

ORDINANCE NUMBER 489

AN ORDINANCE REGULATING AND LICENSING BUSINESSES, PROFESSIONS, PURSUITS AND OCCUPATIONS IN THE CITY OF MILWAUKIE, AND FOR FIXING THE PENALTY FOR THE VIOLATION OF THE SAME.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The term "Person" as used in this ordinance shall be deemed to mean and include any person, firm, co-partnership, association or corporation.

Section 2. That no person shall engage in, prosecute or carry on any business, profession, pursuit or occupation within the limits of the City of Milwaukee unless or until he shall have first obtained a license therefor and shall have paid to the City of Milwaukee the license fee as hereinafter prescribed.

Section 3. Section 3 is amended by Ordinance 535

Section 4. No person, whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall be required to obtain the license required by Section 2 hereof. Nor shall any license be required of any non-resident person, engaged exclusively in a wholesale business.

Section 5. The agent or agents of a non-resident proprietors engaged in any business on which a license is levied by this ordinance, shall be liable for the license fee levied herein and the penalties for the failure to pay the same, to the same extent as if such were themselves proprietors. Any person representing himself or itself or exhibiting any sign or advertisement that he or she is engaged in any business in the City of Milwaukee on which a license is levied by this ordinance shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee.

Section 6. OBJECT OF REGULATION AND LICENSE.

In order that business, manufacturing, pursuits, professions and trade be carried on and conducted in the City of Milwaukee in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the City of Milwaukee provide police and fire protection, street and sidewalk maintenance, street lighting and other services. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in such regulation and defraying the cost of such police and fire protection and cost of other necessary municipal services.

Section 7. MORE THAN ONE OCCUPATION

If a person, firm, association or corporation be engaged in carrying on in the City of Milwaukee, more than one trade, profession, occupation, pursuit or business, then such person firm or corporation shall pay the license herein levied for as many of said trades, professions, occupations, pursuits and businesses as are carried on.

Section 8 UNLAWFUL TO ENGAGE IN BUSINESS WITHOUT PAYING LICENSE.

It shall be unlawful for any person to carry on any business, trade, profession, pursuit or occupation or to transact any business as in this ordinance specified without first paying to the City of Milwaukee the license imposed by this ordinance.

Section 9 Section 9 is amended by Ordinance 535

Section 10. EXAMINATION OF BUSINESS PREMISES

The Chief of Police, Chief of Fire Department and health officers, and their agents and subordinates are hereby directed and empowered to investigate and examine all places of business licensed or subject to license under the terms of this ordinance at any and all reasonable times, for the purpose of determining whether such place of business is safe, sanitary and suitable for the business so licensed or for which application for license is made. In event it is determined by such officers or their agents that any such place of business is dangerous to public health, safety or likely to become a menace, a report of such determination and the reasons therefor shall be made in writing to the City Council, which shall then take such action as it may deem necessary and advisable

Section 11. TRANSFER OR ASSIGNMENT OF LICENSE.

No transfer or assignment of any license issued hereunder, shall be valid or permitted, except that whenever any person shall sell or transfer in whole a business for which such license has been paid, then the vendee thereof shall not be required to pay any additional license thereon for the balance of the calendar year.

Section 12. EXPIRATION OF LICENSE.

All licenses levied hereunder shall be for each calendar year ending December 31.

Section 13. INCREASE OR DECREASE OF LICENSE FEES.

Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the City as to the amount or character of license hereunder, and such license may be increased or decreased in any and all instances at any time by the said City, and any business, trade, profession, pursuit or occupation may be reclassified or sub-classified at any time, and all license fees herein levied shall be due and payable in advance.

Section 14. LICENSES HEREBY LEVIED ADDITIONAL TO GENERAL TAXES.

The licenses levied and fixed by this ordinance shall be in addition to the general ad-valorem taxes now or hereafter levied pursuant to law.

Section 15. All ordinances of the City of Milwaukee in force on the effective date of this ordinance pertaining to and covering any business, pursuit or occupation and providing a license, shall remain in full force and effect, and in the event of any conflict or duplication of license fees, then such other ordinances shall have precedence over the provisions of this ordinance, to the end that there will be no duplication of license fees for the same business, occupation, profession or pursuit.

Section 16. PENALTY

Any person or persons, association of persons, firm or corporation or any agent or representative thereof or any of them who shall engage in or carry on within the corporate limits of the City of Milwaukee any of the businesses, trades, occupations, professions or pursuits referred to herein, without first having paid the license fee and obtained a license therefor as required by this ordinance, shall be deemed guilty of a violation of this ordinance, and shall, upon conviction thereof, be punished by a fine in a sum not to exceed \$200.00 or by imprisonment in the County jail for a period not to exceed 30 days or by both fine and imprisonment and, in default of payment of any fine assessed hereunder, shall be imprisoned in the County jail one day for each \$2.00 of such fine remaining unpaid. And each day's operation of such business shall be considered as a separate violation of this ordinance.

Section 17. If any part of this ordinance is declared unconstitutional by any court, such judgement shall not impair any of the other provisions hereof.

Passed by the City Council this 25th day of November 1946

Approved by the Mayor this 25th day of November 1946

(Signed) Fred Sperr
Mayor

ATTEST:

(Signed) Ellen Martin
Recorder.