



Legislation Details (With Text)

**File #:** 971475      **Version:** 1

**Type:** Ordinance      **Status:** Placed On File

**File created:** 12/16/1997      **In control:** LICENSES COMMITTEE

**On agenda:**      **Final action:** 5/14/2002

**Effective date:**

**Title:** A substitute ordinance relating to sale of alcohol beverages to underage persons.

**Sponsors:** THE CHAIR

**Indexes:** ALCOHOL - REGULATION AND LICENSING

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
12/16/1997	0	COMMON COUNCIL	ASSIGNED TO		
12/18/1997	1	CITY CLERK	DRAFT SUBMITTED		
1/6/1998	0	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
1/7/1998	0	LICENSES COMMITTEE	REFERRED TO		
1/27/1998	1	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
3/10/1998	1	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
4/21/1998	1	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
5/13/2002	1	LICENSES COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
5/14/2002	1	COMMON COUNCIL	PLACED ON FILE	Pass	17:0

971475  
SUBSTITUTE 1

THE CHAIR  
A substitute ordinance relating to sale of alcohol beverages to underage persons.  
90-6-1-a am  
90-6-1-b am  
90-11-5-b am  
90-11-7-c-1-b am  
90-12-1-c am  
- Analysis -

This ordinance, in compliance with the recently enacted state 1997 Act 27, provides that no violation of an ordinance prohibiting sales of alcohol beverages to underage persons may be considered as a basis for denying, not renewing, suspending or revoking any alcohol beverage license unless the person has committed another violation (therefore, at least 2) within one year preceding the violation. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 90-6-1-a and b of the code is amended to read:

90-6. Qualifications for Licenses.

1. PROFESSIONAL CHARACTER. a. The common council, consistent with ss. 111.321, 111.322, [[and]] 111.335 >>and 125.12(1)(b) <<, Wis. Stats., may refuse to grant a license to any person who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity. If the applicant is a corporation, this requirement does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

b. In addition, any applicant for a Class "D" operator's license or a Class "B" manager's license shall not have been convicted of 2 or more offenses during the last 3 years relating to serving minors >>, subject to s. 125.12(1)(b), Wis. Stats.,<< or intoxicated persons.

Part 2. Section 90-11-5-b of the code is amended to read:

90-11. Renewal of License.

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

b. In addition, an applicant for a Class "D" operator's license or a Class "B" manager's license shall not have been convicted of 2 or more offenses during the last 3 years relating to serving underage or intoxicated persons, nor shall either license be granted or issued to any person who has been convicted of a felony unless he or she has been restored his or her civil rights, subject to ss. 111.321, 111.322 >>,<< [[and]] 111.335 >>and 125.12(1)(b)<<, Wis. Stats.

Part 3. Section 90-11-7-c-1-b of the code is amended to read:

7. PROCEDURE FOR NONRENEWAL.

c. Recommendation.

c-1-b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense,>>subject to s. 125.12(1)(b), Wis. Stats.,<< the circumstances of which substantially relate to the circumstances of the particular licensed activity, on behalf of the licensee, his or her employees, or patrons.

Part 4. Section 90-12-1-c of the code is amended to read:

90-12. Revocation or Suspension of Licenses.

1. Causes.

c. A showing that such license has violated any state law or city ordinance prohibiting the sale of [[intoxicating liquors or fermented malt]] >>alcohol<< beverages to underage persons, >>subject to s. 125.12(1)(b), Wis. Stats.,<< or to any person intoxicated or bordering on the state of intoxication.

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

LRB97642.3

BJZ/bsw

12/18/97