



Legislation Text

File #: 091207, Version: 1

091207
SUBSTITUTE 1

ALD. HINES, BOHL and COGGS

A substitute ordinance relating to implementation of recommendations of the alcohol beverage licensing task force for filing written objections to license applications.

85-2-4 rn

85-2-4 cr

85-3-3 cr

A new definition of “objection” is created in ch. 85. Chapter 85 provides general license and permit procedures for matters that may be brought before the common council for oral presentation by the licensee or permittee. New provisions clarify that objections are to be in writing stating the basis for the objection and that the objector has personal knowledge of the information. An objection may be submitted to the city clerk in writing by mail, by electronic means, by telephone, or by delivery directly to the city clerk. An objection includes information received by telephone or orally by any city official, or the official’s delegate, which forwarded to the city clerk in the same manner as other objections.

To be considered for purposes of nonrenewal or in support of suspension of a license, the objection must be filed more than 45 days prior to the scheduling of a hearing on nonrenewal or suspension and must include a statement that the objector has personal knowledge of the identified ground or grounds for nonrenewal.

Part 1. Section 85-2-4 of the code is renumbered 85-2-5.

Part 2. Section 85-2-4 of the code is created to read:

85-2. Definitions.

4. OBJECTION means a written statement submitted by an interested party to the city clerk that includes information personally known to the objector that could form the basis for nonrenewal or suspension of a license or permit as provided in s. 85-4-4, or as expressly provided elsewhere in this code for a license or permit as a basis for denying renewal or suspension of the license.

Part 3. Section 85-3- 3 of the code is created to read:

85-3. Notice and Service.

3. OBJECTIONS. a. How Made. Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to

any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 90-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. Exception. If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

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: _____

LRB09351-5
RLW
3/26/2010