



## Legislation Text

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**File #:** 041379, **Version:** 1

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041379  
SUBSTITUTE 1

### THE CHAIR

A substitute ordinance relating to the return of certain surrendered licenses.

84-7-15 am

84-40-15 am

90-11-8 rn

90-11-8 cr

90-12-7 am

90-35-11 rn

90-35-11 cr

90-37-12 am

93-13-4 am

95-14-11-h am

100-54-8 am

105-75-10 am

108-13-7 am

This ordinance establishes that in the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered in lieu of a hearing on non-renewal, revocation or suspension of the license, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth for non-renewal or revocation. This ordinance is applicable to the surrender of licenses related to the following:

1. Twenty-four-hour establishments.
2. Shows and exhibitions.
3. Alcohol beverage retail and wholesale establishments, Class "B" managers and Class "D" operators.
4. Tavern amusement, dancing and music.
5. Centers for the visual and performing arts.
6. Secondhand motor vehicles and auto wreckers.
7. Home improvement contractors and salespersons.
8. Public passenger vehicle drivers.
9. Alarm businesses.
10. Public dance halls.

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

Part 1. Section 84-7-15 of the code is amended to read:

## 84-7. Twenty-four-hour Establishments.

15. REQUEST TO SURRENDER A LICENSE. >>a.<< If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 2. Section 84-40-15 of the code is amended to read:

## 84-40. Shows or Exhibitions.

15. REQUEST TO SURRENDER A LICENSE. >>a.<< In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 3. Section 90-11-8 of the code is renumbered 90-11-9.

Part 4. Section 90-11-8 of the code is created to read:

## 90-11. Renewal of License.

8. REQUEST TO SURRENDER A LICENSE. a. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.

Part 5. Section 90-12-7 of the code is amended to read:

#### **90-12. Revocation or Suspension of Licenses.**

7. REQUEST TO SURRENDER A LICENSE. >>a.<< In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on revocation or suspension, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.  
>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.<<

Part 6. Section 90-35-11 of the code is renumbered 90-35-12.

Part 7. Section 90-35-11 of the code is created to read:

#### **90-35. Licensing.**

11. REQUEST TO SURRENDER A LICENSE. a. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.  
b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.

Part 8. Section 90-37-12 of the code is amended to read:

#### **90-37. Centers for the Visual and Performing Arts.**

12. REQUEST TO SURRENDER A LICENSE. >>a.<< If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.  
>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on

the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 9. Section 93-13-4 of the code is amended to read:

### **93-13. Revocation or Suspension of Licenses.**

**4. REQUEST TO SURRENDER A LICENSE.** >>a.<< In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on revocation or suspension, the licensee must request, in writing, permission from the utilities and licenses committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.<<

Part 10. Section 95-14-11-h of the code is amended to read:

### **95-14. Home Improvement Contractor and Salesperson Licenses.**

#### **11. HEARING PROCEDURE.**

**h. Request to Surrender a License.** >>h-1.<< If a license holder wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the license holder must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>h-2. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to subd. h-1, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 11. Section 100-54-8 of the code is amended to read:

### **100-54. Driver's License.**

**8. REQUEST TO SURRENDER A LICENSE.** >>a.<< If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal<<, suspension<< or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 12. Section 105-75-10 of the code is amended to read:

**105-75. Private Alarm Systems and Regulations.**

10. REQUEST TO SURRENDER A LICENSE. >>a.<< If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.<<

Part 13. Section 108-13-7 of the code is amended to read:

**108-13. Hearing Procedure.**

7. REQUEST TO SURRENDER A LICENSE. >>a.<< If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

>>b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.<<

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 Clerk's Office-License Division

LRB04535-2

RGP

2/14/05