



Legislation Details (With Text)

File #: 970117 **Version:** 1
Type: Ordinance **Status:** Dead
File created: 4/22/1997 **In control:** COMMON COUNCIL
On agenda: **Final action:** 10/14/1997

Effective date:

Title: A substitute ordinance relating to performance standards for establishments which sell food or beverages for off-premise consumption.

Sponsors: ALD. BUTLER, Fredrick Gordon, ALD. HENNINGSEN, ALD. JOHNSON-ODOM, ALD. D'AMATO, ALD. RICHARDS

Indexes: BUILDING CODE, FOOD DEALERS, NUISANCES, VETOES

Attachments:

Date	Ver.	Action By	Action	Result	Tally
4/22/1997	0	COMMON COUNCIL	REFERRED TO		
5/27/1997	1	CITY CLERK	DRAFT SUBMITTED		
5/28/1997	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/3/1997	1	CITY ATTORNEY	NOT RETURNED BY CITY ATTORNEY		
6/24/1997	1	CITY ATTORNEY	NOT RETURNED BY CITY ATTORNEY		
7/11/1997	1	CITY ATTORNEY	DISAPPROVED		
9/16/1997	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
9/23/1997	1	COMMON COUNCIL	PASSED	Pass	13:4
10/2/1997	1	MAYOR	VETOED		
10/14/1997	1	COMMON COUNCIL	VETO OVERRIDDEN	Fail	0:17

970117
SUBSTITUTE 1

ALD. BUTLER, GORDON, HENNINGSEN, JOHNSON-ODOM, D'AMATO AND RICHARDS
A substitute ordinance relating to performance standards for establishments which sell food or beverages for off-premise consumption.
200-60 cr
- Analysis -

This ordinance requires any establishment which sells food or beverages for off-premise consumption to comply with a list of performance standards. These standards relate primarily to preventing adverse impacts on persons who live or work in the surrounding neighborhood and, in particular, preventing nuisance-type activities such as littering, loitering, loud noise and harassment of passers-by. Violation of any of these performance standards shall be grounds for revocation of an establishment's certificate of occupancy, in addition to or in lieu of standard building code penalties.

Whereas, The Common Council finds that many businesses which sell food or beverages for off- premise consumption, including many convenience stores, gas stations with convenience stores, grocery stores, fast-food restaurants and alcohol beverage outlets, have adverse effects on nearby residences and surrounding neighborhoods because of nuisance- type activities which occur on, or in close proximity to, these businesses; and

Whereas, Examples of the nuisance-type activities associated with establishments which sell food or beverages for off-premises consumption include, but are not limited to, littering, loud noise (especially in late-night and early-morning hours), loitering, harassment of passers-by, vandalism, drug-dealing and parking or traffic violations; and

Whereas, By establishing performance standards for establishments which sell food or beverages for off- premise consumption and tying compliance with those standards with possession of valid certificates of occupancy, the city can effectively address the aforementioned problems associated with such businesses; now, therefore

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

Part 1. Section 200-60 of the code is created to read:

200-60. Occupancies Involving Sale of Food or Beverages for Off-Premise Consumption. 1. SCOPE. The regulations of this subchapter shall apply to all premises upon which food or beverages are sold for off-premise consumption, including, but not limited to:

a. Any establishment required by s. 68-4 to obtain a food dealer license, except a Type "A" restaurant as defined in s. 295-7-145-1 or any other establishment where taking food or beverages from the premises is purely incidental.

b. Any establishment which possesses one of the alcohol beverage license types described in s. 90-4- 1, 2 or 5.

2. PERFORMANCE STANDARDS. All establishments subject to this subchapter shall be operated in such manner as to not:

a. Endanger or have adverse effects on the health, peace, safety or welfare of persons residing or working in the surrounding area.

b. Result in repeated nuisance activities on the premises or in close proximity to the premises, including but not limited to any of the following:

b-1. Disturbance of the peace.

b-2. Illegal drug activity.

b-3. Public drunkenness.

b-4. Drinking in public.

b-5. Harassment of passers-by.

b-6. Gambling.

b-7. Prostitution.

b-8. Sale of stolen goods.

b-9. Public urination.

b-10. Theft.

b-11. Assaults.

b-12. Battery.

b-13. Acts of vandalism, including graffiti.

b-14. Excessive littering.

b-15. Loitering.

b-16. Illegal parking.

b-17. Loud noise, especially in late-night and early-morning hours.

b-18. Traffic violations.

b-19. Curfew violations.

b-20. Lewd conduct.

b-21. Police detentions and arrests.

c. Result in violations of any applicable city, state or federal regulation, ordinance or statute.

d. Be incompatible with or adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

3. VIOLATIONS. Upon receipt of a written request from the police department for revocation of a certificate of occupancy for any premises

which the police department finds to be in violation of any of the standards of sub. 2, the commissioner may revoke such certificate. Such revocation may occur in addition to, or in lieu of, any penalty provided in s. 200-19. Whenever such revocation occurs, the premises shall not be reoccupied until a new certificate of occupancy has been issued. The commissioner may withhold issuance of a new certificate for up to 90 days from the date of application or as otherwise provided by law.

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: _____

LRB97139.2

JDO

6/2/97 _____

Office of the City Attorney

Date: _____

LRB97139.2

JDO

6/2/97