



Legislation Details (With Text)

File #: 020902 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 9/24/2002 **In control:** LICENSES COMMITTEE

On agenda: **Final action:** 2/11/2003

Effective date:

Title: A substitute ordinance relating to application procedures for various alcohol beverage and tavern-related licenses.

Sponsors: THE CHAIR

Indexes: ALCOHOL - REGULATION AND LICENSING, TAVERNS

Attachments: 1. Fiscal Note.pdf, 2. City Attorney's Opinion.PDF

Date	Ver.	Action By	Action	Result	Tally
9/24/2002	0	COMMON COUNCIL	ASSIGNED TO		
9/25/2002		LICENSES COMMITTEE	REFERRED TO		
10/4/2002	1	CITY CLERK	DRAFT SUBMITTED		
10/9/2002	2	CITY CLERK	DRAFT SUBMITTED		
10/17/2002	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
10/17/2002	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
10/22/2002	2	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/6/2002	2	COMMON COUNCIL	REFERRED TO		
11/6/2002	2	CITY ATTORNEY	DISAPPROVED	Pass	
1/24/2003	3	CITY CLERK	DRAFT SUBMITTED		
1/24/2003	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
1/24/2003	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
1/28/2003	3	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
2/11/2003	3	COMMON COUNCIL	PASSED	Pass	15:0
2/19/2003	3	MAYOR	SIGNED		
2/27/2003	3	CITY CLERK	PUBLISHED		

020902

SUBSTITUTE 3

THE CHAIR

A substitute ordinance relating to application procedures for various alcohol beverage and tavern-related licenses.

90-1-19 rn
90-1-19 cr
90-1-20 rn
90-1-21 rn
90-1-22 rn
90-1-23 rn
90-1-24 rn
90-1-25 rn
90-1-26 rn
90-1-27 rn
90-1-28 rn
90-1-29 rn
90-1-30 rn
90-4-7.8-d am
90-5-8-a-1 rc
90-11-3 rc
90-11-5-a rc

This ordinance makes the following changes to the city's tavern and liquor licensing procedures:

1. It defines the term "objection".
2. It reduces the amount of time that applications for Class "B" tavern extension of premises must be filed prior to the date of their being granted by the common council from the current 10 days to 3.
2. It specifies that, for new applications, only Class "A" and "B" retail, Class "B" manager's and Class "C" wholesale licenses need be referred to the utilities and licenses committee for its recommendation.
3. It creates a streamlined review procedure for those seeking renewals of Class "A" and "B" retail and Class "C" wholesale licenses under which all such applications are first referred to the chief of police, the commissioner of health and the commissioner of neighborhood services. If all 3 determine that the applicant continues to meet the licensing qualifications, the application shall be referred to the common council for approval without being first heard by the utilities and licenses committee, unless an objection to the license has been made to the city clerk. It also creates a similar process for the renewal of Class "B" manager's licenses and Class "D" operator's licenses, the only difference being that these applications are sent only to the chief of police for his or her review.

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

Part 1. Section 90-1-19 to 30 of the code is renumbered 20 to 31

Part 2. Section 90-1-19 of the code is created to read:

90-1. Definitions.

19. OBJECTION shall mean any information that could form the basis of a license denial, non-renewal, suspension or revocation. An objection may result from probative information provided by any resident.

Part 3. Section 90-4-7.8-d of the code is amended to read:

90-4. Classification of Licenses.

7.8. TEMPORARY EXTENSION OF CLASS "B" TAVERN LICENSED PREMISES FOR SPECIAL EVENTS.

d. Application. Application for the temporary extension of Class "B" tavern licensed premises shall

be made in writing to the city clerk on forms provided by the city clerk. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation, and shall be sworn to by the applicant. ~~[[Such]]~~ >>The<< application shall contain the name of the licensee, the address of the existing licensed premises (including the aldermanic district in which it is situated), the particular event or function for which the temporary extension of the licensed premises is sought, the date and period of time sought for the temporary extension of the licensed premises, a specific description of the area for which the temporary extension is sought, and such other reasonable and pertinent information as the common council or proper licensing committee of the common council may require. The application shall be filed at least ~~[[40]]~~ >>3<< days prior to the date of granting by the common council. The city clerk shall forward all applications to the utilities and licenses committee of the common council.

Part 4. Section 90-5-8-a-1 of the code is repealed and recreated to read:

90-5. Licensing.

8. COMMITTEE ACTION. a. Notice.

a-1. Applications for Class "D" operator's licenses shall be referred to chief of police for review. If the police chief files no written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the license shall be forwarded to the common council for approval. If the chief of police files a written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the application shall be forwarded to the proper licensing committee of the common council for its recommendation as to whether or not each license should be issued. Applications for all new Class "A" or Class "B" retail licenses, Class "B" manager's licenses and Class "C" wholesale licenses shall be referred to the appropriate licensing committee of the common council for its recommendation as to whether or not each license should be issued. If there is a possibility of denial of any license regulated by this subsection, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant so that the applicant has at least 3 days' notice of the hearing.

Part 5. Section 90-11-3 of the code is repealed and recreated to read:

90-11. Renewal of Licenses.

3. PROCEDURE FOR RENEWING CLASS "A" OR "B" RETAIL LICENSES AND CLASS "C" WHOLESALE LICENSES. Applications for the renewal of these licenses shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police, the commissioner of neighborhood services and the commissioner of health for their review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets the licensing qualifications, the application for license renewal shall be referred to the common council for approval unless an objection has been made to the city clerk. If the city clerk is aware of any objections or if a determination is made that the applicant may no longer meet the licensing qualifications, the application shall be forwarded to the proper licensing committee of the common council for its recommendation to the common council.

Part 6. Section 90-11-5-a of the code is repealed and recreated to read:

5. PROCEDURE FOR RENEWING CLASS "B" MANAGER'S LICENSE OR CLASS "D"

OPERATOR'S LICENSE. a. Applications for the renewal of these licenses shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police for review. If the chief of police indicates that the applicant still meets the licensing qualifications, the application for license renewal shall be referred to the common council for approval unless an objection has been made to the city clerk. If the city clerk is aware of any objections or if a determination is made that the applicant may no longer meet the licensing qualifications, the application shall be forwarded to

the proper licensing committee of the common council for its recommendation to the common council.

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:_____

City Clerk - License Division

LRB02478-3
jro
01/24/03