



Legislation Details (With Text)

File #: 001495 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/6/2001 **In control:** LICENSES COMMITTEE
On agenda: **Final action:** 3/20/2001

Effective date:

Title: A substitute ordinance relating to objection to an alcohol beverage license suspension, nonrenewal or revocation.

Sponsors: ALD. NARDELLI

Indexes: ALCOHOL - REGULATION AND LICENSING

Attachments:

Date	Ver.	Action By	Action	Result	Tally
2/6/2001	0	COMMON COUNCIL	ASSIGNED TO		
2/7/2001		LICENSES COMMITTEE	REFERRED TO		
2/20/2001	1	CITY CLERK	DRAFT SUBMITTED		
2/28/2001	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/1/2001	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/1/2001	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/1/2001	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/5/2001	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:1
3/20/2001	1	COMMON COUNCIL	PASSED	Pass	16:0
3/26/2001	1	MAYOR	SIGNED		
4/5/2001	1	CITY CLERK	PUBLISHED		

001495

SUBSTITUTE 1

ALD. NARDELLI

A substitute ordinance relating to objection to an alcohol beverage license suspension, nonrenewal or revocation.

90-11-7-d-2 am
90-12-5-0 am
90-12-5-d-1 am

This ordinance provides that, in cases where the holder of an alcohol beverage license wishes to appear before the common council to present oral arguments objecting to a recommendation of the

utilities and licenses committee regarding the nonrenewal, revocation or suspension of his or her license, the appearance must be, in the case of an individual applicant or licensee, in person; in the case of a corporate applicant or limited liability company, by the agent or, in the case of a partnership, by a partner. Any of the foregoing may have legal counsel address the council in their stead. Further, should a complainant involved in a renewal, revocation or suspension proceeding wish to address the council, the complainant must appear either in person or by counsel.

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

Part 1. Section 90-11-7-d-2 of the code is amended to read:

90-11. Renewal of License.

7. PROCEDURE FOR NON-RENEWAL.

d. Council Action.

d-2. At the meeting of the common council, the chairman, in his or her discretion, may allow oral argument by an applicant or complainant who has presented written objections to the recommendations of the utilities and licenses committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. >>Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.<<

Part 2. Section 90-12-5-0 of the code is amended to read:

90-12. Revocation or Suspension of Licenses.

5. PROCEDURES FOR REVOCATION ~~[[OF]]~~ >>OR<< SUSPENSION.

Part 3. Section 90-12-5-d-1 of the code is amended to read:

d. Council Action.

d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. If written exceptions are filed, the hearing shall be at the time set for such proceedings by the council's rules. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. >>Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in

person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.<<

APPROVED AS TO FORM

Legislative Reference Bureau
Date:_____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFOCEABLE

Office of the City Attorney
Date:_____

01062-2
jro
02/19/01