

..Number

090080

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. BOHL

..Title

A substitute ordinance relating to disqualification for committee consideration of a new application for certain alcohol beverage licenses upon withdrawal of an initial application.

..Sections

90-5-9 am

..Analysis

Currently, an applicant for a new alcohol beverage license may withdraw the application at any time prior to action on the application by the common council, and may subsequently reapply at any time. This ordinance provides that withdrawal of certain new alcohol beverage license applications after commencement of a licensing committee hearing on the application shall disqualify the applicants for approval by the licensing committee for the same licenses, and where applicable, at the same premises, for a period of 9 months. The affected license applications include licenses for:

Class "A" retailer's intoxicating liquor license,

Class "B" retailer's intoxicating liquor license,

Class "B" retailer's service bar license,

Class "B" manager's license,

Class "A" fermented malt beverage license,

Class "B" fermented malt beverage retailer license,

Class "C" wine retailer license,

Class "D" operator's license,

tavern amusement, dancing and music license, and

center for the visual and performing arts license.

This ordinance does not affect applications withdrawn prior to the commencement of the hearing on the application by the licensing committee.

..Body

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

Part 1. Section 90-5-9 of the code is amended to read:

### **90-5. Licensing.**

**9. DISQUALIFICATION.** >>a.<< Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

>>b. Whenever a new application for a Class "A" retailer's intoxicating liquor license, a Class "B" retailer's intoxicating liquor license, a Class "B" retailer's service bar license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer license, a Class "B" fermented malt beverage retailer license, a Class "C" wine retailer license, a Class "D" operator's license, a tavern amusement, dancing and music license, or a center for the visual and performing arts license, is withdrawn after commencement of the hearing of the licensing committee, the application shall be considered denied upon withdrawal for purposes of the disqualification provided in s. 85-13-3 except that the period of disqualification shall be 9 months from the date of withdrawal.<<

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

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

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

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

..Requestor

..Drafter

LRB09188-2

RLW

5/13/2009