



Legislation Text

File #: 061446, Version: 0

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ORIGINAL

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An ordinance relating to hours of operation of Class “B” alcohol beverage licensees.

90-15-3-a-1 am

Federal law governing daylight savings time supersedes state law governing daylight saving time. Federal law provides that, beginning in 2007, daylight saving time will begin at 2 a.m. on the second Sunday of March. Legislation to bring Wisconsin state law into conformity with federal law has been introduced in identical bills 2007 Assembly Bill 46 and 2007 Senate Bill 52. The proposed legislation is expected to be enacted.

The proposed state legislation also contains provisions revising state law governing the hours of operation of Class “B” alcohol beverage licensed premises. Under current state law, Class “B” licenses may not permit operation of the premises between the hours of 2 a.m. and 6 a.m., except Saturdays and Sundays when operation may continue until 2:30 a.m. Municipalities are prohibited under s. 125.32(3)(d), Wis. Stats., from imposing more restrictive hours of operation than provided in state law for this class of license. The proposed legislation provides an exception to the Sunday 2:30 a.m. closing time by extending the hours of permitted operation to 3:30 a.m. on the Sunday that daylight savings begins.

This ordinance amends the code to bring the provisions on hours of operation of Class “B” licensed facilities into conformity with the change in state law.

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

Part 1. Section 90-15-3-a-1 of the code is amended to read:

90-15. Hours of Operation.

3. CLASS “B” FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSES OR CLASS “B” SERVICE BAR LICENSE. a. Closing Hours - Prohibited Hours. a-1. No person holding such licenses shall permit a patron to enter or remain on the licensed premises between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subdivision 2. On January 1, premises operating under such licenses are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m.>>, except that, on the Sunday that daylight saving time begins as specified in s. 175.095(2), Wis. Stats., no premises shall remain open between 3:30 a.m. and 6 a.m.<<

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: _____

LRB07085-2
RLW
2/26/2007