



Legislation Text

File #: 090730, **Version:** 3

090730
SUBSTITUTE 3

ALD. HINES, BOHL AND COGGS

A substitute ordinance relating to food dealer licenses and regulations.

68-4-11-h cr

68-4-11-i cr

68-4-11-j cr

68-4-11-k cr

68-4-11-L cr

This ordinance provides an additional consideration for common council approval of a new food dealer license for a convenience store. The ordinance provides that the common council may consider over-concentration of convenience stores that tends to contribute to litter, vandalism, graffiti, curfew violations, excessive litter, harassment of passersby and other unlawful behavior in a particular neighborhood. The common council may also consider whether a neighborhood is adequately served by existing food establishments.

The ordinance clarifies that a hearing before the appropriate licensing committee may be initiated upon objection of an interested party to an application for new or renewal food dealer license and in a case where a party seeks revocation of a food dealer license upon a sworn complaint.

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

Part 1. Section 68-4-11-h to L of the code is created to read:

68-4. Food Dealer License.

11. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE.

h. A showing that the premises proposed for licensing will be a convenience store as defined in s. 68-4.3-1, whether or not exempt as provided in s. 68-4.3-3, and that the proposed operation of the premises will tend to contribute to neighborhood incidents and conditions identified in par. g as the result of an over-concentration of convenience stores in the neighborhood. Evidence that a neighborhood is adequately served by existing retail food establishments may be considered in reaching a determination about whether granting a new license will result in over-concentration.

i. The commissioner shall promptly inform the police department and the department of neighborhood services upon receipt of an application for a new food dealer license. The commissioner shall also promptly advise the common council member in whose district a new food dealer licensee proposes to operate licensed premises. The commissioner shall establish a written procedure for informing persons and parties neighboring the premises of a proposed new food dealer licensee intending to operate a convenience store within the definition of s. 68-4.3-1, whether or not the convenience store may be exempt under s. 68-4.3-3, and the persons and parties neighboring the premises of a licensed convenience store proposed for renewal if written objections to renewal have been received by the commissioner and not considered in previous licensing proceedings.

j. Any person has the right to object to a new or renewal food dealer license based upon any matter specified in par. g and, upon receipt of a written objection, the commissioner shall request that the licensing committee schedule a hearing

upon the application. The procedures of ch. 85 shall apply to the conduct of the hearing and to common council consideration of the recommendations of the licensing committee, except that the applicant shall not have the right to be heard orally before the common council.

k. A proceeding for revocation of a food dealer license may be commenced upon a sworn complaint by any interested party alleging that the operation of the licensed premises contributes to any of the conditions specified in par. g. If the common council finds that the licensed food dealer has contributed to any of the conditions or circumstances describe in par. g, it may revoke the food dealer license or suspend the food dealer license for a period of not less than 10 days nor more than 90 days.

L. Nothing in this section shall affect the authority or responsibility of the commissioner of health to suspend or revoke a food dealer license whenever the commissioner finds unsanitary or other conditions in the operation of a food service establishment as provided in s. 68-6.

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: _____

LRB 09410-4

RLW

12/21/2009

Clerical correction -- jro -- 01/13/10