



Legislation Text

File #: 970234, Version: 0

970234
ORIGINAL

ALD. PRATT

An ordinance relating to the licensing of filling stations.

84-45-4-a am
84-45-4-b-7-rc
84-45-4-b-8 cr
84-45-4-c-2 rc
84-45-4-c-3 cr
84-45-6-b am
84-45-9 am
84-45-9.5 cr
- Analysis -

This ordinance makes the following changes in the procedure for licensing filling stations:

1. Applications for license renewal must be filed at least 60 days before the expiration date or they will be presumed late.
2. Any city department that objects to a license application must file a written objection within 30 days. No report is required if a department does not object to an application.
3. Applications for new and renewal licenses will be provided to the police department. (Applications will continue to be provided to the departments of building inspection and health and to the common council member in whose district the premises is located.)
4. Police objections to an application shall be based only on convictions of the licensee or officers, directors, employes, agents, partners and members of limited liability companies or others in privity of contract with the licensee of the laws and statutes of the United States and Wisconsin and ordinances of the city of Milwaukee, the circumstances of which are substantially related to the circumstances of the operation of the filling station.
5. Applicants and licensees that lease the premises must submit a copy of the lease with the license application. Any subsequent changes to the lease must be submitted within 10 days.
6. The ordinance specifies that the licensee is responsible for the premises and associated ordinance violations, notwithstanding any activities of the landlord which may have caused or aggravated the situation.
7. Each individual applicant, or the agent of a corporate applicant, is required to appear in person when a new or renewal license application is heard by the utilities and licenses committee.

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

Part 1. Section 85-45-4-a of the code is amended to read:

84-45. Filling Stations.

4. APPLICATION. a. Filing. An application for a new license or for renewal of an existing license shall be filed in writing with the commissioner on an application form prepared and provided by the commissioner. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation, and sworn to by the applicant. >>An application for renewal of an existing license shall be filed not less than 60 days prior to the expiration date of the current license or the application shall be presumed late.<<

Part 2. Section 85-45-4-b-7 of the code is repealed and recreated to read:

b. Application form.

b-7. If the applicant leases the premises from another person, a complete copy of the lease agreement shall be submitted with the application. Whenever, prior to final action on the application, any amendments, alterations, modifications or other changes are made to the lease submitted with the application, the amendments, alterations, modifications or other changes shall be submitted to the commissioner within 10 days after their execution.

Part 3. Section 85-45-4-b-8 of the code is created to read:

b-8. Such other reasonable and pertinent information that the common council or the utilities and licenses committee of the common council may from time to time require.

Part 4. Section 85-45-4-c-2 of the code is repealed and recreated to read:

c. Investigation of application.

c-2. The commissioner shall furnish notice of each application to the police department, the department of building inspection, the health department and the common council member in whose district the filling station is located. Each named department shall designate a person who is responsible for notifying the commissioner about any objection the department has to an application. Any department or common council member that objects to an applicant shall so notify the commissioner in writing within 30 days after receipt of the notice of application for a new or renewal license. If a department makes no objection within 30 days, the department shall be presumed to have not objected to the application.

Part 5. Section 85-45-4-c-3 of the code is created to read:

c-3. Any objection by the police department to an application shall be based only on convictions of the licensee or officers, directors, employes, agents, partners and members of limited liability companies or others in privity of contract with the licensee of the laws and statutes of the United States and Wisconsin and ordinances of the city of Milwaukee, the circumstances of which are substantially related to the circumstances of the operation of the filling station.

Part 6. Section 84-45-6-b of the code is amended to read:

6. PROCEDURE FOR DENIAL, NON-RENEWAL OR REVOCATION OF LICENSE.

b. The city clerk shall give each applicant at least 3 working days' notice of the date and time of the hearing and of the specific charges upon which the hearing will be conducted. >>The applicant shall appear in person at the hearing. If the applicant is not a natural person, the agent of the applicant shall appear in person at the hearing.<< The applicant shall have an opportunity to appear at the hearing, be represented by counsel, cross-examine witnesses who oppose the renewal of the license and present evidence in favor of renewal of the license.

Part 7. Section 85-45-9 of the code is amended to read:

9. CHANGES TO BE REPORTED. A licensee shall notify the commissioner whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs. >>A licensee that leases the filling station premises shall submit to the commissioner a complete copy of all amendments, alterations, modifications or other changes to the lease agreement within 10 days after their execution.<<

Part 8. Section 85-45-9.5 of the code is created to read:

9.5 LICENSEE'S RESPONSIBILITY. A licensee is responsible for the condition of the filling station premises and all ordinance violations associated therewith, notwithstanding any activities of the landlord. It shall not be a defense to an action seeking non-renewal, suspension or revocation of a license or to any charged violation of this section that a situation was caused or aggravated by the landlord.
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 Attorney
LRB97026.2
CAW
5/9/97

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