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April 4, 2002

Alderman Donald Richards  
City Hall, Room 205

Re: Opinion regarding a proposal to disqualify and applicant for a new public dance hall license if the application is denied for a reason relating to fitness of the location for the premises to be licensed for a period of three years.

Dear Alderman Richards:

The above-referenced proposal would amend the current Chapter 108-3 of the Milwaukee Code of Ordinances to prohibit an applicant for a new public dance hall license who has had his or her application denied for a reason relating to fitness of location to have a new application for such a public dance hall license at the same location considered for a period of three years from the date of the original denial.

We observe that a parallel provision exists in Chapter 90 of the Milwaukee Code of Ordinances regarding Class "B" taverns.

We have two concerns with the proposal as drafted.

The first of those is that nothing in the current Chapter 90 or Chapter 108 provides notice to the building owner that the Milwaukee Common Council is contemplating such action. We believe that the building owner is entitled to notice of such action and to participate and give evidence in a proceeding where such a result may occur.

The second issue is that there are no standards set forth in either Chapter 90 or Chapter 108 regarding the factors that the Milwaukee Common Council will use in considering such an action.

We believe that in both cases notice to the building owner is required that such an action is being contemplated and an opportunity for the building owner to participate in the

Alderman Donald Richards

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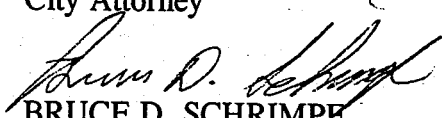
April 4, 2002

hearing. Further we believe that in the exercise of its discretion regarding such matters there must be standards to guide the council's action.

Sincerely,



GRANT F. VANGLEY  
City Attorney



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BDS:wt:52101

cc: Alderman Jeffrey Pawlinski  
Barry Zalben, Legislative Reference Bureau  
Linda Elmer, Clerk to Utilities and Licenses Committee

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