



## Legislation Details (With Text)

**File #:** 111324 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 2/7/2012 **In control:** LICENSES COMMITTEE

**On agenda:** **Final action:** 2/28/2012

**Effective date:**

**Title:** A substitute ordinance relating to the procedure to request permission to surrender a license or to request the return of a surrendered license.

**Sponsors:** THE CHAIR

**Indexes:** ALCOHOL - REGULATION AND LICENSING, LICENSES

**Attachments:** 1. Hearing Notice List, 2. Notice Published on 3-15-12

Date	Ver.	Action By	Action	Result	Tally
2/7/2012	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/13/2012	0	LICENSES COMMITTEE	SUBSTITUTED		5:0
2/13/2012	0	LICENSES COMMITTEE	SUBSTITUTED	Pass	5:0
2/13/2012	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/28/2012	1	COMMON COUNCIL	PASSED	Pass	15:0
3/2/2012	1	MAYOR	SIGNED		
3/15/2012	1	CITY CLERK	PUBLISHED		

### 111324 SUBSTITUTE 1

#### THE CHAIR

A substitute ordinance relating to the procedure to request permission to surrender a license or to request the return of a surrendered license.

85-13-8 rp

85-17 cr

90-11-3 rc

90-12-7 rc

90-37-11 rc

This ordinance amends a current procedure for a licensee, who has surrendered his or her license, to have the surrendered license returned by establishing that the request for the return of the surrendered license shall be made at least 45 days prior to the expiration date of the license. This ordinance also replaces several code provisions relating to the surrender of specific types of licenses and permits with cross-references to a new general surrender provision. The new provision created by this ordinance applies to the licenses and permits for which specific surrender provisions are being replaced with cross references, as well as to all other city-issued licenses and permits for which specific surrender provisions are not otherwise provided in the code.

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

Part 1. Section 85-13-8 of the code is repealed.

Part 2. Section 85-17 of the code is created to read:

**85-17. Request to Surrender a License.** 1. If a licensee wishes to surrender his or her license or withdraw a renewal application after receiving a notice for a hearing on nonrenewal, revocation or suspension, the licensee shall request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

2. If a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee shall request, in writing at least 45 days prior to the expiration date of the license, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk.

3. The committee may approve the request and return the license without further action by the common council, provided that the period for which the license was originally granted has not expired, or make a recommendation to the common council to deny the request based on the same grounds set forth for nonrenewal or revocation of the license. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth for nonrenewal or revocation.

Part 3. Section 90-11-3 of the code is repealed and recreated to read:

**90-11. Renewal of License.**

**3. REQUEST TO SURRENDER A LICENSE.** See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

Part 4. Section 90-12-7 of the code is repealed and recreated to read:

**7. REQUEST TO SURRENDER A LICENSE.** See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

Part 5. Section 90-37-12 of the code is repealed and recreated to read:

**90-37. Center for Visual and Performing Arts.**

**12. REQUEST TO SURRENDER A LICENSE.** See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

APPROVED AS TO FORM

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Legislative Reference Bureau  
Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

City Clerk - License Division

LRB134642-2

Jeff Osterman

Richard Pfaff

02/08/12