



Legislation Details (With Text)

File #: 061475 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/22/2007 **In control:** LICENSES COMMITTEE
On agenda: **Final action:** 4/17/2007

Effective date:

Title: A substitute ordinance relating to exempting from appearances before the licensing committee applicants for new alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds.

Sponsors: ALD. PUENTE

Indexes: ALCOHOL - REGULATION AND LICENSING, FESTIVALS

Attachments: 1. Fiscal Note.pdf, 2. Notice Published on 5-3-07.PDF

Date	Ver.	Action By	Action	Result	Tally
3/22/2007	0	COMMON COUNCIL	ASSIGNED TO		
3/23/2007	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/27/2007	0	LICENSES COMMITTEE	SUBSTITUTED	Pass	4:0
3/27/2007	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
3/28/2007	1	CITY CLERK	DRAFT SUBMITTED		
4/17/2007	1	COMMON COUNCIL	PASSED	Pass	14:0
4/24/2007	1	MAYOR	SIGNED		
5/3/2007	1	CITY CLERK	PUBLISHED		

061475
Substitute 1

ALD. PUENTE

A substitute ordinance relating to exempting from appearances before the licensing committee applicants for new alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds.

90-5-8-a-2 rc

Currently, applicants for all new alcohol beverage retail establishment licenses are required to appear before the licensing committee of the common council whenever the committee makes its recommendations related to the granting or denial of the license applications. This ordinance exempts applicants for all new alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds from having to appear before the licensing committee, provided the applicants have been previously granted such licenses for premises upon the Henry W. Maier Festival Park grounds.

Whereas, Successive events of varying durations are held annually upon the Henry W. Maier Festival Park grounds by entities that are required to hold alcohol beverage retail establishment licenses in order to offer for sale alcohol beverages at the events; and

Whereas, Because different entities are not permitted to hold alcohol beverage retail establishment

licenses for the same premises during the same periods of time, alcohol beverage retail establishment licensees for premises upon the Henry W. Maier Festival Park grounds must first surrender their licenses at the end of their events in order to allow other entities holding succeeding events to be issued alcohol beverage retail establishment licenses for the same premises; and

Whereas, Because entities applying for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds do not currently hold such licenses for the premises, the applications of the entities are considered new applications rather than renewal applications, regardless of whether applicants are applying for licenses for premises for which they have been previously granted; and

Whereas, Applicants for all new alcohol beverage retail establishment licenses are required to appear before the licensing committee whenever the committee makes its recommendations related to the granting or denial of the license applications; and

Whereas, The appearance before the licensing committee of the same applicants who have been previously granted the same alcohol beverage retail establishment licenses for the same premises upon the Henry W. Maier Festival Park grounds is often onerous for the applicants and of little utility to the licensing committee; now, therefore

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

Part 1. Section 90-5-8-a-2 of the code is repealed and recreated to read:

90-5. Licensing.

8. COMMITTEE ACTION.

a. Notice.

a-2. Applications for all new Class "A" or Class "B" retail licenses, Class "B" manager's licenses and Class "C" wholesale licenses shall, except as provided in subd. 3, be referred to the appropriate licensing committee of the common council for its recommendation as to whether or not each license should be issued.

a-2-a. Except as provided in subd. 2-b, applicants for all new alcohol beverage retail establishment licenses are required to appear before the licensing committee at the date, time and place specified in written notice provided to the applicant by the city clerk's office. If the applicant is a corporation or limited liability corporation, a duly authorized agent or legal representative of the corporation is required to appear before the licensing committee. All applicants may be represented by a legal representative before the licensing committee.

a-2-b. Unless there is a possibility of denial of any license, applicants applying for new alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds are exempt from the requirements of subd. 2-a, provided the applicants have been previously granted alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds.

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:

CCL070302-1

RGP

3/02/07

LRB07115-2

TWM:mbh

3/23/2007