



Legislation Details (With Text)

File #: 121137 **Version:** 2
Type: Ordinance **Status:** Passed
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On agenda: **Final action:** 2/27/2013
Effective date:

Title: A substitute ordinance relating to alcohol beverage license application investigations conducted by the commissioner of neighborhood services.

Sponsors:

Indexes: ALCOHOL - REGULATION AND LICENSING, DEPARTMENT OF NEIGHBORHOOD SERVICES

Attachments: 1. Hearing Notice List 12-3-12, 2. Hearing Notice List 2-12-13, 3. Hearing Notice List 2-27-13, 4. Motion by Ald Coggs, 5. Notice Published on 3-15-13

Date	Ver.	Action By	Action	Result	Tally
11/27/2012	0	COMMON COUNCIL	ASSIGNED TO		
11/29/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
11/29/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
11/29/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
12/3/2012	0	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
2/8/2013	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/8/2013	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/12/2013	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/12/2013	0	LICENSES COMMITTEE	SUBSTITUTED	Pass	5:0
2/21/2013	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/21/2013	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/27/2013	1	COMMON COUNCIL	PASSED	Pass	14:0
2/27/2013	1	LICENSES COMMITTEE	RECONSIDERED	Pass	5:0
2/27/2013	1	LICENSES COMMITTEE	SUBSTITUTED	Pass	5:0
2/27/2013	2	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/4/2013	1	MAYOR	SIGNED		
3/15/2013	1	CITY CLERK	PUBLISHED		

121137
SUBSTITUTE 2

ALD. COGGS

A substitute ordinance relating to alcohol beverage license application investigations conducted by the commissioner of neighborhood services.

90-5-7-a am
90-14-1 am

90-14-2-b am

90-14-2-c am

This ordinance provides that the commissioner of neighborhood services' report to the licensing committee of the common council shall include a statement as to whether the main entrance of the premises for which a Class "A" or Class "B" license for the sale of intoxicating liquor is sought is less than 300 feet from the main entrance of any church, school, day care center or hospital. It further provides that no Class "A" or Class "B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any day care center (similar prohibitions for Class "A" and Class "B" licenses within 300 feet of churches, schools and hospitals are already provided in the code).

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

Part 1. Section 90-5-7-a of the code is amended to read:

90-5. Licensing.

7. INVESTIGATION.

a. All applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the licensing committee of the common council. >>For an application for a Class "A" or Class "B" license for the sale of intoxicating liquor, the report of the commissioner of neighborhood services shall include a statement as to whether the main entrance of the premises is less than 300 feet from the main entrance of any church, school, day care center or hospital.<<

Part 2. Section 90-14-1 and 2-b and c of the code is amended to read:

90-14. Restrictions as to Location of Premises.

1. 300 FEET RESTRICTION. No Class "A" or Class "B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any church, school >>, day care center<< or hospital. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license.

2. EXCEPTIONS.

b. Premises covered by a Class "A" or Class "B" license prior to the occupation of real property within 300 feet thereof by school, >>day care center,<< hospital or church building.

c. A restaurant located within 300 feet of a church >>, day care center<< or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB144445-3
Jeff Osterman
02/14/2013