

..Number

110991

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

THE CHAIR

..Title

A substitute ordinance relating to fingerprinting and investigation of applicants for licenses and other parties having an interest in a license.

..Section

84-2 cr

84-7-5-d am

84-33-7 rc

84-33-8 rc

84-58-2 rc

84-58-4 rc

84-66-2-c rp

90-4-11-b am

90-5-6 rc

90-7-2 am

90-7-3 am

92-3-4.3 rc

92-3-5-0 rc

93-7-3 rc

93-7-5 rc

95-14-3-e rc

95-14-6 rc

100-50-7 rc

100-50-8 rc

100-54-6 rc

100-54-7 rc

105-75-3-d rc

105-75-6 rc

108-5-3-c rc

108-5-3-d rc

..Analysis

This ordinance clarifies the fingerprinting and investigation requirements for license and permit applications subject to review by a licensing committee of the common council.

The ordinance also provides consistent treatment for applications currently subject to fingerprinting and investigation requirements, including applications and renewal applications for extended hours establishments, professional photographers, amusement machines operators and managers, alcohol beverage licensees, junk collectors and dealers, secondhand motor vehicle and auto wrecker establishments,

home improvement contractors and salespersons, public passenger vehicle permittees, public passenger vehicle drivers, private alarm system businesses and public entertainment clubs.

..Body

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

Part 1. Section 84-2 of the code is created to read:

84-2. Fingerprinting and Investigation. 1. FINGERPRINTING. a. Required. Each applicant for a license or permit subject to review by a licensing committee of the common council shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted.

b. Corporate Stockholders. b-1. Each corporate applicant shall file with its application for a license a statement by its officers showing names and addresses of all persons who individually hold 10% or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person.

b-2. The corporation agent shall file with the city clerk a statement of the transfer of any stock or proxies, if the effect of the transfer would constitute a change in the stockholders' list then on file. Notice to the city clerk shall be given not later than 10 calendar days after any transfer. If this transfer results in any person holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, that person shall be fingerprinted as provided in par. a.

b-3. All of the information shall be forwarded to the chief of police who shall cause an investigation to be made and who shall report the findings to the city clerk as provided in sub 2.

b-4. This paragraph shall not apply to hotels, duly organized fraternal organizations, concessionaires in public auditoriums, municipal festival organizations and to the Wisconsin center district established in ch. 229, Wis. Stats.

c. Change of Officers. c-1. Whenever a corporation, limited liability company or limited partnership licensed to sell intoxicating liquor or fermented malt beverages changes any of its corporate officers, company principals or directors, the agent identified in the license application shall file with the city clerk a statement of the change on the form provided.

c-2. Notice to the city clerk shall be given not later than 10 calendar days after any change is made.

c-3. The information provided shall be forwarded to the chief of police who shall cause an investigation to be made and who shall report the findings to the city clerk as provided in sub. 2.

c-4. This paragraph shall not apply to hotels concessionaires in public auditoriums, municipal festival organizations, the Wisconsin center district established pursuant to

ch. 229, Wis. Stats., or duly organized fraternal organizations nor when a change in the corporate setup is necessitated by the death of officers or directors.

2. INVESTIGATION. a. By Chief of Police. All applications shall be referred to the chief of police who shall cause an investigation to be made and shall report the findings of the investigation to the licensing committee. The report shall include the results of a background check of each individual who is required to be fingerprinted as provided in sub. 1. The report shall include any additional information required by the provisions of this code.

b. By the Commissioners of Neighborhood Services and Health. When the proposed licensed activities, or the premises proposed for licensed activities, are subject to regulation by the commissioner of neighborhood services or the commissioner of health, the city clerk shall refer the application to either or both commissioners as appropriate. Upon referral, an investigation shall be made by the respective commissioner and findings shall be reported to the licensing committee. Reports of investigations shall include any information specifically required by any other provision of this code for the type of license or permit for which application is made. The commissioner of neighborhood services shall further include information relating to any premises proposed for licensed activities that is located in a residential district.

Part 2. Section 84-7-5-d of the code is amended to read:

84-7. Extended Hours Establishments.

5. APPLICATION.

d. All applicants shall be fingerprinted ~~>>as provided in s. 84-2<<. [[If the applicant is a corporation, the agent shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for purposes of verification.]]~~

Part 3. Section 84-33-7 and 8 of the code is repealed and recreated to read:

84-33. Professional Photographer.

7. FINGERPRINTING. a. All applicants for a professional photographer's license shall be fingerprinted as provided in s. 84-2-1. If the applicant is a corporation or limited liability company, the agent and each officer or member, as well as each stockholder owning 20% or more of the stock of the corporation, shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted.

8. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 4. Section 84-58-2 and 4 of the code is repealed and recreated to read:

84-58. Application Procedures.

2. FINGERPRINTING. a. All applicants shall be fingerprinted as provided in s. 84-2-1. The manager of a videogame center shall be fingerprinted in the same manner as a license applicant.

4. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 5. Section 84-66-2-c of the code is repealed.

Part 6. Section 90-4-11-b of the code is amended to read:

90-4. Classification of Licenses.

11. CLASS "D" PROVISIONAL OPERATOR'S LICENSE.

b. Application. Application for a license shall be made to the city clerk pursuant to s. 90-5-1. An applicant for a provisional Class "D" operator's license may only apply for the provisional license upon application for the Class "D" operator's license. All matters submitted in writing to the city clerk shall be true and subject to s. 90-5-2. Applicants shall be fingerprinted pursuant to s. 90-5-6. In addition, all applications shall be referred ~~[[to the chief of police for investigation who shall report findings to the city clerk]]~~>>for investigation as provided in s. 84-2-2<<.

Part 7. Section 90-5-6 of the code is repealed and recreated to read:

90-5. Licensing.

6. FINGERPRINTING. All applicants for a Class "A" or a Class "B" retailer's intoxicating liquor license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer's license, a Class "C" wine retailer license, a Class "D" operator's license or a Class "D" provisional operator's license shall be fingerprinted as provided in s. 84-2-1.

Part 8. Section 90-7-2 and 3 of the code is amended to read:

90-7. Restrictions on Corporations.

2. CORPORATE STOCK. Each corporate applicant shall file with its application for a license a statement by its officers showing names and addresses of all persons who individually hold 10% or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person. It shall be the duty of the corporation agent to file with the city clerk a statement of the transfer of any stock or proxies, ~~[[where]]~~>>if<< the effect of the transfer would constitute a change in the stockholders list then on file. Notice to the city clerk shall be given not later than 10 calendar days after any transfer. If this transfer results in any person holding 20% or more of the corporation's total or voting stock, or proxies for that

amount of stock, and that person has not been fingerprinted pursuant to another provision of this chapter, that person shall be fingerprinted>> as provided in s. 84-2-1<<. All of the information provided pursuant to this subsection shall be forwarded to the chief of police who shall cause an investigation to be made and who shall report his or her findings to the city clerk. The provisions of this subsection do not apply to hotels, duly organized fraternal organizations, concessionaires in public auditoriums, municipal festival organizations and to the Wisconsin center district established pursuant to ch. 229, Wis. Stats.

3. CHANGE OF OFFICERS. Whenever a corporation or licensed limited partnership licensed to sell intoxicating liquor or fermented malt beverages changes any of its corporate officers, directors or members, it shall be the duty of the corporation agent to file with the city clerk a statement of the change on a form provided therefor. >>A statement of change shall also be filed whenever an officer, director or member is removed by operation of law, resignation or death.<< Notice to the city clerk shall be given not later than 10 calendar days after any change is made. ~~[[Any new officers, directors or members shall be fingerprinted unless their fingerprints are already on file pursuant to another provision of this chapter.]]~~ The information provided shall be forwarded to the chief of police who shall cause an investigation to be made and who shall report his or her findings to the city clerk>> as provided in s. 84-2-2.<< This subsection shall not apply to hotels concessionaires in public auditoriums, municipal festival organizations, the Wisconsin center district established pursuant to ch. 229, Wis. Stats., or duly organized fraternal organizations nor when a change in the corporate setup is necessitated by the death of officers or directors.

Part 9. Section 92-3-4.3 and 5-0 is repealed and recreated to read:

92-3. Junk Collectors and Dealers.

4.3 FINGERPRINTING. All applicants for licenses issued under this section shall be fingerprinted as provided in s. 84-2-1.

5. INVESTIGATION; HEARING. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 10. Section 93-7-3 and 5 is repealed and recreated to read.

93-7. Application.

3. FINGERPRINTING. All applicants shall be fingerprinted as provided in s. 84-2-1.

5. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 11. Section 95-14-3-e and 6 of the code is repealed and recreated to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

3. APPLICATION.

e. Fingerprinting. All applicants shall be fingerprinted as provided in s. 84-2-1.

6. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 12. Section 100-50-7 and 8 of the code is repealed and recreated to read:

100-50. Public Passenger Vehicle Permits.

7. FINGERPRINTING. All applicants for a public passenger vehicle permit shall be fingerprinted as provided in s. 84-2-1.

8. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 13. Section 100-54-6 and 7 of the code is repealed and recreated to read:

100-54. Public Passenger Vehicle Driver's License.

6. FINGERPRINTING. All applicants shall be fingerprinted as provided in s. 84-2-1.

7. INVESTIGATION. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 14. Section 105-75-3-d and 6 of the code is repealed and recreated to read:

105-75. Private Alarm Systems and Regulations.

3. LICENSE REQUIRED.

d. All applicants shall be fingerprinted as provided in s. 84-2-1.

6. ISSUANCE. a. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

Part 15. Section 108-5-3-c and d of the code is repealed and recreated to read:

108-5. License Required.

3. APPLICATION.

c. Fingerprinting. All applicants shall be fingerprinted as provided in s. 84-2-1.

d. Investigation. Applications shall be referred for investigation and reporting as provided in s. 84-2-2.

..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

License Division

..Drafter

LRB127923-2.1

Richard L. Withers

1/17/2012