dwelling unit, supplemental location or premises to conduct an environmental inspection, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., to gain access.

c. If the department determines that a lead based nuisance exists in or upon a dwelling, dwelling unit, supplemental location or premises, the department may:

c-1. Notify the occupant or the occupant's representative and the owner, that lead based nuisances are present and that they constitute a health hazard.

## 66-22-4 Toxic and Hazardous Substances

c-2. Issue orders for lead hazard reduction activities to address those lead-based nuisances found to exceed allowable lead levels as provided in s. 66-21-18. The order shall state that the order may be appealed, the deadline by which the appeal must be filed and the entity to which the appeal must be made.

d. If orders are not complied with by the expiration date, the commissioner may, provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the charter to summarily abate or remove a nuisance. The city shall assess the cost of such action, not to exceed 40% of the assessed market value of the property, as a special assessment upon the property and invoice the owner for the proper amount.

**4. LEAD HAZARD REDUCTION PROJECT PERMIT REQUIRED.** Except as otherwise provided in par. a, no person may conduct or perform work on a lead hazard reduction project without obtaining a lead hazard reduction project permit approved by the department. Permit-holders shall follow the interior and exterior lead hazard site preparation and reduction standards in subs. 5 to 9.

a. Permit and certification exceptions.

a-1. A permit shall not be required for:

a-1-a. Work involving repair to less than 10 square feet of lead-based nuisance.

a-1-b. Work involving repair to comply with a 5-day hazard control order.

a-1-c. Preventive maintenance.

a-2. On a lead hazard reduction project, the department may approve the use of non-certified workers on the project site if the workers do not participate in activities that create a lead based nuisance or that, intentionally or incidentally, disturb lead based paint. These activities include, but are not limited to repainting or siding application after lead-based paint hazards have been stabilized or building a new porch after an old porch has been safely removed. The department may require the oversight of such non-certified workers by a certified supervisor at a project site.

b. Applications. Applications for permits shall be made on forms obtained from and returned to the department.

b-1. Applicants are required to be state-certified as provided for in Wis. Adm. Code ch. DHS 163, as amended, and shall pay the fee required in s. 60-54, prior to the issuance of a permit.

b-2. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

b-3. Permit extensions shall be applied for and approved prior to expiration of the permit. The department may charge a fee for a permit extension.

c. Posting of Permit. The permit shall be posted in a conspicuous location at the reduction site until the reduction has been completed.

d. Permit Denial or Granting with Conditions.

d-1. An application for a permit may be denied or granted with conditions if the applicant has been convicted of 3 or more project violations under par. h on or after November 18, 1998 and at least 3 convictions were on account of actions occurring within the 24 months immediately preceding the date of application.

d-2. Whenever a permit is denied or granted with conditions under subd. 1, the commissioner shall so notify the applicant in writing. The notice shall state that the applicant may appeal the decision under sub. 13 and shall specify how such appeal may be made.

e. Commissioner to Enforce Appeal Decisions. Based upon the record of a hearing conducted under sub. 13, the commissioner shall enforce the decision of the board.

f. List of Significant Violations for Public Inspection. The commissioner shall establish, maintain and periodically revise as necessary, a list of specific actions which constitute significant violations of under par. h. The commissioner shall make the list readily available for public inspection.

b. Upon receipt of a written appeal, the board shall within 10 days notify the appellant of the date, time and place of the hearing.

c. The board shall serve the appellant with written notice of the hearing. The notice shall be served so that the appellant has at least 5 working days' notice of the hearing. The hearing notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement that an opportunity will be given to the appellant to challenge the order or action, present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-3. A statement that the appellant may be represented by an attorney of the appellant's choice at the appellant's expense, if the appellant so wishes.

d. At the hearing, the board chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the appellant admits notice. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

e. A due process hearing shall be conducted in the following manner:

e-1. All witnesses will be sworn in.

e-2. The department or commissioner shall proceed first.

e-3. The appellant shall be permitted an opportunity to cross-examine.

e-4. After the conclusion of the evidence of the department or commissioner, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

e-5. Board members may ask questions of witnesses.

e-6. Both the department or commissioner and the appellant shall be permitted a brief summary statement.

e-7. The board, in its discretion, may allow the filing of written briefs.

f. The recommendations of the board regarding the appellant must be based on evidence presented at the hearing.

g. The board may affirm, reverse or modify the original order or action of the department or commissioner. The board may make a decision immediately following the hearing or at a later date. The board shall provide its decision in writing to the commissioner and the appellant.

**14. PAYMENT TERMS.** The special assessment for lead abatement, levied on the property under sub. 3-d, shall be paid under the following terms and conditions:

a. Upon receipt of an invoice, the owner may pay the invoice, without interest, by remitting payment to the city treasurer within 45 days of the date of the invoice. In the event such invoices are not paid in full within the specified time, they shall be placed upon the tax roll under the following terms and conditions and in the following manner:

a-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds \$125, it shall be spread equally over the first available and next succeeding 5 tax rolls.

a-2. If the total amount of the principal of the invoice remaining unpaid is less than \$125, the amount shall be placed on the first available tax roll.

a-3. In addition to the principal remaining, interest shall be added commencing after the billing date of the invoice. A 45-day grace period for payment shall be granted from the date of billing, and if not paid within the period, interest shall be charged on a restorative basis to the date of the billing. The interest rate charged shall be set annually as of the last business day in June as an approximation of the prime rate plus 1%. For the purpose of this subdivision, the prime rate shall be defined as the Wall Street Journal prime rate published in the Wall Street Journal. The monthly rate of interest shall be

## **66-29-Toxic and Hazardous Substances**

computed by dividing the average prime rate plus 1% by 12 rounded to the nearest 100th of one percent. The comptroller shall review the interest rate annually and shall notify the health department of the interest rate. The interest rate shall become effective as of the public hearing date in September at which annual assessment rate changes are submitted to the appropriate committee of the common council as provided in s. 115-43. The interest rate in effect at the time the special assessment is levied shall be fixed for the 6-year duration of the installment payments.

a-4. After being placed on the tax roll in annual installments or otherwise, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

**66-29. Penalty. 1.** Any person who violates any provision of s. 66-22 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class J penalty as provided in s. 61-16.

**2.** If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

**3.** Non-compliance of orders issued under s. 66-22-3-c-2, may result in the issuance of citations, as provided in s. 50-25.

**Toxic and Hazardous Substances 66—(HISTORY)**

**LEGISLATIVE HISTORY  
CHAPTER 66**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended      rn = renumbered  
rc = repealed and recreated      rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 66	cr	872155	3/29/88	4/16/88
66-10	cr	870856	9/1/88	9/24/88
66-10	rc	931853	7/29/94	8/17/94
66-10-2.5	cr	901740	3/26/91	4/12/91
66-10-3	am	031736	5/25/2004	6/12/2004
66-10-4	am	031736	5/25/2004	6/12/2004
66-10-6	rc	980963	12/18/98	1/1/99
66-10-7	rc	980963	12/18/98	1/1/99
66-12	cr	870856	9/1/88	9/24/88
66-12-2	rc	931853	7/29/94	8/17/94
66-12-5	rc	901740	3/26/91	4/12/91
66-12-5-a	am	980963	12/18/98	1/1/99
66-12-5-b	rc	881734	5/16/89	6/3/89
66-12-5-b	am	980963	12/18/98	1/1/99
66-12-5-f	rc	031736	5/25/2004	6/12/2004
66-12-5-f-8	rc	931853	7/29/94	8/17/94
66-12-5-g	cr	951547	5/14/96	6/1/96
66-12-5-g-1-d	am	031736	5/25/2004	6/12/2004
66-12-5-g-1-d	am	081724	5/5/2009	5/22/2009
66-12-5.5	cr	980532	7/24/98	8/12/98
66-12-6	rc	931853	7/29/94	8/17/94
66-12-7	rc	931853	7/29/94	8/17/94
66-12-7-d	am	881930	3/7/89	3/25/89
66-12-8	rc	931853	7/29/94	8/17/94
66-12-9-0	am	981497	3/2/99	3/19/99
66-12-9	rn	881734	5/16/89	6/3/89
66-12-9	cr	881734	5/16/89	6/3/89
66-12-9	rc	931853	7/29/94	8/17/94
66-12-9-b	am	031736	5/25/2004	6/12/2004
66-12-9-L	cr	980532	7/24/98	8/12/98
66-12-9-m	cr	031736	5/25/2004	6/12/2004
66-12-10	rc	931853	7/29/94	8/17/94
66-12-10	rc	031736	5/25/2004	6/12/2004
66-12-11	cr	931853	7/29/94	8/17/94
66-12-11	am	980963	12/18/98	1/1/99
66-12-12	cr	931853	7/29/94	8/17/94
66-19	cr	870856	9/1/88	9/24/88
66-19-1	am	931853	7/29/94	8/17/94
66-19-2	am	881930	3/7/89	3/25/89
66-20	rc	901495	6/4/91	6/21/91
66-20	rc	980841	10/30/98	11/18/98
66-20-10	am	940400	6/28/94	7/16/94
66-20-19	cr	940400	6/28/94	7/16/94
66-21	cr	980841	10/30/98	11/18/98
66-21-15	am	101063	1/19/2011	2/5/2011
66-22	rc	901495	6/4/91	6/21/91

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66-22	rc	980841	10/30/98	11/18/98
66-22-3-b	am	001458	2/27/2001	3/16/2001
66-22-3-d-0	am	101063	1/19/2011	2/5/2011
66-22-3-d-0	am	151472	2/9/2016	2/26/2016
66-22-3-d-1	rp	151472	2/9/2016	2/26/2016
66-22-3-d-2	rp	151472	2/9/2016	2/26/2016
66-22-4-b-1	am	081724	5/5/2009	5/22/2009
66-22-4-b-2	am	940400	6/28/94	7/16/94
66-22-4-h-2	am	081724	5/5/2009	5/22/2009
66-22-4-h-11	am	081724	5/5/2009	5/22/2009
66-22-5-c	am	081724	5/5/2009	5/22/2009
66-22-7-a	am	940400	6/28/94	7/16/94
66-22-7-e-1	am	940400	6/28/94	7/16/94
66-22-8-c	am	940400	6/28/94	7/16/94
66-22-9-a	am	940400	6/28/94	7/16/94
66-22-9-c	cr	940400	6/28/94	7/16/94
66-22-11	am	081724	5/5/2009	5/22/2009
66-22-13-b	rc	991588	2/8/2000	2/25/2000
66-22-14	cr	151472	2/9/2016	2/26/2016
66-29	rc	901495	6/4/91	6/21/91
66-29-6	am	881930	3/7/89	3/25/89
66-41*	cr	971298	3/2/99	5/1/99
66-43*	cr	971298	3/2/99	5/1/99
66-45*	cr	971298	3/2/99	5/1/99
66-47*	cr	971298	3/2/99	5/1/99
66-47-5-g*	rc	990592	7/29/99	8/17/99
66-48*	cr	971298	3/2/99	5/1/99
66-49*	cr	971298	3/2/99	5/1/99
66-51*	cr	971298	3/2/99	5/1/99
66-52*	cr	971298	3/2/99	5/1/99
66-52-2-a*	rc	990592	7/29/99	8/17/99
66-53*	cr	971298	3/2/99	5/1/99
66-55*	cr	971298	3/2/99	5/1/99
66-57*	cr	971298	3/2/99	5/1/99
66-58*	cr	971298	3/2/99	5/1/99
66-59*	cr	971298	3/2/99	5/1/99
66-61*	cr	971298	3/2/99	5/1/99
66-61-3*	rc	991588	2/8/2000	2/25/2000
66-63*	cr	971298	3/2/99	5/1/99
66-65*	cr	971298	3/2/99	5/1/99
66-67*	cr	971298	3/2/99	5/1/99
66-69*	cr	971298	3/2/99	5/1/99
66-71*	cr	971298	3/2/99	5/1/99
66-71-2*	am	001458	2/27/2001	3/16/2001
66-71-4-i*	am	001458	2/27/2001	3/16/2001
66-73*	cr	971298	3/2/99	5/1/99
66-74*	cr	971298	3/2/99	5/1/99
66-75*	cr	971298	3/2/99	5/1/99

**\*Note: 66-41 to 66-75 became null and void after 5/1/2002 ("sunset" provision) per the provisions of file #971298.**

SUBCHAPTER 3  
FOOD DEALER LICENSE  
TEMPORARY AND SEASONAL

**68-31. Temporary Food Dealer License. 1. LICENSES.** a. General. Each individual temporary food operation, site, location or stand where food is prepared, processed, served or sold shall be connected to a temporary event or a fundraiser for a nonprofit organization when issued a temporary food dealer's license and be assessed fees in accordance with this section.

b. Exemption. The following shall be exempt from the requirement provided in par. a:

b-1. A licensed food establishment that extends its operation to the outside on a temporary basis and has obtained a temporary extension license.

b-2. A food peddler with a food peddler permit who operates on private property as part of a festival as defined in s. 261-103-6, street festival as defined in s. 95-1-2, or special event as defined in s. 105-55.5, provided the food operation remains unchanged from that conducted routinely under the operator's existing food peddler permit.

b-3. A food peddler holding a state mobile retail food establishment license valid for the food being sold.

c. Application and Issuance. Applications for a temporary food dealer license shall be made pursuant to the procedures set forth in s. 68-21-3 and 4. An individual who has applied for, but has not been issued, a food dealer license pursuant to s. 68-21, 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. Licenses shall be issued for the following categories:

c-1. Restaurant.

c-2. Retail.

c-3. Special nonprofit temporary event.

d. Application Deadline. Failure to pay for and obtain a license to operate a temporary event one business day prior to the event occurring may result in the applicant not being allowed to participate in the event. The city clerk's office may accept an application on the initial day of the event or after the event has started and charge an expedited application fee in addition to the late fee specified in s. 81-56. An application shall not be made or paid at the location of the temporary event. Any applicant who has failed to pay for a

previous temporary event and has not withdrawn the application prior to the previous event shall pay any outstanding fee prior to any other temporary event application being accepted. An application, license or registration fee is nonrefundable unless the application is withdrawn prior to issuance or approval.

e. Fees. Application for a temporary food dealer license shall be accompanied by the fees specified in s. 60-23. A nonprofit organization selling food or serving meals one day during a fiscal year at a temporary event shall be exempt from the fees specified in s. 81-56

**2. SPECIAL NONPROFIT TEMPORARY EVENT REGULATIONS.** A special nonprofit temporary event license shall allow a nonprofit organization, as defined in s. 68-1-37, to conduct temporary events at multiple locations up to 14 days in a license period.

a. Requirements. A nonprofit organization shall meet each of the following requirements:

a-1. A booth or stand used for a special nonprofit temporary event shall be no more than 100 square feet in total area.

a-2. A special nonprofit temporary event shall not be on the premises owned by the nonprofit organization seeking the license.

a-3. If food processing is conducted, the operation shall be supervised by an individual meeting the requirements provided in DHS 196.10, Wis. Adm. Code.

a-4. The location and date of each event shall be provided at the time of application.

a-5. If multiple licenses are obtained by a single nonprofit organization, the total number of days in operation shall not exceed 14 days cumulatively for all licensed temporary event food activities in a license period.

a-6. All activities shall be held in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

b. Exception. No special nonprofit temporary event license shall be issued for a nonprofit temporary event held at the Henry Maier Festival Park.

c. Fees. Application for a special nonprofit temporary event license shall be accompanied by the fees specified in s. 81-56.

**68-33. Seasonal Food Dealer License. 1. LICENSES.** a. General. Each individual seasonal food operation, site, location or stand where food is prepared, processed, served or sold shall be

## 68-33-2 Food License Regulations

connected to a seasonal market, community garden or commercial farming enterprise when issued a seasonal food dealer license and be assessed fees in accordance with this section.

b. Exemptions. The following shall be exempt from the requirement provided in par. a:

b-1. A food peddler with a valid food dealer license who operates within the limits of the existing peddler permit and food is prepared and sold from of his or her permitted carried container or food peddler vehicle. If a booth or stand is set up other than for the display of food, a separate seasonal food dealer's license shall be required.

b-2. Fresh produce grown on a private residence, provided processing is limited to that needed to harvest the product and the produce is sold on site at the residence where the produce was grown by the individual who grew it.

b-3. A food peddler holding a state mobile retail food establishment license valid for the food being sold.

c. Application and Issuance. Applications for a seasonal food dealer license shall be made pursuant to the procedures set forth in s. 68-21-3 and 4. Licenses shall be issued for the following categories:

c-1. Seasonal market food vendor.

c-2. Farm stand.

d. Application Deadline. Applications shall be submitted at least 15 days prior to the initial date of operation or late fee shall apply. Applications filed less than one day prior to the initial date of operation shall be assessed the late fee and an expedited application fee shall be required as specified in s. 81-56.

e. Fees. Application for a seasonal food dealer license shall be accompanied by the fees specified in s. 81-56.

f. Limitations and Expiration. f-1. A license shall be valid for only the markets listed on the operational plan on file with the department.

f-2. Any license issued before January 1, 2015, shall be valid for 180 days. Any license issued on or after January 1, 2015, shall be valid for one year.

### 2. SEASONAL MARKET REGULATIONS.

a. Seasonal food dealer licenses shall only be issued for locations where seasonal markets are a permitted use, as provided in s. 295-603-2-x, or for locations on city or county property.

b. A seasonal market food dealer license shall be valid at markets listed on the approved operational plan. A separate license is required for each stand or booth operated concurrently.

c. A single stand or booth may be no larger than 100 square feet.

d. Food sales shall be limited to fresh produce or other retail food items. The sale of meals shall require a temporary event license.

e. Other than cutting produce to offer free food samples of not more than 2 ounces each, including packaging, an operator may not process any food at a seasonal market. Any other onsite processing shall require a temporary event license. Any offsite processing other than the production of cottage food products shall be done in a licensed food establishment.

f. At the time of inspection, operators may be required to show proof that processed food products were purchased from or prepared in licensed food establishments. Failure to provide documentation shall result in a food item being prohibited from sale until the proper documentation is provided to the department.

3. FARM STAND REGULATIONS. a. A seasonal farm stand food dealer permit may only be issued for a location where a community garden or commercial farming enterprise is a permitted use as provided in s. 295-423, or on city or county property.

b. Food sales shall be limited to fresh produce, herbs, nuts, honey, cider, maple syrup, sorghum and cottage food products.

c. All food items may not require temperature control for food safety.

d. Other than cutting produce to offer free food samples of not more than 2 ounces each, including packaging, the operator may not process any food at a farm stand. Any processing after harvesting other than preparation of cottage food products shall be done in a licensed food establishment.

e. A seasonal farm stand may not be located on the public way. If operated on public property, permission from the appropriate city department shall be obtained.

f. A farm stand shall be built in accordance with requirements established by the department of neighborhood services. Food display areas shall meet the requirements of the Wisconsin Food Code.

g. A farm stand may have one sign that shall comply with the provisions provided in ch. 244. The sign may only be displayed when the stand is in operation.

h. A temporary hand-washing station shall be maintained at all times a stand is in operation. If restrooms are unavailable onsite, the operator shall have and maintain a plan on how to access restrooms.

SUBCHAPTER 4  
FOOD PEDDLER PERMIT

**68-41. Food Peddlers.** 1. FINDINGS. The common council finds that regulation of the health conditions of food sold by food peddlers is necessary for the prevention of disease and sickness within Milwaukee and such regulation is vital to the health, safety and welfare of residents of and visitors to the city.

2. PERMIT REQUIRED. a. General. No person shall engage in the sale of any food from any vehicle on public streets without first receiving from the city clerk a food peddler permit or a mobile retail food establishment license from the state of Wisconsin valid for the food being sold. A permit issued under this section shall not permit any person to sell food from a temporary or permanent structure, or a vehicle other than a vehicle selling food on public streets or contrary to any other ordinance of the city.

b. Exceptions. A person selling only bottled or canned non-alcohol drinks that don't require refrigeration and no other food items is not required to have a permit issued under this section but shall comply with all other requirements of this section.

3. APPLICATION. Application for a food peddler permit shall be made in writing to the city clerk on forms provided by the city clerk and shall contain the following information:

a. Name, home address and telephone number of the applicant. Post office box numbers shall not be acceptable for addresses required on applications.

b. Applicant's date of birth.

c. Motor vehicle driver's license number used.

d. If the applicant intends to sell food provided by a food service establishment, the name and address of the establishment.

e. The category of permit being applied for specified in sub. 5, including whether the applicant is a veteran or is applying for a night operation permit.

f. A description of the location or locations where the applicant intends to sell food.

g. The hours of the day during which the applicant intends to sell food.

h. Whether the applicant is an individual, corporation or partnership, including:

h-1. If the applicant is a corporation, the registered agent's name, address and date of birth, and verification that the corporation has been registered with the secretary of state as provided in ch. 180, Wis. Stats.

h-2. If the applicant is a partnership, the names and addresses of the partners.

i. A unique serial number, vehicle identification number or a permanent unique number or alpha identifier distinguishing each food peddler vehicle or carried container to be permitted.

j. A physical description of the unit proposed to be licensed.

k. If using a shared kitchen as an operational base, a signed copy of the shared kitchen agreement. If the operational base is outside the city, a copy of the food license and the recent inspection report.

L. A menu of the food items to be sold along with information on the food processing to be performed.

m. Such other reasonable and pertinent information the city clerk, commissioner or chief of police may from time to time require.

n. Fingerprints, as provided in s. 85-21-1.

4. FEE. a. All new and renewal applications shall be accompanied by the applicable fees specified in s. 81-56.3.

b. A veteran, upon presenting proof to the city clerk that he or she satisfies the conditions provided in s. 68-1-64, shall be granted a food peddler permit for one motorized, pushed, pedaled or motorized vehicle or container 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.

5. PROCEDURE FOR ISSUING NEW OR RENEWAL PERMIT. a. Issuance. All applications shall be referred to the commissioner who shall cause an investigation to be made. The city clerk shall issue a permit to each applicant for a new or renewal permit who meets all the requirements of this section, has paid to the city treasurer the applicable fees, provided approval has been made by the commissioner of a satisfactory investigation. Permits shall be issued for the following categories:

a-1. Pushed, pedaled or pulled vehicles.

a-2. Motorized vehicles.

a-3. Carried containers.

b. Night Operation. The city clerk shall provide for issuance of a of a sub-category of each of the permit types identified in par. a to allow for a food peddler to sell food between the hours of 9 p.m. and 3 a.m., in addition to sales between 6 a.m. and 9 p.m., except that a food peddler with a nighttime sales permit may sell food until 3:30 a.m. on Saturday and Sunday and at any time on January 1. The applicant for a permit allowing nighttime sales shall pay a surcharge required under s. 81-56.3-2.

## 68-41-6 Food License Regulations

c. Peddler Permit Sticker. Together with each permit, the city clerk shall issue a peddler permit sticker with the words "City of Milwaukee Food Peddler - permit no.....," stamped on it. Any food peddler, before engaging in the sale of any food products, shall have the peddler permit sticker affixed to the peddler's vehicle or container in a prominent place. Each peddler shall at all times have available for inspection the paper permit whose number matches the number on the peddler permit sticker.

6. TRANSFER OF PERMIT OR CHANGE OF NAME. A food peddler permit may not be transferred from one person or entity to another or from one food peddler vehicle, cart or carried container to another, except an individual may transfer a permit to an immediate family member, as defined in s. 254.64(4)(1)2, Wis. Stats., if the individual is transferring operation of a restaurant. A food peddler who changes operational bases may amend a food peddler permit to reflect the new operational base. See s. 85-19 for additional provisions relating to the transfer of permits and change of permittee names.

7. RULES AND OPERATING REGULATIONS. a. Identifying Signage. Each food peddler vehicle or carried container used for business purposes and operated within the city limits shall have identifying signs printed or affixed, in a prominent position, to 2 sides of the vehicle or container. Each identifying sign shall include the name of the business or person operating the vehicle or container, a valid telephone number for the business, and the unique serial number, vehicle identification number, permanent unique number or alpha identifier distinguishing the food peddler vehicle or carried container in lettering not less than 3 inches high.

b. Agents of Permit Holders. Whenever a business, organization or individual holds a food peddler permit and individual peddlers make sales under the authority of that permit, each individual peddler shall be an agent of that business, organization or individual for purposes of those sales. Any violation of this section by an agent shall be imputed to the business, organization or person that holds the food peddler permit under which the agent's sales are made.

c. Sales on the Public Way Only. All sales shall be made on the public way directly from pushed, pedaled, pulled or motorized vehicles or carried containers unless one of the following exemptions is met:

c-1. A food peddler is participating in a seasonal market, temporary event or permitted festival or special event.

c-2. A food peddler is selling food at the invitation of a business owner, provided all sales are made only to employees of the business and not to the general public.

c-3. The proposed food activity falls within the permitted activities for which a property is zoned and a special occupancy permit for the property is issued by the department of neighborhood services allowing food sales by food peddlers at that location.

d. Parking Restrictions. A food peddler shall comply with all city parking regulations provided under ch. 101, ss. 105-56 and 115-45, as enforced by the commissioner of public works or the chief of police. Repeat violation of parking restrictions is considered grounds for revocation or nonrenewal of a food peddler permit.

d-1. Whenever any street or portion thereof has been closed to traffic by common council resolution in connection with any civic event, the city clerk may, upon receipt of the required fee, issue a permit to any person holding a permit for the sale of food from a vehicle further permitting the person to park on the closed streets longer than the one-hour limit provided in this paragraph. The permit shall specify the dates for which it is issued, and the fee required in ch. 81 shall be charged for each date. No permit shall be issued without the approval of the chief of police, unless the common council by resolution shall so direct.

d-2. A motorized food peddler vehicle may be parked in one location on a nonresidential block in excess of the one-hour limit specified in this paragraph, provided the vehicle is parked in compliance with all posted time limits on parking and with all other applicable parking regulations.

d-3. The number of vehicles at any given event, in any given block, and the spacing of vehicles, as well as the number of blocks within the closed traffic section allocated for vehicles, shall be determined by the police department in cooperation with the local council member and sponsoring group.

e. Exceptions. The common council may, by resolution, designate specific exceptions as to locations, dates or individual events, to the provisions of par. d.

c. Food Stores - Processing:

**Anticipated Gross Annual Sales for All Food Operations**

Less than \$20,000	\$ 350
\$20,001 - \$200,000	575
\$200,001 - \$2,000,000	1,325
Over \$2,000,000	2,050

d. Distributors/Food Stores - No Processing:

**Anticipated Gross Annual Sales for All Food Operations**

Less than \$20,000	\$200
\$20,001 - \$200,000	300
\$200,001 - \$2,000,000	575
Over \$2,000,000	875

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$100.

5. Each permit shall be valid for one year from the date of issuance.

6. A renewal shall be filed by the deadline established by the city clerk as provided in s. 85-26. There shall be an additional fee for the filing of a late renewal application in the amount of \$75.

7. The fee for a duplicate license shall be \$11.

8. A portion of the fee will shall be used to pay the state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.

9. a. The fee for a licensed food establishment that extends its operation to the outside on a permanent basis shall be \$50.

b. Locations filing for alcohol beverage extensions under s. 81-90 at the same time shall be charged a total fee of \$75.

10. After issuance, the fee for filing an amendment to the permit resulting in the need to issue a revised license shall be s. 81-55.3. The amendment fee is in addition to plan review and inspection fees for changes to the facilities or plan of operation specified in s. 81-55.3.

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

1. The fee for a food establishment making operational or food processing equipment changes without any remodeling shall be:

a. \$75, when a variance or HACCP plan is not required.

b. \$150, if a variance or HACCP plan are required.

2. The fee for a food establishment undergoing remodeling or renovation with or without operational changes shall be \$250. The fee for submitting operational changes shall be waived if submitted at the same time.

3. The fee for the request for renewal of a variance shall be \$75. Failure to file the request for renewal prior to expiration shall result in the application being considered new.

4. a. The fee for a risk control or compliance plan when ordered by the department as part of progressive enforcement shall be \$150.

b. The fee shall be waived for an operator who voluntarily submits a risk control plan or compliance plan for review by the department.

5. The public health plan review fee shall double for any food establishment that initiates operational changes or infrastructure changes requiring plan review as specified in s. 68-11 prior to obtaining health department approval.

6. Public health plan review fees shall include the cost of all inspections required for plan validation, approval or verification.

7. The public health plan review fee for a new establishment shall be included in the initial application fee.

8. The fee for a food operation site evaluation shall be \$100.

9. Fees under this section shall be nonrefundable unless the plan is withdrawn prior to plan review being performed. (See s. 68-11)

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

1. COMMUNITY FOOD PROGRAM.  
 a. The registration fee for a community food program shall be \$35.  
 b. Registration shall be valid for 24 months.

## 81-56 License and Permit Fees

c. A single inspection within the registration period may be provided. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.

d. Payment shall be due at the time of registration.

e. A fee of \$75 shall be assessed if a community food program is found to be operating prior to its registration with the department.

f. A late fee of \$75 shall be assessed if a community food program is found to be operating its after registration has expired.

**2. SCHOOL MEAL PROGRAM.** a. The annual registration and inspection fees for a primary or secondary school meal program operated by the school exempt from licensure shall be:

a-1. \$75 for a satellite kitchen.

a-2. \$125 for a production kitchen.

b. The initial application fee for a school meal program that is exempt from licensure shall be \$50.

c. Two routine inspections within the registration period shall be provided. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.

d. Payment shall be due at the time of registration.

e. A fee of \$75 shall be assessed if a school meal program is found to be operating prior to its registration with the department.

f. A late fee of \$75 shall be assessed if a school meal program is found to be operating its after registration has expired.

(See s. 68-21)

### **81-56. Food Dealer's License, Temporary and Seasonal.**

**1. FEES.** a. Restaurants. a-1. The fee per temporary event for a temporary food establishment shall be \$170. The fee shall be \$100 if the licensee currently holds an existing city of Milwaukee food dealer license.

a-2. A portion of the fee will shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services.

b. Retail. b-1. The fee per temporary event for temporary food operations that process food at the point of sale shall be \$170. The fee shall be \$100 if the licensee currently holds an existing city of Milwaukee food dealer license.

b-2. The fee per temporary event for temporary food operations that do not process

food at the point of sale shall be \$150. The fee shall be \$75 if the licensee currently holds an existing city of Milwaukee food dealer license.

b-3. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of agriculture, trade and consumer protection.

c. Farm Stand. The registration fee for a farm stand shall be \$35.

d. Temporary extension. The following fees shall apply to a licensed food establishment that extends its operation to the outside on a temporary basis:

d-1. \$50, if the application is filed on or before the filing deadline established by the city clerk.

d-2. \$100, if the application is filed after the filing deadline established by the city clerk.

e. Seasonal market. e-1. The fee for a seasonal market food permit for vendors who offer for sale foods other than restaurant foods shall be \$125.

e-2. The fee for a seasonal market food permit for vendors whose food sales are limited to whole fresh uncut produce, cottage food products, honey, cider, sorghum, and maple syrup produced by the operator, provided that no other processing is performed, shall be \$35.

e-3. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, which is on file with the Wisconsin department of agriculture, trade and consumer protection.

f. Special nonprofit temporary event.

f-1. For one to 3 days, the fee for the license shall be \$25.

f-2. For 4 to 14 days, the fee for the license shall be \$150.

**2. APPLICATION DEADLINE.** Any application filed less than 15 days prior to the first day of operation shall pay a late fee of \$75 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary or seasonal event. Any application if accepted one day or less prior to the proposed first day of operation shall pay an additional \$75 expedited application fee. Applications shall not be processed without payment of all applicable fees.

**3. LATE FEE.** Any person who does not meet the application deadline in sub. 2 shall pay a late application fee of \$75 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary event. Any person meeting the

application deadline for a temporary food dealer's license shall pay the fee for the temporary food dealer's license within 10 days of application or be assessed a late fee of \$75.

4.. DUPLICATE PERMIT. The fee for a duplicate permit shall be \$11.

5. STATE FEES. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

**81-56.3. Food Peddler Permits.** 1. The fee for each food peddler permit shall be as follows:

- a. For each motorized vehicle: \$305.
- b. For each pushed, pedaled or pulled vehicle: \$275.
- c. For each person carrying containers: \$185.

2. The surcharge for a food peddler permit to allow night operation by a food peddler shall be \$45.

3. Each food peddler permit shall be valid for one year from the date of issuance.

4. a. A permit renewal shall be filed by the date established by the city clerk. Failure to file a renewal application within 60 days of expiration shall result in the application being considered a new application.

b. There shall be an additional fee for the filing of a late renewal application in the amount of \$75.

5. The fee for a duplicate permit or identifying device shall be \$11.

6. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-41.)

**81-57. Franchise.** The fee for the introduction of each ordinance or resolution granting a franchise shall be \$525.

**81-59. Harbor Island Fee.** 1. The permit fee for use of Harbor Island shall be \$300, plus \$60 per day, per acre used for an event.

2. There shall be a participation fee of \$0.29 per participant for groups with over 500 persons. (See s. 118-70.)

**81-59.5. Historic Preservation Nomination Fee.** The fee for nomination for historic designation of a structure, site or district is \$25. (See s. 320-21-9-a-4.)

**81-60. Home Improvement Contractor's or Salesperson's License.** 1. Each license shall be valid for 2 years from the date of issuance.

2. a. The fee for each new home improvement contractor's license shall be \$250.

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

c. The fee for each new salesperson's license shall be \$75.

d. The fee for the renewal of each salesperson's license shall be \$50. (See s. 95-14.)

**81-60.7. Ice Cream Peddler License.**

1. The fee for each ice cream peddler license shall be \$75.

2. Each license shall be issued for one year from the date of issuance.

3. The fee for a duplicate license shall be \$11.

4. A license renewal shall be filed by the deadline established by the city clerk.

5. There shall be an additional fee of \$25 for the filing of a late renewal application.

6. A late renewal application filed 10 days or less before license expiration shall be assessed an additional fee in the amount of \$50. (See s. 74-2.)

**81-61. Industrial Development Revenue Bond Fees.** 1. APPLICATION FEE. The fee for any application filed with the department of city development to finance a project through tax-exempt industrial development revenue bonds shall be \$1,000. This fee shall be non-refundable.

2. ISSUANCE FEE. A fee of 0.5% of the initial principal amount of the bond issue shall be paid to the city upon issuance of the bonds.

**81-67. Laundry, Self-Service Registration Certificate.** 1. Each self-service laundry registration certificate shall be issued for a specific location for a one-year period beginning from the date of issuance.

2. The fee for each new certificate shall be \$125.

## 81-70 License and Permit Fees

3. The fee for each renewal certificate shall be \$100.  
(See s. 75-1.)

### 81-70. Loading Zone Permit.

1. Each permit shall be valid for 2 years from the date of issuance.

a. Any renewal application filed after the permit expiration date shall be subject to the late filing fee specified in s. 81-1-5.

b. The common council may grant a late renewal of a loading zone permit to a disabled person as defined in s. 101-23.7-1-b, at no charge, if evidence is submitted that the medical condition that qualifies the person as disabled under that section still exists.

2. a. The fee for each original loading zone permit, except a permit issued to a disabled person as defined in s. 101-23.7-1-b, shall be computed at the rate of \$275 for every 30 feet of curb space or fraction thereof.

b. The fee for each original loading zone permit issued to a disabled person shall be \$50, with all such permits being for 30-foot loading zones.

(See s. 90-33.)

3. The fee for each renewal loading zone permit shall be computed at the rate of \$150 for every 30 feet of curb space or fraction thereof.

4. No fee for the renewal of a loading zone permit shall be charged to any nonprofit organization or any disabled person, as these terms are defined in s. 101-23.7.

5. 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.

6. 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.  
(See s. 101-23.7.)

**81-73. Lobbying License.** 1. Each license for a lobbyist or principal to engage in lobbying shall be issued for the calendar year and shall

expire on December 31 of each year, irrespective of the date of issuance.

2. The fee for each license shall be \$125 per lobbyist per principal, payable at the time of registration.

(See subch. 3 of ch. 305.)

**81-74. Massage Establishment License.** 1. Each massage establishment license shall be valid for one year from the date of issuance.

2. The fee for each new license shall be \$350.

3. The fee for each renewal license shall be \$325.

(See s. 75-21.)

**81-75. Mooring Permits.** 1. The fee for a mooring permit shall be \$35.

2. Each permit shall be applicable for one boat and one mooring and shall be issued for a one-year period which begins July 1 and ends the following June 30.

3. Each permit may be renewed annually upon payment of a \$20 fee.

4. A permit may be transferred for use by a boat other than one originally listed on the application, by completion of a transfer form provided by the harbor commission and payment of a \$25 fee.

(See s. 118-80-9.)

### 81-78. Newspaper Vending Box Permit.

1. Each permit shall be valid for one year from the date of issuance.

2. The fee for each original permit shall be \$50 for each newspaper vending box listed on the permit application.

4. The fee for retrieving a newspaper vending box from the designated holding place shall be \$35 per box.

5. There shall be no fee for a change of location required under s. 115-33.5-9-b.

6. The fee for the renewal of a permit shall be \$35 for each newspaper vending box listed on the permit application.

8. There shall be a fee of \$35 for replacing a sticker issued by the city clerk.  
(See s. 115-33.5.)

### 81-81. Parking Lot or Place License.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$50.

(See s. 84-20.)

## License and Permit Fees 81-102.1

a. Arterial Street. a-1. The fee for a period of 7 days or less shall be \$133.

a-2. The fee for a period of 8 to 30 days shall be \$215.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$215.

b. Collector Street. b-1. The fee for a period of 7 days or less shall be \$89

b-2. The fee for a period of 8 to 30 days shall be \$145.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$145.

c. Local Street. c-1. The fee for a period of 7 days or less shall be \$44.

c-2. The fee for a period of 8 to 30 days shall be \$75.

c-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$75.

**5. TRAFFIC LANES AND ALLEYS.** For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use:

a. Arterial Street. a-1. The fee for a period of 7 days or less shall be \$151.

a-2. The fee for a period of 8 to 30 days shall be \$278.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$278.

b. Collector Street. b-1. The fee for a period of 7 days or less shall be \$101.

b-2. The fee for a period of 8 to 30 days shall be \$190.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$190.

c. Local Street or Alley. c-1. The fee for a period of 7 days or less shall be \$50.

c-2. The fee for a period of 8 to 30 days shall be \$94.

c-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$94.

**6. INSPECTION.** An additional fee shall be charged per month or portion thereof for each permit processed to cover costs of inspection in the following amounts:

a. Sidewalks: \$60.

b. Parking lanes: \$60.

c. Traffic lanes and alleys: \$99.

(See s. 115-11.)

### **81-102.1. Public Ways: Special Permits.**

**1. CURB AND GUTTER.** The fee for restoration of curb and gutter with respect to the removal of a driveway shall be \$133.

**2. DRIVEWAYS-TEMPORARY.** The fee for installation of a temporary driveway (driveover curb) shall be \$114.

**3. FENCES.** The fee for installation of a fence encroaching on the public right of way shall be \$114.

**4. HOLLOW WALKS.** The fee for performance of any work on a sidewalk situated over a hollow walk shall be \$119.

**5. POLES.** The fee for installing, replacing and removing utility poles shall be computed at \$119 per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. In instances when a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

### **6. SIDEWALKS.**

a. The fee for replacing sidewalks shall be computed at \$111 for regular walks per block face and \$195 for full walks per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. If a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

b. The fee for replacing a sidewalk adjacent to a single parcel, up to 150 feet in frontage, shall be \$25.

**7. STREET CUTS.** The fee for replacing and filling street cuts shall be \$195.

### **8. INSPECTION COSTS.**

a. An additional fee shall be charged for each permit under subs. 1 to 4, 6-a and 7 to cover costs of inspection in the amount of \$107.

b. An additional fee shall be charged for each permit under sub. 6-b to cover costs of inspection in the amount of \$25.

c. An additional fee shall be charged for permits for public utilities under sub. 5 in accordance with a schedule of the actual costs of inspection services prepared by the commissioner of public works in an amount equivalent to the actual cost of the inspection services.

### **81-102.2. Publication Rental Boxes.**

**1.** Each permit shall be valid for 2 years from the date of issuance.

**2.** The fee for each permit for each rental box shall be \$35.

(See s. 84-49.)

**81-102.3. Purchasing Appeals.** The fee required for a vendor to appeal bid specifications and recommendations for awards pursuant to s. 16-05 of the charter and s. 310-19 of the code shall be 1% of the amount of the bid being appealed.

## 81-102.4 License and Permit Fees

**81-102.4. Purchasing-Restoration to Bidders Lists.** The fee required for a vendor to be restored to bidders lists maintained by the business operations division, procurement services section - department of administration, subsequent to the division's removal of a vendor's name if the vendor does not respond on 3 consecutive bids, shall be \$80.

**81-102.6. Recycling, Salvaging or Towing Premises License.** 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$275.

3. The fee for each additional building or other fixed place for storage, as provided in s. 93-5-3, shall be \$50.  
(See ch. 93.)

**81-102.8. Recycling, Salvaging or Towing Vehicle License.** 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$150.

3. For a business with 2 or more vehicles, as provided in s. 93-5-2-a-2, the fee shall be \$275.

4. The fee to change the motor vehicle used in the conduct of a recycling, salvaging or towing business shall be \$10.  
(See ch. 93.)

**81-103.2. Salary Advances.** 1. Upon the approval of department heads, city employees may receive advances on salaries in order to address unforeseen emergencies. The first such advance in a calendar year shall be provided without charge.

2. The processing charge for all subsequent advances in the calendar year shall be \$25.

**81-103.5. Statement of Income Duplicates.**

1. Upon written request, one copy or duplicate set of statements of income (form 1099) shall be provided to city vendors without charge through April 15 for the preceding calendar year.

2. The processing charge for requests beyond April 15, or for additional copies or duplicates shall be \$15 and \$25 respectively for each item requested.

**81-104. Secondhand Dealer's License.**

1. Each license shall be valid for one year from the date of issuance, except for licenses for secondhand dealers dealing

exclusively in used bicycles, which shall be valid for two years from the date of issuance.

2. The fee for each license shall be \$150, except the fee for each license for secondhand dealers dealing exclusively in used bicycles, which shall be \$75. (See s. 92-2.)

**81-104.5. Secondhand Dealer Mall License.**

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$225.  
(See s. 92-2.)

**81-104.6. Secondhand Motor Vehicle Dealer's License.**

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$290.  
(See s. 93-5.)

**81-104.7. Sewer Connection.** 1. The fee for connecting a private drain to a public sewer shall be \$60.

2. There shall be a processing fee of \$5 for each permit issued.  
(See s. 12-20, charter.)

**81-105. Shooting Gallery License.** 1. Each shooting gallery license shall be issued for a period not to exceed 14 days.

2. The fee for each license shall be \$100.  
(See s. 105-39.)

**81-106.7. Sidewalk Area Dining Permit.**

1. The initial application fee for a sidewalk area dining permit shall be \$100.

2. The fee for a renewal permit shall be as follows:

a. Class 1: 0-100 total area:	\$ 25
b. Class 2: 101-200 total area:	50
c. Class 3: 201-300 total area:	75
d. Class 4: 301-400 total area:	100
e. Class 5: 401-500 total area:	150
f. Class 6: 501-1,000 total area:	225
g. Class 7: 1,001-1,500 total area:	300
h. Class 8: 1,501 or greater total area:	500

(See s. 115-32.6.)

**81-107. Signs or Decorations Attached to City-owned Poles.** The fee for the attachment of each sign or decoration as provided for in s. 101-50-6 shall be \$15 per attachment.

(See s. 101-50.)

## Recycling, Salvaging and Towing Regulations 93-5

p. Any coated metal wire that has been smelted, burned or melted, thereby removing the manufacturer's or owner's identifying marks.

q. Small engines or motors used to power home tools or equipment, including generators and lawn mowers.

**23.** SALVAGE VEHICLE has the meaning given in s. 340.01(55g), Wis. Stats., as amended.

**24.** SECONDHAND means previously owned by a member of the general public on a retail basis.

**25.** TIRE DISPOSER means any person who, in compliance with all applicable state, federal and local laws, rules and regulations disposes of or converts tires to another purpose including, without limitation, any person who is engaged in any of the following activities:

a. Incinerating or disposing of tires as waste or fuel.

b. Reducing tires into basic components for oil, steel, carbon black, rubber, road paving or other marketable salvage materials by shredding, grinding, chemical treatment or other means.

c. Converting tires into other useful items such as, but not limited to, doormats, pads and shoe soles.

**26.** TIRE REPROCESSOR means any person who regrooves, recaps, retreads or otherwise remanufactures waste tires.

**27.** TOWING means pulling, pushing, hauling, lifting or transporting motor vehicles from one location to another using another motor vehicle.

**28.** TOW TRUCK means any motor vehicle equipped with mechanical, hydraulic or other lifting devices or winches used for the recovery or transport of motor vehicles.

**29.** VALUABLE METAL means any ferrous or non-ferrous material or product made of metal that readily may be resold. This definition shall include motor vehicles and bicycles, or the parts thereof, but shall not include precious metals or articles of personal property for resale that are subject to the provisions of chapter 92.

**30.** WASTE TIRE means any tire which is worn (less than 2/32 inch tread depth anywhere along a major tread groove), defective, damaged (cut or snagged tread, exposed body

ords, bumps, knots, bulges or separated sidewall) or is not fit for use upon a public way, or any new or secondhand tire that is destined for a tire disposer or tire reprocessor.

**31.** WASTE TIRE GENERATOR means any person who, in the course of normal business activities, generates or removes 25 or more waste tires per calendar year, including:

a. Any person engaged in the sale or mounting of new, secondhand or remanufactured automobile, truck or equipment tires, who receives waste tires in the exchange process associated therewith.

b. Any person who requires or allows customers to take waste tires.

c. Fleet owners.

**32.** WASTE TIRE TRANSPORTER means any person who does any of the following:

a. Engages in the business of transporting waste tires on a public way.

b. At any one time transports more than 5 waste tires on a public way.

c. Transports waste tires for a waste tire generator, irrespective of the number of tires being transported.

**33.** WHOLESALE AND BULK PURCHASES means the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items or property when purchased. Truckload and bulk purchases shall be at least 6 discrete items if purchased in quantity and not less than 200 pounds if purchased by weight.

**93-5. License Required.** 1. GENERAL REQUIREMENT. It shall be unlawful for any person, without first obtaining a city license, to engage in the business of recycling, salvaging or towing, including any of the following activities:

a. Buying, selling, exchanging, storing, transporting or otherwise dealing in junk or valuable metal.

b. Buying, selling, exchanging, storing, transporting or otherwise dealing in motor vehicles for the purpose of dismantling or dealing in the parts thereof, including secondhand tires or batteries.

c. Transporting, generating or otherwise disposing of waste tires.

d. Towing, whether consensual, non-consensual or for the purpose of repossession, salvaging or recycling.

## 93-7 Recycling, Salvaging and Towing Regulations

**2. SEPARATE LICENSE REQUIRED.** a. A separate license shall be required for each recycling, salvaging or towing premises and for each vehicle, except that:

a-1. If a valid premises license is held by a recycling, salvaging or towing premises, no separate or additional license shall be required for any motor vehicle owned and operated by the premises license holder as part of the authorized business activities for the licensed premises.

a-2. If a business owns and operates 2 or more recycling, salvaging or towing vehicles, no separate or additional license shall be required for each motor vehicle owned and operated by the business.

**3. ADDITIONAL STORAGE YARD.** A licensed recycling, salvaging or towing premises shall make separate application for any extension of the operation of the original recycling, salvaging or towing premises license beyond the business premises identified in the original application to an additional building or other fixed place, whether contiguous or non-contiguous with the licensed premises, provided that the additional building or other fixed place is only used for storage of junk, motor vehicles, valuable metal or other recycled, salvaged or towed materials.

**4. EXCEPTIONS.** a. Any business licensed and operating as a private waste collector, as provided in s. 79-9, shall not be required to obtain a license under this chapter.

b. Any business exclusively performing consensual towing shall not be required to obtain a license under this chapter.

c. Any person selling any junk, valuable metal or waste tires on 4 or fewer occasions during a 30-day period shall not be required to obtain a license under this chapter. This shall not permit the collection of junk, valuable metal or waste tires without a license.

d. Any person holding a valid license or permit to operate a business dealing in junk, valuable metal or waste tires in a Wisconsin municipality and solely selling junk, valuable metal or waste tires shall not be required to obtain a license under this chapter. This shall not permit the collection of junk, valuable metal or waste tires without a license.

e. Any business located outside the city and buying, selling, exchanging or transporting any junk, valuable metal or waste tires exclusively through the use of commercial motor vehicles shall not be required to obtain a license under this chapter. This shall not permit

the collection of junk, valuable metal or waste tires without a license.

f. Any business licensed and operating as a secondhand motor vehicle dealer, as provided in s. 92-3, 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.

**93-7. Penalty. 1. GENERAL.** Unless otherwise provided, any person violating this chapter shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law:

a. A forfeiture not less than \$50 nor more than \$1,000, upon conviction for a first offense.

b. A forfeiture not less than \$500 nor more than \$2,000, upon conviction for a second or subsequent offense.

**2. LICENSURE, NON-CONSENSUAL TOWING.** Any person who violates any provision of s. 93-5 or s. 93-47-2-e or f shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law:

a. A forfeiture not less than \$1,500 nor more than \$2,500 if the person has not committed a previous violation within 24 months of the violation.

b. A forfeiture not less than \$2,500 nor more than \$4,000 if the person has committed a previous violation within 24 months of the violation.

c. A forfeiture not less than \$4,000 nor more than \$5,000 if the person has committed 2 or more previous violations within 24 months of the violation.

**3. WASTE TIRES.** a. Any person violating any provision of s. 93-49 or failing to comply with an order issued under s. 93-49 shall, upon conviction, be subject to a Class J penalty as provided in s. 61-16.

b. A citation may be issued for any violation of s. 94-49, with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

**4. MULTIPLE VIOLATIONS.** Multiple violations for the same offense, though occurring on the same date, may be treated as separate violations under this section.

SUBCHAPTER 3  
OPERATING REGULATIONS

**93-41. Purpose.** The purpose of this subchapter is to regulate the operation of the various kinds of recycling, salvaging and towing businesses licensed by the city.

**93-43. Operating Regulations for all Recycling, Salvaging or Towing Premises.**

**1. IDENTIFICATION.** No licensee shall purchase any junk, valuable metals, or salvage motor vehicles without first obtaining adequate identification from the seller.

**2. TRANSACTIONS INVOLVING PROPERTY NOT OWNED.** No licensee shall purchase any property if any of the following is true:

a. The article of property is not owned by the person offering to sell the property.

b. The article of property is the property of a person other than the person offering to sell it, regardless of whether the transaction is occurring with the permission of the owner.

c. Another person, other than the person offering to sell the property, has a security interest in the article of property.

**3. EXCEPTION.** Subsection 2 shall not apply to any person selling, consigning, leaving or depositing any article of property with or to a licensed recycling, salvaging or towing premises if the person is any of the following:

a. A duly executed power of attorney for the owner of the property.

b. A personal representative of the estate to which the property belongs.

c. The recipient of a lawful written authorization to pledge, sell, consign, leave or deposit the property issued by the owner of the property prior to the time of the transaction.

**4. ALTERED OR OBLITERATED SERIAL NUMBER.** No licensee shall receive any regulated property with an altered or obliterated serial number, or from which a serial number has been removed.

**5. REGULATED PROPERTY, DOCUMENTATION.** No licensee shall purchase any regulated property unless the licensee receives from the seller documentation, such as a bill of sale, receipt, letter of authorization or similar evidence, which establishes that the seller lawfully possesses the regulated property. This documentation shall be retained for one year. Licensees may forego the documentation

requirements of this subsection if either of the following is true:

a. The licensee documents that he or she has made a diligent inquiry into whether the person selling the regulated property has the legal right to do so, and, not later than one business day after purchasing the regulated property, submits a report to the chief of police describing the regulated property and submits a copy of the seller's or deliverer's adequate identification.

b. The licensee takes a color photograph or color video recording of the regulated property, as provided in sub. 8.

**6. PURCHASE FROM MINORS PROHIBITED.** No licensee shall purchase or accept any material or article from any individual less than 18 years of age without the written consent of the individual's parent or guardian.

**7. RECORDKEEPING, GENERAL.** Every licensee shall keep on his or her premises a transaction description record, in a form approved by the chief of police or the chief's designee, for any valuable metal purchased or received. The transaction description record shall be numbered consecutively at the time of the purchase and shall be maintained and open for inspection by the chief of police, or the chief's designee, at any reasonable time for one year after the date of purchase or receipt. The transaction description record shall include each of the following:

a. A transaction number.

b. The date and time of the transaction.

c. The printed name and permanent address of the person from whom the article was purchased or received, a copy of that person's adequate identification and a color photograph or color video recording of the person that meets the standards of sub. 11.

d. The seller's vehicle license plate number and state of issuance, if applicable.

e. A description of the individual property purchased or received, to be consistent with guidelines promulgated by a national recycling industry trade organization and to be approved by the chief of police.

f. A signed, written declaration of ownership from the seller, separate and apart from any computerized records maintained, in a form approved by the chief of police.

g. The seller's signature.

## 93-43-8 Recycling, Salvaging and Towing Regulations

**8. RECORDKEEPING, REGULATED PROPERTY.** For regulated property, in addition to the information required in sub. 7, the transaction description record shall include a full and accurate description of each article purchased or received, including identifying letters or marks written, inscribed or otherwise included on the article and the name and maker of the article, if known. A color photograph or color video recording of the regulated property, taken at the time of purchase or receipt and meeting the standards of sub. 11, shall fulfill this requirement.

**9. RECORDKEEPING, VEHICLE SALVAGE.** a. Records kept under the provisions of s. Trans 136.03, Wis. Adm. Code, as amended, shall be satisfactory compliance with the transaction description requirements of sub. 7, and shall at reasonable times be open to the inspection of the chief of police, or any member of the police department designated by the chief of police for this purpose.

b. The purchase or receipt of any motor vehicle parts or pieces thereof previously attached to a salvaged vehicle shall not be exempt from the recordkeeping requirements provided in this section.

**10. RECORDKEEPING, WHOLE-SALE AND BULK PURCHASES.**

a. A licensee may choose to limit the transaction description record for wholesale and bulk purchases to a listing of the quantity or the weight purchased according to the guidelines provided in sub. 7-e, and not of individual items, provided that either of the following is true:

a-1. A color video recording meeting the standards of sub. 11 is taken of the individual items purchased, as they are being unloaded.

a-2. The seller is a regularly established foundry, mill, manufacturer, licensed home improvement contractor, as defined in s. 95-14, licensed recycling, salvaging or towing premises, or educational, governmental or medical institution, and is in compliance with all other applicable requirements of this subsection, provided that the record of the purchase states the seller's license number or other identifying information.

b. A licensee presented or finding any undisclosed regulated property in any wholesale or bulk purchase, or any property which is reasonably believed to be stolen, shall immediately report this property to the police.

**11. PHOTOGRAPHS.** Photographs required as part of this subchapter shall be at least 2 inches square. Photographs and video recordings shall be time and date-stamped and maintained so they can be readily matched and correlated with all other records of a transaction. All photographs and video recordings shall be available to the chief of police, or the chief's designee, upon request. The major portion of a photograph or a video recording of a person shall include an identifiable facial image. Property photographed or video-recorded shall be accurately depicted, of sufficient quality and from a clear and unobstructed perspective, as determined by the chief of police. The licensee shall inform the person that he or she is being photographed or video-recorded by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee shall keep the photograph or video recording for 90 days.

**12. REPORTS.** a. All transaction description records for regulated property, except for signed declarations of ownership and patron signatures on transaction description records, shall be reported not later than the close of each business day by posting and uploading all transaction description records to an electronic reporting database approved by the chief of police, according to the protocols of the chief of police.

b. Protocols for submitting batch data shall reasonably accommodate various mainstream data processing systems used by licensees, to the extent possible.

c. The police department may delay, reduce or forego daily reporting requirements as the chief of police, or the chief's designee, sees fit without cause.

**13. CUSTOMER IDENTIFICATION NUMBERS.** The police chief may permit a licensee to substitute a customer identification number, or other seller identifier assigned by the licensee, for a seller's name, address, date of birth, and all identification obtained from the seller as specified in sub. 7, provided the licensee maintains a file containing this information for police inspection.

**14. GOODS HELD FOR IDENTIFICATION.** The chief of police may, at his or her discretion, cause any items which he or she has reason to believe were sold or exchanged by a person other than the lawful owner to be held, for identification by its lawful owner, for such reasonable length of time as the chief deems necessary.

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**15. INSPECTION.** Every article purchased by a recycling, salvaging or towing premises, and every computerized file, written document and invoice of transaction description records shall be available for inspection by the chief of police, or the chief's designee, at any reasonable time.

**16. FALSE INFORMATION.** No person selling any property to any licensee shall:

a. Give a false or fictitious name, present false or altered identification documents, give a false date of birth or give a false address of residence or telephone number to the licensee gathering information for a transaction description record.

b. Knowingly conceal or fail to disclose any regulated property contained within a wholesale or bulk purchase.

c. Pawn, pledge, sell, consign, leave or deposit any article of property with or to a business licensed under this chapter if one or more of the following is true:

c-1. The article of property is not owned by the person.

c-2. The article of property is the property of another, regardless of whether the transaction is occurring with the permission of the owner.

c-3. Another person has a security interest in the article of property.

**17. SIGNAGE.** Every licensee shall display a sign, in a form approved by the chief of police or the chief's designee, of sufficient size and in a conspicuous place on the premises, informing patrons that all transactions are reported electronically to the police department. The sign shall include the premises' license number. Identifying signs that satisfy state statutory or regulatory requirements for signage shall be deemed to satisfy the requirements of this subsection.

**18. NOT TO CREATE NUISANCE.**

a. No goods or materials associated with a recycling, salvaging or towing premises shall be stored, sorted, assembled, disassembled, displayed or otherwise kept on any public right-of-way, public street, alley, sidewalk, or public parking area. All goods and materials shall be kept within a building, enclosure or site approved on a licensee's application.

b. All lights used to illuminate premises shall be shielded and directed away from public streets and residential properties in such a way as not to create a glare into the public

street or surrounding premises used for residential purposes, or to disturb the comfort of persons living across therefrom or on adjacent property.

### **93-45. Operating Regulations for Recycling, Salvaging or Towing Vehicles. 1. LICENSE**

**STICKERS AND SIGNAGE.** a. Each motor vehicle used by a licensed recycling, salvaging or towing business shall have affixed to it, in a prominent place, a sticker issued by the city clerk with the words "recycling, salvaging or towing" stamped on it. Whenever a sticker has been defaced, lost, stolen or destroyed, the licensee shall immediately apply to the city clerk for a duplicate sticker. A request for a duplicate sticker shall be accompanied by the fee specified in s. 81-1-4.

b. Each motor vehicle used for business purposes by a licensed recycling, salvaging or towing business shall bear identifying signs printed or affixed to both sides of the vehicle. Identifying signs shall include the name of the business or person operating the vehicle, a valid telephone number for the business or person operating the vehicle, and the phrase, "RST License No." together with the number of the license, all located in a prominent position in letters not less than 2 inches in height. Except for a tow truck, a commercial motor vehicle bearing a U.S. department of transportation number filed and registered with the federal motor carrier safety administration shall be exempt from the signage requirements of this paragraph.

c. Photographs of vehicles and signage shall be submitted to the city clerk in the following manner:

c-1. One or more photographs of each motor vehicle used in the business of recycling, salvaging or towing shall be submitted to the city clerk in a form and manner acceptable to the city clerk prior to issuance of a new or renewal license.

c-2. Photographs submitted to the city clerk under this paragraph shall clearly display all elements of signage required under par. b.

c-3. Changes in signage and replacement photographs shall be subject to reporting as provided in s. 93-29, and failure to provide required photographs may be considered upon application for renewal or in suspension or revocation proceedings, as provided in s. 93-25-4.

## 93-47 Recycling, Salvaging and Towing Regulations

2. CARRYING BY OPERATORS. An operator of a vehicle licensed under this chapter shall at all times carry the license on his or her person or post the license in the vehicle while engaged in activities related to recycling, salvaging or towing, and shall present the license for inspection upon request made by any person.

3. NOT TO CREATE NUISANCE.

a. No goods or materials associated with recycling, salvaging or towing vehicles shall be stored, sorted, assembled, disassembled, displayed or otherwise kept on any public right-of-way, public street, alley, sidewalk, or public parking area. All goods and materials shall be kept within a building, enclosure or site approved on a licensee's application.

b. No person shall store salvage materials on any residential premises or vacant lot in a residential zoning district.

### 93-47. Motor Vehicle Towing.

1. OBLITERATED IDENTIFICATION NUMBER. No licensee shall tow any motor vehicle with an altered or obliterated vehicle identification number, unless directed by the police department.

2. NON-CONSENSUAL TOWING. All of the following requirements shall be met for a towing business to perform a non-consensual tow:

a. The licensee shall have in his or her possession an authorized service order form before hooking up the vehicle to be serviced. Authorized service order forms shall include the name of the licensee's business, the address and telephone number of the licensee's storage lot, the licensee's tow truck license number, the name of the driver or operator of the tow truck, the name and signature of the person authorizing the service, the time the service was ordered and a description of the vehicle to be towed, including the make, model and license plate number. In addition:

a-1. A copy of the authorized service order form shall be retained for 90 days and provided to the police department upon request.

a-2. This paragraph shall not be applicable to any licensee operating a tow truck under the terms of this chapter where the licensee is under a written contract for a specific period of time with any person, firm or corporation to tow illegally parked or repossessed vehicles to a specific location as set forth in the contract. Contracts shall be kept at a licensee's premises for review by the police department.

b. The person, firm or corporation authorizing the tow shall be the owner of the private property from which the vehicle will be towed, a duly authorized agent of the owner, a traffic officer or parking enforcer, as provided in s. 349.13(3m)2(d), Wis. Stats.

c. Except for a vehicle issued a repossession judgment or a citation for illegal parking, as provided in s. 349.13(3m)2(b), Wis. Stats., the lot from which any motor vehicle is non-consensually towed shall be properly posted, as provided in Trans 319.04, Wis. Admin. Code.

d. The towing business shall take, and retain unaltered for 90 days, color photographs of the motor vehicle to be towed, including:

d-1. At least one color photograph each from the front, rear, and each side of the vehicle.

d-2. At least one color photograph of the sign indicating the property was properly posted, including, to the extent possible, the vehicle to be towed.

d-3. If applicable, at least one color photograph of any parking citations and any parking permits, placards, stickers or other parking-related signage visible on or in the vehicle.

e. Prior to the towing of a vehicle, the towing business shall report, by approved electronic notification, to the police department, in the manner designated by the police department, the following:

e-1. The address or an accurate, specific description of the location from which the vehicle is being removed.

e-2. The location to which the vehicle will be removed, including a telephone number for the location.

e-3. A description of the vehicle, including make, model, license plate number and vehicle identification number.

e-4. Any other information required by the police department.

f. Prior to the towing of a vehicle, the towing business shall receive and record in the operator's log book a tow reference number from the city confirming that the city has received electronic notification of the tow and that the vehicle to be towed is not stolen. If a system of electronic notification is temporarily unavailable, the police department, or the police department's designee, shall provide notification of the granting or denial of a tow reference number by voice within 10 minutes of the time the request for a tow reference number was received.

## Recycling, Salvaging and Towing Regulations 93-47-3

g. For every vehicle non-consensually towed for which the towing business receives a tow reference number, the towing business shall remit a fee to the city, as established by the commissioner of public works and as provided in s. Trans 319.03(3), Wis. Admin. Code. The commissioner may waive or reduce this fee if a tow truck operator releases a motor vehicle to the owner or authorized operator of the motor vehicle under the provisions of s. 93-47-3.

**3. DROP FEE.** a. Except for a vehicle issued a repossession judgment and unless otherwise directed by a police officer, if the owner or authorized operator of any motor vehicle to be towed is present and offers to remove the vehicle from the property or correct the violation before the vehicle is attached in any way to the tow truck, no fee shall be charged the vehicle owner.

b. If a tow truck operator has attached equipment for towing to the vehicle to be towed, but is not yet fully hooked up, as defined in s. 93-3-10, the vehicle shall not be towed upon request of the vehicle owner or authorized operator. The owner or authorized operator shall be liable for a drop fee in an amount not to exceed \$50, in lieu of towing, provided the vehicle owner or authorized operator is willing and able to pay the drop fee and remove the vehicle or otherwise correct the violation.

c. If an owner or authorized operator of a motor vehicle is present before the vehicle is fully hooked up, the tow truck operator shall advise the owner or authorized operator of the motor vehicle that he or she may offer payment of the towing drop fee and shall provide the owner or authorized operator of the motor vehicle 5 minutes to make payment of the towing drop fee. The tow truck operator shall concurrently advise the owner or authorized operator of the motor vehicle of acceptable forms of payment, as provided in par. d.

d. For purposes of this subsection, a towing business shall accept payment by cash, credit card or debit card for the drop charge, and shall issue the person requesting the drop a receipt of payment of the drop fee.

e. If a tow truck operator advises the owner or authorized operator of a motor vehicle that he or she may offer payment of the towing drop fee and the owner or authorized operator declines to pay the drop fee, the owner or authorized operator shall sign in duplicate a drop

fee waiver form provided by the tow truck operator and in a form approved by the chief of police.

**4. RESTRICTIONS ON ACTIONS OF TOW TRUCK OPERATORS.** No operator of a tow truck shall:

a. Except in the case of a repossession, non-consensually tow any motor vehicle to a location outside the city.

b. Solicit or attempt to divert prospective patrons of another tow truck.

c. Tow a vehicle without first obtaining adequate identification from the owner or authorized operator of the vehicle or from the person authorizing the tow from private property.

d. Refuse to release or charge a fee to release personal property from within a towed vehicle to the owner or authorized operator of the towed vehicle during regular business hours upon presentation by the owner or authorized operator of proper identification as provided in s. 349.13(5)(b), Wis. Stats.

e. Remove any item or material from a towed vehicle, whether on the inside or outside of the vehicle.

f. If performing a non-consensual tow, charge a sum in excess of that authorized by s. Trans 319.03, Wis. Admin. Code.

g. Refuse to release a vehicle after the presentation of sufficient proof of ownership and the payment of authorized charges.

h. Charge the owner or authorized operator of any non-consensually towed motor vehicle any storage fee for any 24-hour period during which the business is not open and the vehicle not available for recovery for at least a 4-hour period between 8 a.m. and 5 p.m.

i. Refuse payment for towing services by cash or by debit, credit or charge card.

j. Store a non-consensually towed vehicle at any location not on file with the city, unless directed otherwise by the police department.

k. Subcontract any non-consensual towing work to any person, firm or corporation not licensed to perform non-consensual towing in the city.

**5. OWNER'S RIGHT TO INSPECT.** No towing business shall solicit, demand or receive any payment for services provided or waiver of the right to contest damages prior to allowing the owner or authorized operator of a towed vehicle a reasonable opportunity to inspect the vehicle for damages or loss of contents.

## 93-49 Recycling, Salvaging and Towing Regulations

### 6. POSTING OF FEE SCHEDULE.

a. Prior to performing any tow, a tow truck operator shall disclose to the owner or authorized operator of the motor vehicle all rates and charges to be assessed. This rule does not apply to a non-consensual tow or a tow ordered by a law enforcement officer.

b. The schedule of minimum fees for non-consensual towing, as provided in s. Trans 319.03, Wis. Admin. Code, shall be posted at the business location or locations in a conspicuous place near the main entrance and inside each vehicle owned, operated or controlled by the business to be used in the conduct of the towing business.

7. RECORDKEEPING. Each tow truck operator shall at all times maintain a current transport sheet approved as to type and form by the chief of police containing the information required in sub. 2-e. Transaction description records shall be either computer files or written documents approved by the chief of police, or the chief's designee. Written document transaction description records shall be legible and in ink, and no entry made shall be erased, obliterated or defaced. Written-document and computerized transaction description records shall be open for inspection by the chief of police, or the chief's designee, at any reasonable time. Written documents shall be retained and computerized files shall be maintained for one year.

8. VEHICLE STANDARDS. Every vehicle used in the conduct of a towing business shall meet all safety standards required by state and federal law and, as adjudged by the police department, be kept in good operating condition and appearance. Every towing business shall keep records of daily vehicle inspection reports for inspection by the police department and shall submit to the police department copies of annual inspections for all tow trucks owned, operated or controlled by the business to be used in the conduct of the towing business in the city.

9. MINORS. No towing business shall conduct any transaction with any person less than 18 years of age unless that person is with his or her parent or guardian, or the business obtains or has on file a written consent signed in a tow truck operator's presence by the parent or guardian granting permission for the minor to transact business with the dealer.

10. STOLEN VEHICLES. A tow truck operator shall report to the police any item presented to a licensed towing business during the course of business that the tow truck operator

has reason to believe was stolen, either by the person presenting the item or another party.

11. REGULATIONS TO BE POSTED. Each towing business shall post a copy of these regulations in a conspicuous place on its licensed premises.

12. RESPONSIBILITY FOR PERSONNEL. Each towing business obtaining a license shall be responsible for the acts of its employees, agents and subcontractors, and shall be subject to all applicable penalties if those employees, agents or subcontractors violate this section, including nonrenewal, suspension or revocation of its license.

13. APPLICABILITY. This section shall not apply when the motor vehicle being towed has originated outside the city and is either in the process of being delivered to a location in the city or is being towed through the city to be delivered elsewhere.

### 93-49. Waste Tires. 1. STORAGE.

a. Each waste tire shall be stored and secured in a manner approved by the commissioner of neighborhood services to eliminate theft and potential nuisances of litter as described in ss.79-11 and 79-12, rat harborage as described in s. 80-48, fly breeding as described in s. 80-31 and fire hazard as described in s. 214-9.

b. No person may store or permit the storage of more than 24 waste tires upon any premises within the city unless the premises is a licensed recycling, salvaging or towing premises.

2. DISPOSAL. No licensed recycling, salvaging or towing premises or vehicle may knowingly dispose of any waste tires other than to a tire disposer or tire reprocessor.

3. RECORDKEEPING. Each waste tire generator shall maintain for 3 years all records and receipts relating to waste tires handled by the business. The record for each transaction shall include:

a. For a waste tire generator, the number of waste tires generated, the name of the waste tire transporter, the date of pickup and the transporter's recycling, salvaging or towing license number.

b. For a waste tire transporter, the date of pickup, number of waste tires, name and address of the waste tire generator, the name and address of the waste tire disposer or reprocessor, and the date of delivery of the waste tires to the waste tire disposer or reprocessor.

4. REPORTING. Each waste tire transporter shall submit to the city clerk a semi-annual report of waste tire collections. The city clerk shall determine the type of information required in the report and shall specify the date by which each semi-annual report shall be submitted.

5. NUISANCE ABATEMENT. a. Any violation of this section or disposal of waste tires in violation of ss. 79-9 to 79-12 may be ordered corrected by the police department or the department of neighborhood services. If the property owner or licensee fails to comply with the order to correct the conditions which are in violation, the city may correct the conditions. The property owner or licensee, or both, shall be personally liable for any expenses to the city for correcting the conditions of the violation, except for a licensee described in par. b.

b. A waste tire transporter or waste tire generator whose tires have been disposed of in violation of this section or ss. 79-9 to 79-12 shall not be personally liable under par. a if the transporter or generator did not know in advance about, participate in, or otherwise assist the illegal disposal and if the transporter or generator is properly licensed and otherwise in compliance with this section.

6. EXCEPTIONS. A recycling, salvaging or towing license shall be required for each premises and each vehicle dealing in waste tires, except that the licensing requirements of this chapter shall not apply to the following:

a. Any vehicle containing 5 or fewer waste tires unless the transporter is hauling waste tires for a waste tire generator.

b. Any vehicle which originates outside of the city and is designated for transport outside of the city, provided that no waste tires are loaded or unloaded within the city.

c. A fleet owner that takes its vehicles to an outside tire vendor's facility for service, provided the facility is within the city of Milwaukee. In this situation, the tire vendor shall be considered the waste tire generator.

7. PENALTY. Any person violating this section shall be subject to the penalty provided in s. 93-7-3.

**93-(HISTORY) Recycling, Salvaging and Towing Regulations**

**LEGISLATIVE HISTORY  
CHAPTER 93**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 93	rc	011725	5/13/2003	5/30/2003
Ch. 93	rc	141893	9/22/2015	10/9/2015
93-5-2-a	rc	151458	2/9/2016	2/26/2016
93-5-4-f	cr	151458	2/9/2016	2/26/2016
93-7	am	890828	9/19/89	10/7/89
93-7-2-0	am	121521	4/30/2013	5/17/2013
93-7-2-i	rp	110346	9/20/2011	10/7/2011
93-7-2-j	rn to 93-7-2-i	110346	9/20/2011	10/7/2011
93-7-3	rc	110991	4/11/2012	4/28/2012
93-7-5	am	080009	5/20/2008	6/7/2008
93-8	am	890828	9/19/89	10/7/89
93-9	rc	131502	4/22/2014	5/9/2014
93-9-1	am	031619	9/25/2007	10/12/2007
93-9-1-b-2	am	031619	9/25/2007	10/12/2007
93-9-4	rc	080189	7/1/2008	7/19/2008
93-11	rc	080009	5/20/2008	6/7/2008
93-11-2-a-1	am	031619	9/25/2007	10/12/2007
93-11-2-a-2-b	am	031619	9/25/2007	10/12/2007
93-11-5	rp	080189	7/1/2008	7/19/2008
93-11-6	rp	080189	7/1/2008	7/19/2008
93-13	rp	080009	5/20/2008	6/7/2008
93-13-3-a	rc	030306	6/24/2003	7/11/2003
93-13-3-b-1	rc	030306	6/24/2003	7/11/2003
93-13-3-b-3	am	030306	6/24/2003	7/11/2003
93-13-3-d-2	am	040631	9/21/2004	10/8/2004
93-13-4	am	041379	2/22/2005	3/11/2005
93-17	rc	111624	4/11/2012	4/28/2012
93-20-11	am	980963	12/18/98	1/1/99
93-26*	cr	030701	11/5/2003	11/22/2003
93-26	cr	040130	6/15/2004	7/2/2004
93-43-9-b	am	151458	2/9/2016	2/26/2016
93-45-1-b	am	151458	2/9/2016	2/26/2016
93-47-3-b	am	151458	2/9/2016	2/26/2016
93-47-3-c	am	151458	2/9/2016	2/26/2016
93-47-4-d	am	151458	2/9/2016	2/26/2016

\*93-26 became null and void on 5/23/2004 per the sunset provisions of File #030701.

**[Pages 427 to 428 are blank]**

**3. TAXICAB REQUIREMENTS (CLASS T)** a. Taximeter.

a-1. The taximeter shall not be in error more than 1% in deficiency and more than 4% in excess of the interval under test.

a-2. After sundown a suitable light, so arranged as to throw a continuous steady light thereon, shall illuminate the face of the taximeter.

a-3. The taximeter case is sealed and its cover and gear intact.

a-4. Taximeters shall not be transferred between vehicles without permission of the city sealer.

a-5. Taximeters shall not be programmed to charge rates higher than permitted.

b. Noncash Payment. On or after July 1, 2014, each permittee replacing a taxicab or placing a new vehicle into service shall install rear seat swipe credit and debit card-processing equipment subject to policy or rule established by the city clerk and approved by the licensing committee.

c. Fuel Efficiency. The legislative reference bureau shall provide a report to the common council on or before July 1, 2015, reviewing best practices, strategies and regulation in comparable municipalities for improving fuel efficiency and reducing reliance upon fossil fuels within the city's permitted taxicab fleet. Information shall be organized and provided by the legislative reference bureau with the assumption that fuel standards will be developed and implemented on or before July 1, 2019.

**4. HUMAN SERVICE VEHICLE REQUIREMENTS (CLASS H).** Human service vehicles shall be suited for the transportation of disabled or elderly persons who by reason of physical or mental infirmity or age cannot be transported on public mass transportation vehicles or in taxicabs. These vehicles shall have:

a. Doorways wide enough to accommodate a wheelchair.

b. Ramps or lifting devices for elevating wheelchairs from the curb or sidewalk into the vehicle.

c. Adequate means of securing wheelchairs to the inside of the vehicle and safety belts for all disabled persons.

d. A door, in addition to those normally provided on the vehicle for ingress and egress from the vehicle, located at the rear of the vehicles to be used as a method of escape in case of an emergency.

**5. HORSE AND SURREY LIVERY REQUIREMENTS (CLASS P).** A horse and surrey livery shall:

a. Be in thoroughly safe and sanitary condition for the transportation of the public.

b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended, with respect to lamps and identification emblem for animal drawn, slow moving vehicles.

c. Be provided with facility to remove all fecal matter and flush all urine from public ways.

d. Fixed seating. Each horse and surrey livery shall provide passengers with fixed seating which has been installed by the manufacturer of the surrey.

e. Posting of Signs. Each horse and surrey livery shall securely post and maintain placards indicating the following:

e-1. The seating capacity of the surrey which has been specified by the manufacturer, or established by the chief of police, and declared on the application for a new or renewal permit pursuant to s. 100-50-4-f-3.

e-2. A placard posted in the passenger compartment in a conspicuous place visible to all occupants of the vehicle stating: "No standing while vehicle is in motion."

**6. MOTORCYCLE USED FOR TOURS REQUIREMENTS (CLASS M).** A motorcycle used for tours shall:

a. Be in a thoroughly safe condition for the transportation of the public.

b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended.

**7. PEDICAB REQUIREMENTS (CLASS P).** A pedicab shall be in a thoroughly safe condition for the transportation of the public.

**8. LIMOUSINE REGULATIONS (CLASS L).** In addition to all other applicable provisions of this chapter, a limousine shall comply with the following:

a. The exterior of a permitted vehicle may not display any signs, markings or stickers not otherwise required by law, except as specifically authorized in an approved plan of operation under s. 100-50-4-b.

b. The color or paint design of a permitted vehicle shall not be unduly distracting or untypical for the make, model or year of the vehicle

## 100-52 Public Passenger Vehicle Regulations

### 100-52. Rates Established.

1. RATE INCREASES. a. Application for an increase in the fares may be made to the licensing committee by any fleet permittee, or by at least 10% of the individual classification of permittees. The committee upon request for a rate increase may recommend to the common council that any of the regulations controlling fares be revised.

b. On or before July of each even-numbered year, the legislative reference bureau shall provide to the common council information derived from the international taxicab and livery association or other sources with respect to taxicab meter rates and operating costs.

2. METER FARE TAXICAB. a. Except a taxicab meeting the definition of network vehicle, no person owning, operating or controlling any motor vehicle licensed as a meter fare shall charge an amount exceeding the following rates:

a-1. The first 1/10 mile or fraction of a mile, for one or more persons, \$2.25.

a-2. For each succeeding 1/10 mile or fraction of a mile, for one or more persons, \$0.25.

a-3. For each minute of waiting time, \$0.35. In this subdivision "waiting time" includes the time when the meter fare taxicab is not in motion beginning 5 minutes after the specified time designated by the passenger as the time of arrival at the place to which the meter fare taxicab has been called or the time consumed while standing at the direction of the passenger, but no charge shall be made for the time lost for inefficiency of the meter fare taxicab or its operator or time consumed by premature response to a call.

a-4. For each additional passenger over the age of 12 years, \$1, except that there shall be no additional charge for an identified personal care attendant who accompanies a passenger with disability

a-5. For more than 2 suitcases (21" overnighiter or larger) or larger packages handled by the taxicab driver, and for other grocery, laundry, and similar bags and items that exceed the storage capacity of the taxicab trunk, a single surcharge of \$1.

b. Rates are to be determined by the taximeter after the customer is seated in the cab or has placed one or more articles within the cab. The owner, operator, driver or person in control of the meter fare taxicab shall use the shortest practical route.

c. All fares computed from General Mitchell International Airport shall include any fees imposed by Milwaukee county for use of airport facilities and grounds. The minimum fare from the airport terminal to any part of this city shall be \$15.

3. OTHER PUBLIC PASSENGER VEHICLE RATES. Maximum rates for other vehicles including those permitted for human services, as horse and surrey, limousine, pedicab, motorcycle used for tours, or shuttle vehicle may be established by adoption of such rates by the common council.

### 100-53. Financial Responsibility.

1. REQUIRED. a. No person may operate, or shall be issued a permit to operate a public passenger vehicle unless the person has given to the city, and there is in full force and effect at all times while the person is driving or operating a public passenger vehicle, on file with the city clerk, one of the following:

a-1. Surety Bond. A bond of the owner of a vehicle with a responsible surety company or association authorized to do business under the laws of the state of Wisconsin in the sum of \$100,000 conditioned that the owner of the vehicle for which a license has been applied will pay any final judgment rendered against the owner of the vehicle within the limits provided, irrespective of the financial responsibility or any act or omission of the vehicle owner for loss or damages that may result to any person or property from the negligent operation or defective condition or construction of the vehicle or which may arise or result from any violations of this chapter or the laws of the state of Wisconsin. The recovery upon the bond shall be limited to \$50,000 for the injury or death of one person, and to the extent of \$100,000 for the death or injury of 2 or more persons injured or killed in the same accident and to the extent of \$10,000 for the injury or destruction of property. Such bond shall be given to the city and shall inure to the benefit of any persons suffering loss or damage either to person or property as provided, and suit may be brought in any court of competent

**101-24.1. Blocking a Driveway.** It shall be unlawful for any vehicle to be parked on or blocking the entrance to any private driveway or garage without the consent of the owner of such driveway so as to prevent free passage of vehicles.

**101-24.2. Blocking Traffic.** It shall be unlawful for any vehicle to be parked or left standing on a highway in such a manner as to obstruct traffic.

**101-24.5. Vehicle Identification Numbers.**

1. DEFINITION. In this section:
  - a. "Chief of police" means the police chief or any employe of the police department acting on the chief's behalf.
  - b. "Commissioner of public works" means the commissioner of public works or any employe of the department of public works acting on the commissioner's behalf.
  - c. "Identification number" means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the Wisconsin department of transportation and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification. This term does not include the letters, numbers or combination thereof on vehicle license plates.
  - d. "Owner" shall include the lessee of a vehicle if the vehicle is registered or required to be registered by the lessee pursuant to ch. 341, Wis. Stats.
2. PROHIBITED. a. No person may remove, alter or obliterate an identification number.
  - b. No person may make it impossible to read a motor vehicle's identification number from outside the vehicle.
3. REMOVAL OF VEHICLE. If the chief of police or commissioner of public works finds, on any alley, street, highway or public place within the city, any vehicle on which the identification number has been removed, altered, obliterated or made impossible to read, including any vehicle on which the identification number is not readily visible when observed from outside the vehicle, the chief or commissioner may have the vehicle immediately removed to a suitable place of impoundment. If the identification number cannot be identified, the impounded vehicle shall be presumed to be contraband. If the identification number can be identified, a notice informing the registered owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of an informal hearing before the city attorney shall be

sent to the registered owner's last known address as registered by the owner with the state department of motor vehicles within 72 hours after removal.

4. DISPOSAL OF UNCLAIMED VEHICLES. As soon as practical after removal and impoundment of a vehicle under sub. 3, a duly authorized representative of the commissioner of public works shall appraise the value of such motor vehicle based on the prevailing market. Such vehicle shall be disposed of according to s. 105-65.

5. OWNER RESPONSIBLE FOR COSTS. The owner of any motor vehicle on which the identification number has been removed, altered, obliterated or made impossible to read, or is not readily visible from outside the vehicle, is responsible for all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the city against the owner.

6. RELEASE OF VEHICLE; CONDITIONS. Notwithstanding sub. 4, the owner of a vehicle that is impounded under this section may secure release of the vehicle by doing all of the following:

- a. Paying any forfeiture imposed for violation of this section established pursuant to s. 101-34 and the reasonable costs of impounding the motor vehicle.
- b. Providing satisfactory evidence that the motor vehicle is currently registered in the state of Wisconsin or that, at the time of impoundment, a complete application for registration of the vehicle, including evidence of inspection under s. 110.20, Wis. Stats., when required, accompanied by the required fee had been delivered to the Wisconsin department of transportation or deposited in the mail properly addressed with prepaid postage, or the vehicle is exempt from registration under ch. 341, Wis. Stats.
- c. Providing a current, valid driver's license and current certificate of title for the vehicle. If the vehicle's owner does not have a valid driver's license, the vehicle may be released to another person with a valid driver's license provided the licensed individual is accompanied by the vehicle's owner or can present a signed affidavit from the vehicle's owner authorizing the vehicle's release to the licensed individual.
- d. If the vehicle's identification number was removed, altered, obliterated or otherwise made impossible to read, even from inside the vehicle, providing satisfactory evidence that an application to replace the identification

## 101-24.7 Traffic Code

number has been made to the Wisconsin department of transportation pursuant to s. 342.30(1m), Wis. Stats.

### 101-24.7 Unregistered Motor Vehicles.

1. DEFINITIONS. In this section: a. "Improperly registered motor vehicle" means an unregistered motor vehicle for which an application and payment for registration are current and complete as reflected in the records of the Wisconsin department of transportation, but which does not display evidence of current registration or registration expiring within the preceding 31 days.

b. "Unregistered motor vehicle" means any motor vehicle that is located upon any alley, street, highway, public way or thoroughfare and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under s. 341.18(1), Wis. Stats., for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

2. PROHIBITED AND PENALTIES. a. Prohibition of Unregistered Vehicles. No unregistered motor vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. The stipulated forfeiture provided in s. 101-34-2-j and the penalty provided in s. 101-34-7-j shall apply, except as provided in par. b.

b. Prohibition of Improperly Registered Vehicles. No improperly registered vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. If a showing is made by any party that the records of the Wisconsin department of transportation contain information that application and payment for registration of the motor vehicle were complete and current at the time of the violation, the stipulated forfeiture provided in s. 101-34-2-a and the penalty provided in s. 101-34-7-a shall apply.

### 3. REMOVAL OF VEHICLE; NOTICE.

a. The chief of police or the commissioner of public works or any person acting on their behalf may cause any unregistered motor vehicle located upon any alley, street, highway or public place or thoroughfare within the city to be removed to a suitable place of impoundment.

b. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle, and the availability of an informal hearing before the city attorney shall be mailed to the owner's last known address within 24 hours after removal.

4. OWNER RESPONSIBLE FOR COSTS. The owner of any unregistered motor vehicle shall be responsible for all costs of impounding and disposing of the motor vehicle. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the city against the owner.

### 5. RELEASE OF VEHICLE.

Notwithstanding sub. 6, the owner of an unregistered motor vehicle that is impounded under this section may secure release of the motor vehicle by paying any forfeiture imposed for violation of this section and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one of the following:

a. That the motor vehicle is currently registered in the state of Wisconsin.

b. That a complete application for registration for the motor vehicle, including evidence of inspection under s. 110.20, Wis. Stats., when required, accompanied by the required fee has been delivered to the Wisconsin department of transportation or deposited in the mail properly addressed with postage paid.

6. DISPOSAL OF UNCLAIMED VEHICLES AND TRAILERS. As soon as practical after the removal, a duly authorized representative of the commissioner of public works shall appraise the value of such motor vehicle based on the prevailing market. Such vehicle shall be disposed of according to s. 105-65.

7. PROCEDURE. Notwithstanding the provisions of sub. 6, a vehicle removed and impounded pursuant to this section shall not be disposed of under s. 105-65 while an informal hearing, requested following notice under sub. 3-b, is pending or before the expiration of 30 days. Neither shall disposition of the vehicle be made prior to the conclusion of court proceedings where timely application is made to the municipal court or other court of competent jurisdiction contesting the basis for removal of the vehicle or seeking to secure the release of the vehicle. In addition to the forfeiture provided in s. 101-34, the owner shall pay the city to cover the city's cost of impoundment, storage or disposal of the motor vehicle, or both.

### 101-25. Towing Away of Vehicles. 1.

AUTHORITY. Whenever any police officer, or the commissioner of public works or any of the commissioner's designees finds a vehicle standing upon any highway in violation of s. 101-3, 101-22.5, 101-23, 101-23.2, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-26.7,

101-27, 101-27.8, 101-29 or 101-32, the officer, or commissioner of public works or the commissioner's designee is authorized to remove the vehicle to a secure impound lot. The removal may be performed by or under the direction of the officer, or the commissioner of public works or the commissioner's designee, or a towing contractor under contract with the city. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section shall be \$105 per vehicle for standard towing, and \$125 for flatbed towing. The charge for outdoor storage shall be \$20 for each day of storage, and the charge for indoor storage shall be \$30 per vehicle for each day of storage. An additional reclamation charge shall be imposed for the actual costs, including costs of labor, incurred in the treatment, disposal, removal or abatement of any substance, chemical or other material contained within or upon a vehicle when, in the judgment of the commissioner or commissioner's designee, such action is necessary to render the vehicle into a safe and sanitary condition. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney shall be mailed to the last known address within 72 hours after removal.

**2. ADJUSTMENTS.** Whenever the vehicle reclamation charges are paid, the vehicle shall be released to its owner. Whenever the citation upon which removal and storage is authorized is released by the chief of police, or by the city attorney after a review, or whenever the charge for which the citation upon which removal and storage is authorized is dismissed by the court, the commissioner of public works shall release the vehicle without payment of vehicle reclamation charges and shall refund any vehicle reclamation charges for such vehicle which shall have previously been paid.

**3. UNCLAIMED VEHICLES.** As soon as practical after the removal, a duly authorized representative of the commissioner of public works shall appraise the value of such vehicle based on the prevailing salvage market. Such vehicle shall be disposed of according to the provisions of s. 105-65.

**4. ADDITIONAL CHARGES.** a. There shall be an additional charge of \$25 for a vehicle that must be moved from the lot.

b. There shall be an additional towing charge for a vehicle that is unusually large or is not readily accessible.

**101-25.5. Contract for Towing Away of Vehicles.** **1. BY COMMISSIONER.** The commissioner of public works may enter into contracts for and behalf of the city for the towing away and storage of vehicles under s. 101-25. The commissioner may divide the city into designated areas and contract for towing away in each specific area.

**2. REQUIREMENTS.** Any such contract shall provide that the towing company have adequate equipment and facilities and have personnel available 24 hours a day, and that such company furnish the city an indemnification agreement supported by a performance bond and indemnity bond, and, in lieu thereof, a certification of insurance to hold the city harmless from any claims for damage or theft of the vehicles and personal property therein contained when the same are towed away. The commissioner of public works shall further provide the rules, regulations, specifications and conditions under which such contracts shall be let.

**101-26. Snow Emergency Parking.** **1. EMERGENCY DECLARED.** There is declared an emergency to exist in the city of Milwaukee by reason of a snowstorm whenever snow falls during any period of 24 hours or less to a depth which is determined and declared by the commissioner of public works to constitute a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health, and police protection, and other vital facilities of the city. Such emergency is declared to continue for a period of 72 hours or until such earlier time as snow-plowing operations have been declared completed by the commissioner of public works.

**2. PARKING REGULATIONS DURING EMERGENCY.** It shall be unlawful for any person to park or suffer to be parked any vehicle upon any street marked by temporary No Parking signs. Between the hours of 11 p.m. and 6 a.m., inclusive, it shall be unlawful for any person to park or suffer to be parked any vehicle upon any street over which there is operated a duly authorized motor bus route or upon any street which is a through highway and not

## 101-26.5 Traffic Code

designated for night parking under s. 101-27-9. Between the hours of 11 p.m. and 6 a.m., inclusive, it shall be unlawful for any person to park or suffer to be parked any vehicle on the even-numbered side of the street on those nights bearing an odd calendar date during the portion thereof before midnight and on the odd-numbered side of the street on those nights bearing an even calendar date during the portion thereof before midnight upon streets which are not through highways or upon through highways designated for night parking under s. 101-27-9.

**3. TO ERECT TEMPORARY SIGNS; LOCATIONS.** Pursuant to the provisions of s. 349.13, Wis. Stats., 1969, "Emergency Powers Granted to Cities of the First Class," the commissioner of public works is authorized to erect temporary No Parking signs during the existence of an emergency created by a snowstorm or snowstorms or excessive snow fall which impair or prevent the full use of any highway, street or roadway for transportation. A current list of streets where such signs have been erected and the date of erecting of such signs shall be sent by the commissioner of public works to the city clerk, the legislative reference bureau and the district police station.

**6. SNOW EMERGENCY FUND.** All revenues derived by the city from towing and storage of vehicles parked in violation of sub. 2 shall be entered by the city treasurer in a special account to be designated the snow emergency account. Such fund shall be used to help defray the costs of contracting for towing and storage of vehicles parked in violation of sub. 2 but for no other purpose. Any balance remaining in the fund at the end of the fiscal year not carried over by the budget for the ensuing year shall be returned to the general fund.

### 101-26.5. Snow Parking Regulations - 4 or More Inches.

**1. PURPOSE.** The common council finds that certain streets experience high demand for parking which restrict the accessibility of snow plows to the curb line. The common council further finds that it is necessary to prohibit parking until the snow has been removed on one side of a street where a sign indicating "no parking when snowfall 4" or more," is posted in order to increase the effectiveness and efficiency of snow removal operations.

#### **2. REGULATIONS.**

a. On designated streets, vehicles may be parked on both sides of the street day or night, except when snow has accumulated to a depth of 4 inches or more.

b. For a street designated "no parking when snowfall 4" or more," depth of snow accumulation shall be determined at the sanitation district yard in which a street is located.

c. Designated streets are to be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

**3. COMPLIANCE WITH OTHER RESTRICTIONS.** Vehicles parked in compliance with sub. 2 shall also comply with the provisions of s. 101-27-1-a-1.

### 101-26.7. Street Sweeping Streets.

**1. PURPOSE.** The common council finds that certain streets experience high demand for parking which restricts the accessibility of street sweeping brooms to the curb line. The common council further finds that it is necessary to prohibit parking between certain hours on certain streets on the day street sweeping operations occur in order to increase the effectiveness and efficiency of street sweeping operations.

**2. TO ERECT AND MAINTAIN.** The commissioner of public works shall erect and maintain signs prohibiting parking between certain hours on certain streets on the day street sweeping operations occur.

Designated streets are to be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

**3. EXCEPTIONS.** This section shall not apply to any of the following:

a. An emergency vehicle, including but not limited to an ambulance, fire department vehicle or police department vehicle.

b. Any vehicle, including but not limited to a delivery, utility or service vehicle, which is being used by a person engaged in the provision of services or delivery of goods to a property located on the designated street, provided the name of the commercial enterprise or public utility vehicle providing the service or delivering the goods is clearly identified on the vehicle.

### 101-27. All Night Parking.

**1. RESTRICTIONS.** a-1. No vehicle shall be permitted to stand in one place on a highway for more than 24 hours.

a-2. The restriction provided in subd. 1 shall be suspended to permit vehicles to remain in one place on a highway in designated areas for not more than 48 hours consecutively, except

when the department of public works announces snow-plowing operations or other public works operations are underway. All other parking restrictions and parking permit requirements currently in force or which may be enacted shall remain in effect in the designated areas. The designated parking program areas to which these provisions apply include those bounded by and including both sides of the boundary streets:

a-2-a. E. Edgewood Ave, from its eastern terminus in a line continuing on E. Keefe Ave., N. Pierce St., E. Meinecke Ave., N. Bremen St., E. North Ave., N. Humboldt Blvd., to the Milwaukee River, E. Juneau Ave., N. Broadway, E. Ogden Ave., N. Franklin Ave., N. Prospect Ave., E. Kane Pl., N. Summit Ave., E. Lafayette Pl., E. Lafayette Hill Rd., N. Lincoln Memorial Dr. to 2300 N. Lincoln Memorial Dr., and east to the city limits.

a-2-b. 2300 N. Lincoln Memorial Dr. from the east city limits, N. Lincoln Memorial Dr., E. Lafayette Hill Rd., E. Lafayette Pl., N. Summit Ave., E. Kane Pl., N. Prospect Ave., N. Franklin Ave., E. Ogden Ave., N. Broadway, E. Juneau Ave., to the Milwaukee River, E. Wells St., continuing east to the city limits.

a-2-c. E. Keefe Ave., N. Holton Blvd., to the Milwaukee River, N. Humboldt Blvd., E. North Ave., N. Bremen St., E. Meinecke Ave., N. Pierce St.

a-2-d. N. 27th St., W. St. Paul Ave., I-94, N.16th St., S. 16th St., W. Pierce St., S. 20th St., W. Mitchell St., S. 19th St., W. Rogers St., S. 20th St., railroad right of way, W. Forest Home Ave., W. Pabst Ave., at 3400 W. Pabst a line south to the railroad right of way, railroad right of way, W. Lincoln Ave., W. Lincoln Ave. east to the city limits, following the city limits to S. 44th St., N. 44th St., I-94, and exempted from alternate side parking by sub. 3-b-1.

a-2-e. W. Becher St., Kinnickinnic River, to eastern border of the City limits, S. Whitnall Ave. at S. Clement Ave., E. Howard Ave., S. Chase Ave., E Morgan Ave., W. Morgan Ave., S. 4th St., W. Holt Ave., W. Morgan Ave., S. 15th St., railroad right of way, S. 14th St., W. Cleveland Ave., S. 10th St., W. Hayes Ave., S. 6th St., and exempted from alternate side parking by sub. 3-b-1.

a-2-f. N. 16th St., Menomonee River, Milwaukee River, Kinnickinnic River, W. Becher St., S. 6th St., W. Hayes St., S. 10th St., W. Cleveland Ave., S. 14th St., railroad right of way, S. 20th St., W. Rogers St., S. 19th St., W. Mitchell St., S. 20th St., W. Pierce St., S. 16th St., and exempted from alternate side parking by sub. 3-b-1.

a-2-g. E. Wells St. from the eastern city limits, Milwaukee River, W. Juneau Ave., W. Winnebago St., W. Vliet St., N. 31st St., W. Cherry St., railroad right of way, W Vliet St., N. 35th St., I-94, N. 27th St., W. St. Paul Ave., I-94, N. 16th St., Menomonee River, Milwaukee River east to the city limits, and exempted from alternate side parking by sub. 3-b-1.

a-2-h. I-43 from the city limits, W. Capitol Dr., N. 24th Pl., W. Nash St., N. 26th St., W. Hopkins St., N. 25th St., W. Townsend St., W. Hopkins St., N. 20th St., W. Locust St., I-43, W. Fond Du Lac Ave., N. 12th St., W. Winnebago St., W. Juneau Ave., Milwaukee River, N. Holton St., E. Keefe Ave., east to the Milwaukee River, and exempted from alternate side parking by sub. 3-b-1.

b. No vehicle of any kind or description shall be parked on any highway between:

b-1. The hours of 2 a.m. and 6 a.m., except as otherwise restricted or permitted in this section.

b-2. The hours of 11 p.m. and 6 a.m. the following day in designated parking areas described in subd. a-2 when the department of public works announces snow-plowing operations or other public works operations are underway, except as otherwise restricted or permitted in this section.

2. SPECIAL PERMIT. a. A vehicle may be parked between the hours of 2 a.m. and 6 a.m., or between the hours of 11 p.m. and 6 a.m. the following day in designated parking areas described in sub. 1-a-2 when the department of public works announces snow-plowing operations or other public works operations are underway, provided a special privilege permit for the vehicle is first obtained online or from any facility the city may designate for the sale of such permit, after filing an application and paying a permit fee, all as required under this section, and shall be parked as authorized by such permit, as provided in sub. 5.

b. The owner of any motor truck with valid license plates issued by the Wisconsin department of transportation, division of motor vehicles, but not used for commercial purposes, and which is not larger than 21 feet in length, 7 feet in width, and 7 feet in height and which has no more than 2 single-tired wheels on the front axle and no more than 2 single-tired or double-tired wheels on the rear axle, shall be eligible to purchase a special privilege permit for said vehicle as provided in this section.

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c. Any vehicle for which a person is applying for a special privilege permit may be inspected for purposes of determining eligibility for the permit as provided in this section.

d. Vehicles displaying special privilege permits must also display while parked valid motor vehicle license plates.

### 3. ALTERNATE SIDE PARKING.

a. On odd and even numbered days. Except as provided in par. b, any vehicle parked pursuant to this section shall be parked only on the even numbered side of the street on those nights bearing an even calendar date during the portion thereof before midnight, and on the odd numbered side of the street on those nights bearing an odd calendar date during the portion thereof before midnight, except that where parking is normally permitted only on one side of the street, vehicles parked pursuant to the aforesaid provisions may be parked on that side of the street only, on every night of the week.

b. Exceptions to side parking.

b-1. Except when parking is prohibited on one side, vehicles may be parked on both sides of designated streets from March 1 to November 30. These streets shall be designated when an overnight survey conducted by the commissioner of public works indicates that the demand for curb space for parked vehicles meets certain criteria determined by the commissioner to warrant 2-side parking, the commissioner of public works recommends the area to the common council and the common council approves the recommendation of the commissioner.

b-2. Designated streets are to be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

b-3. Except when parking is prohibited on one side, vehicles may be parked on both sides of streets in designated parking areas described in sub. 1-a-2 on any night, except when the department of public works announces snow plowing operations or other public works operations are underway.

4. CERTAIN VEHICLES NOT ELIGIBLE. Motor trucks, except as provided elsewhere in the code, luxury limousines, as defined in s.100-3-11, motor buses, motor delivery wagons, trailers, semitrailers, camping trailers, motor homes, mobile homes and tractors shall not be eligible for such special privilege parking permits.

### 5. APPLICATION AND PERMIT.

a. Application Listing. The application listing shall contain the name and city of

Milwaukee address of the permit applicant, the license number and state of issuance of valid motor vehicle license plates, the expiration date of the permit applied for and any other reasonable and pertinent information the department may from time to time require. A statement shall be included in the application that the vehicle for which application is made does not violate subs. 2-b and d, and 4.

b. Permits. The permits shall be numbered and contain the expiration date.

c. Display. While the motor vehicle is in a parked position between the hours of 2 a.m. to 6 a.m., the permit shall be displayed in the manner designated by the police department.

6. PARKING FUND. All revenues derived by the city from said permit fees shall be entered into account in accordance with the code.

7. EXCEPTIONS. When Night Parking Permitted. Except as provided in ss. 101-26 and 101-31, this section shall not be effective and in force for the following:

a. Holidays. On the morning of the 1st day of each week, Sunday; and on the morning of, and the morning following, the 1st day of January, New Year's Day; 3rd Monday in January, Dr. Martin Luther King, Jr. Day; last Monday in May, Memorial Day; July 4, Independence Day; 1st Monday in September, Labor Day; 4th Thursday in November, Thanksgiving Day; December 25, Christmas Day, in any year.

b. Shift Worker's Parking Permit. Provided further, that in the case of night workers who are not provided with off-street parking facilities by their employers, such condition shall constitute an emergency, and the chief of police shall, subject to the approval of the common council, designate suitable locations where, notwithstanding the provisions of this section, such night workers shall be permitted to park their automobiles during the period of their employment, and on permit of the chief of police which permit shall be displayed in the lower left hand corner of the windshield pursuant to sub. 5-c. The chief of police, under this authority, may also issue the shift workers permit to car-pooling workers who must park on-street as a necessary part of their car-pooling arrangement.

c. Emergencies. This section shall not apply to licensed physicians and surgeons or ordained clergy in emergency situations.

d. Night Business Establishment Areas. Parking shall be permitted during prohibited hours (2 a.m. to 6 a.m.) for a period of time not to exceed one hour in the same block of

a business establishment licensed by the city and open for business during such otherwise prohibited hours. For penalty, see s. 101-34-2-b.

e. Temporary Permission. The chief of police may temporarily suspend the enforcement of night parking restrictions specified herein when exceptional conditions are determined to exist. The chief of police shall record all such occasions, and report the dates and circumstances to the commissioner of public works.

f. Notification. The commissioner of public works may, when necessary, grant an individual overnight parking permission if the department of public works is notified prior to 1:00 a.m.

g. Disabled Drivers. Vehicles bearing current registration plates for disabled drivers issued under s. 341.14(1), (1a), (1m), or (1q), Wis. Stats., or a motor vehicle under which a current special identification card issued under s. 343.51, Wis. Stats., is displayed, excepting motor buses and motor trucks, shall be exempt from purchasing overnight parking permits, but shall be required to park in accordance with all other provisions contained herein.

h. If an online permit application is made 7 days or less before the start of a new 4-month period, the vehicle for which the permit is issued shall be permitted to park for up to 7 days without displaying the permit.

8. WINTER REGULATIONS. After 8 p.m. as of December 1 to March 1 inclusive, unless otherwise extended by emergency order of the commissioner of public works, of the year following, no special permits shall be issued for parking upon any through highways referred to in s. 101-16-2, nor upon those portions of any street upon which there is operated a motor bus route, except upon any snow route tow-away zone as referred to in s. 101-24-1, and except as provided in sub. 9.

9. EXCEPTIONS; LOCATIONS WHERE NIGHT PARKING IS PERMITTED. The provisions of sub. 8 relating to winter regulations shall not apply to certain locations referred to below and listed in official files.

Specific locations where exceptions to winter night parking apply shall be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

11. PERMIT RECIPROCITY. a. St. Francis. Where S. Brust Avenue, Clement Avenue, Hanson Avenue, Kansas Avenue, and Nevada Street; and E. Norwich Street lie on the boundary between the city of Milwaukee and the

city of St. Francis, all night parking permits issued by the city of St. Francis shall become valid in the city of Milwaukee to the same extent as if such permit had been issued by the city of Milwaukee provided, however, that the provisions of this paragraph shall be effective only during such time as the city of St. Francis authorizes, by ordinance, a reciprocal privilege on such streets for all night parking permits issued by the city of Milwaukee.

b. West Milwaukee. Where S. 38th Street and W. Greenfield Avenue lie on the boundary between the city of Milwaukee and the village of West Milwaukee, all night parking permits issued by the village of West Milwaukee shall become valid in the city of Milwaukee to the same extent as if such permit had been issued by the city of Milwaukee provided, however, that the provisions of this subsection shall be effective only during such time as the village of West Milwaukee authorizes, by ordinance, a reciprocal privilege on such streets for all night parking permits issued by the city of Milwaukee.

**101-27.5. Residential Daytime Parking Privilege for Nonconforming Residential Uses.**

1. Any person who qualifies under sub. 2 may apply to the police department for a special privilege parking permit authorizing the applicant to park one vehicle in excess of any posted time limits on the street in the block where the applicant lives during those hours when all-night parking regulations are not in effect. If an applicant lives in a block where parking limits are regulated by meters, the applicant will be assigned to the nearest block available without metered parking as determined by the department of public works.

2. In order to qualify for a special privilege parking permit, the applicant's residence must have been erected prior to October 27, 1970, and one of the following provisions must apply:

a. The applicant's residence is located in a dwelling that does not provide the minimum number of parking spaces required by table 295-403-2-a.

b. The physical dimensions of the parking space provided for the applicant's dwelling unit are inadequate to accommodate the applicant's vehicle.

c. The applicant's vehicle is needed to transport a person with a mental or physical disability.

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3. The application form provided by the police department shall contain:

a. The name and address of the owner or operator of each vehicle for which a permit is requested.

b. The license number, make and year of each vehicle.

c. The location where the applicant requests to park the vehicle.

d. A sworn statement that the applicant resides at the address given and that the residence qualifies under sub. 2-a, b or c. If the applicant is applying under sub. 2-b, the sworn statement shall include physical dimensions of the parking space and the applicant's vehicle, including photographs of each. If the applicant is applying under sub. 2-c, the sworn statement shall include an attached statement from a physician for the disabled person that the applicant's vehicle is needed to transport that person.

4. a. If the applicant owns or operates 2 vehicles, both may be registered on one permit; however, except as provided in par. b, only one vehicle may use the permit at a time.

b. Any person eligible for a special privilege parking permit under this section may park 2 vehicles on the street at the same time if more than 80% of the dwelling units on his or her block are provided with off-street parking or if less than 20% of the dwelling units on his or her block have received special privilege parking permits under this section. Eligible persons shall submit a separate form approved and provided by the police department and shall receive, if approved, one additional permit at no additional cost.

5. Under no circumstances shall the residents of a single dwelling unit be eligible to park more than 2 vehicles on the street at the same time.

6. In those cases where the police department is unable to determine if an applicant meets all the requirements of either sub. 2-b or 4-b, the application shall be referred to the department of neighborhood services for verification. Such verification shall be completed within 5 business days and a report made to the police department.

7. Upon verification that the applicant meets all requirements under this section and payment of the applicable fee under ch. 81, the police department shall issue a permit as soon as practicable for either 3 months or one year from the date of issuance. The permit shall display the number, date of issue, and expiration date of the permit, the license number, make and year of

each vehicle, and the block in which the permit allows parking. The permit shall be placed in the lower left hand corner of the windshield or in such other conspicuous place as the department of public works may designate, while the motor vehicle is in a parked position.

8. Permits issued under this section shall not be construed as a guarantee of a parking space, shall not be transferable to other persons, vehicles or dwelling units, or be applicable to any other parking restriction exemptions.

9. Falsification of any of the information required under this section shall be grounds for the immediate revocation of the parking permit by the police department.

10. All monies received from permit fees issued under this section shall be placed in a fund for off-street parking purposes only.

### 101-27.7. Residential Daytime Parking Privilege for Commuter Parking Impacted Areas.

1. ESTABLISHED. There is declared the necessity to establish a permit system whereby vehicles bearing a valid special parking permit issued pursuant to this section may, park in excess of the posted time limits on specifically designated streets within certain areas during those hours when all-night parking regulations are not in effect.

2. DEFINITIONS. a. "Residential area" shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property, such as schools, parks, churches, hospitals and nursing homes.

b. "Commuter vehicle" shall mean a motor vehicle parked in a residential area by a person not resident thereof.

c. "Commissioner" shall mean the commissioner of public works.

3. IMPACTED AREAS. A residential area shall be deemed eligible for residential permit parking if, based on objective criteria considered by the commissioner, parking therein is impacted by commuter vehicles during those hours when all-night parking regulations are not in effect.

4. ELIGIBILITY. a. The commissioner or a common council member may request a public hearing to determine if an area identified as eligible for residential permit parking shall be designated as commuter impacted if the following criteria are met: