



Legislation Details (With Text)

File #: 090103 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 5/27/2009 **In control:** LICENSES COMMITTEE
On agenda: **Final action:** 6/16/2009

Effective date:

Title: A substitute ordinance relating to the circumstances in which warning letters are issued for alcohol beverage licenses.

Sponsors: THE CHAIR

Indexes: ALCOHOL - REGULATION AND LICENSING

Attachments: 1. Fiscal Note, 2. Notice Published on 7-2-09

Date	Ver.	Action By	Action	Result	Tally
5/27/2009	0	COMMON COUNCIL	ASSIGNED TO		
5/28/2009	1	CITY CLERK	DRAFT SUBMITTED		
6/3/2009	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/16/2009	1	COMMON COUNCIL	PASSED	Pass	12:0
6/25/2009	1	MAYOR	SIGNED		
7/2/2009	1	CITY CLERK	PUBLISHED		

090103
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to the circumstances in which warning letters are issued for alcohol beverage licenses.

- 90-5-8-a-3-0 am
- 90-5-8-a-4 rn
- 90-5-8-a-4 cr
- 90-5-8-a-5 rn
- 90-5-8-a-6 rn
- 90-5-8-a-7 rn
- 90-5-8-a-8 rn
- 90-5-8-a-9 rn
- 90-11-1-c-1-0 am
- 90-11-1-c-2 rn
- 90-11-1-c-2 cr

This ordinance establishes that if the chief of police files a written report summarizing the arrest and convictions of an applicant for a new or renewal Class "D" operator's license, alcohol beverage wholesale establishment license or Class "B" manager's license which could form a basis for denial or nonrenewal of the application, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing, refer the application to the common council for approval without the issuance of a warning letter, if an applicant eligible to be issued a warning letter has not within 10

years of the date of application been convicted of any misdemeanor or felony offense or municipal code violation.

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

Part 1. Section 90-5-8-a-3-0 of the code is amended to read:

90-5. Licensing.

8. COMMITTEE ACTION.

a. Notice.

a-3. If the chief of police files a written report summarizing the arrest and convictions of an applicant for a new operator's license, alcohol beverage wholesale establishment license or manager's license which could form the basis for denial of the application, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under subds. 1 and 2, refer the application to the common council for approval and>> except as provided in subd. 4, <<issue a warning letter to the applicant whenever all of the following are true:

Part 2. Section 90-5-8-a-4 to 9 of the code is renumbered 90-5-8-a-5 to 10.

Part 3. Section 90-5-8-a-4 of the code is created to read:

a-4. If an applicant eligible to be issued a warning letter under subd. 3 has not within 10 years of the date of application been convicted of any misdemeanor or felony offense or municipal code violation, then the city clerk shall refer the application to the common council for approval and issue no warning letter.

Part 4. Section 90-11-1-c-1-0 of the code is amended to read:

90-11. Renewal of License.

1. PROCEDURE FOR RENEWAL.

c. Warning Letter.

c-1. If the chief of police files a written report summarizing the arrest and convictions of an applicant for renewal of an operator's license, alcohol beverage wholesale establishment license or manager's license which could form a basis for nonrenewal of the application, and if no written objection has been filed under par. b, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under par. b, refer the application to the common council for approval and>> except as provided in subd. 2, << issue a warning letter to the applicant whenever all of the following are true:

Part 5. Section 90-11-1-c-2 is renumbered 90-11-1-c-3.

Part 6. Section 90-11-1-c-2 of the code is created to read:

c-2. If an applicant eligible to be issued a warning letter under this paragraph has not within 10 years

of the date of application been convicted of any misdemeanor or felony offense or municipal code violation, then the city clerk shall refer the application to the common council for approval and issue no warning letter.

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

CCL090513-1

RGP

5/13/09

LRB09232-2

TWM:lp