



Legislation Text

File #: 041444, **Version:** 2

041444
SUBSTITUTE 2

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A substitute ordinance relating to application for new and renewal alcohol beverage retail establishment licenses.

90-5-1-c rn
90-5-1-c cr
90-5-8-c-1-b am
90-5-8-c-1-c rp
90-5-8-c-1-d rn
90-5-8-c-1-e rn
90-5-8-c-1-f rn
90-5-8-c-2 am
90-5-12 rc
90-5-13 cr
90-11-7-c-1-f rn
90-11-7-c-1-f cr
90-12-1-h rn
90-12-1-h cr

This ordinance establishes that applicants for new and renewal alcohol beverage retail establishment licenses are required to submit detailed floor plans and completed plans of operation for the premises for which the licenses are sought. The floor plan shall include the area in square feet and dimensions of the premises, locations of all entrances and exits to the premises, locations of all seating areas, bars and food preparation areas, and locations and dimensions of any areas related to alcohol beverage storage and display, outdoor alcohol beverage service and off-street parking. The plan of operation shall include hours of operation, the number of patrons expected, the legal occupancy capacity of the premises, the number of off-street parking spaces available at the premises and what plans, if any, the applicant has related to providing for the orderly appearance and operation of the premises with respect to litter and noise. In addition, the plan of operation shall include what other types of business enterprises, licenses and permits, if any, are planned or currently conducted at or issued for the premises and whether or not the premises is less than 300 feet from any church, school or hospital. This ordinance shall apply to all original applications for alcohol beverage retail establishment licenses filed on and after the effective date of this ordinance (April 2, 2005) and to all renewal applications for alcohol beverage retail establishment licenses which expire on and after August 1, 2005.

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

Part 1. Section 90-5-1-c of the code is renumbered 90-5-1-d.

Part 2. Section 90-5-1-c of the code is created to read:

90-5. Licensing.

1. APPLICATION: FORM AND CONTENTS.

c. Additional Requirements. In any application for an alcohol beverage retail establishment license, excepting the short-term Class "B" special fermented malt beverage license, the applicant shall file a detailed floor plan on a 8½ inch x 11 inch sized sheet of paper for each floor of the premises and a completed plan of operation on forms provided therefor by the city clerk.

c-1. Floor Plan. In this paragraph, "floor plan" means a blueprint or detailed sketch of the alcohol beverage retail establishment and shall include:

c-1-a. Area in square feet and dimensions of the premises.

c-1-b. Locations of all entrances and exits to the premises.

c-1-c. Locations of all seating areas, bars and, if applicable, food preparation areas for applications for Class "B" and Class "C" alcohol beverage retail establishment licenses.

c-1-d. Locations and dimensions of any alcohol beverage storage and display areas.

c-1-e. Locations and dimensions of any outdoor areas available at the premises for the sale or service of alcohol beverages.

c-1-f. Locations and dimensions of any off-street parking areas available at the premises.

c-1-g. North point and date.

c-1-h. Any other reasonable and pertinent information the common council may from time to time require.

c-2. Plan of Operation. The plan of operation shall require:

c-2-a. The current or planned hours of operation for the premises.

c-2-b. The number of patrons expected on a daily basis at the premises.

c-2-c. The legal occupancy capacity of the premises, if known by the applicant.

c-2-d. The number of off-street parking spaces available at the premises.

c-2-e. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.

c-2-f. What other types of business enterprises, if any, are planned or currently conducted at the premises.

c-2-g. What other types of licenses and permits, if any, are planned or currently issued for the premises.

c-2-h. Whether or not, pursuant to s. 90-14, the premises is less than 300 feet from any church, school or hospital.

c-2-i. Any other reasonable and pertinent information the common council may from time to time require.

c-3. Exemptions. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application pursuant to this paragraph, the licensee may file a sworn, written statement to that effect with the city clerk and, having done so, shall not be required to file a new floor plan and plan of operation with the renewal application.

Part 3. Section 90-5-8-c-1-b of the code is amended to read:

8. COMMITTEE ACTION.

c. Recommendations.

c-1-b. The appropriateness of the location and premises to be licensed >>and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the floor plan and plan of operation submitted pursuant to sub. 1-c<<.

Part 4. Section 90-5-8-c-1-c is repealed.

Part 5. Section 90-5-8-c-1-d to f is renumbered 90-5-8-c-1-c to e.

Part 6. Section 90-5-8-c-2 of the code is amended to read:

c-2. The committee may make a recommendation immediately following the hearing or at a later date. >>This recommendation may include such revisions to the floor plan and plan of operation submitted pursuant to sub. 1-c as the committee may deem necessary and which are agreed to by the applicant.<< Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

Part 7. Section 90-5-12 of the code is repealed and recreated to read:

12. CHANGES TO BE REPORTED. A licensee shall notify the city clerk 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 10 days after the change occurs.

Part 8. Section 90-5-13 of the code is created to read:

13. CHANGE IN PLAN OF OPERATION. If, after the license has been granted or issued, the licensee wishes to substantially deviate from the floor plan or plan of operation as submitted with the original or renewal application, the licensee shall file a sworn, written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council. The common council's approval shall be given only if it determines, in the manner set forth in sub. 8-c-1-b, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

Part 9. Section 90-11-7-c-1-f of the code is renumbered 90-11-7-c-1-g.

Part 10. Section 90-11-7-c-1-f of the code is created to read:

90-11. Renewal of License.

7. PROCEDURE FOR NON-RENEWAL.

c. Recommendation.

c-1-f. Failure of the licensee to operate the premises in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

Part 11. Section 90-12-1-h of the code is renumbered 90-12-1-i.

Part 12. Section 90-12-1-h of the code is created to read:

90-12. Revocation or Suspension of Licenses.

1. CAUSES.

h. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

Part 13. This ordinance shall apply to all original applications for alcohol beverage retail establishment licenses filed on and after the effective date of this ordinance (April 2, 2005) and to all renewal applications for alcohol beverage retail establishment licenses which expire on and after August 1, 2005.

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: _____

LRB05033-3

RGP

3/01/05