



Legislation Text

File #: 151067, Version: 2

151067
SUBSTITUTE 2

ALD. BAUMAN

A substitute ordinance relating to the issuance of conditional construction permits for alcohol beverage establishments.

90-13 am

200-26-6 rc

Currently, any alteration, change or addition to an establishment selling alcohol beverages resulting in expansion of the premises shall be approved by the licensing committee prior to issuance of a building permit. This ordinance provides that, prior to the licensing committee's review of the request, the commissioner of neighborhood services may issue a conditional construction permit for a period of up to 180 days provided that certain criteria are met.

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

Part 1. Section 90-13 of the code is amended to read:

90-13. Alterations to Premises. ~~[[Any]]~~ >>Except as provided in s. 200-26-6-b, any<< alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a permit pursuant to s. 200-24 by the department of ~~[[city development]]~~ >>neighborhood services<<. An applicant whose ~~[[permit]]~~ >>license<< application has been denied by the committee may appeal the decision to the common council.

Part 2. Section 200-26-6 of the code is repealed and recreated to read:

200-26. Application for Permits.

6. ALTERATIONS OF ESTABLISHMENTS SELLING ALCOHOL BEVERAGES. a. Licensing Committee Approval Required. Except as provided in par. b, any alteration, change or addition to an establishment selling alcohol beverages resulting in expansion of the premises shall be approved by the licensing committee prior to issuance of a permit under s. 200-24.

b. Conditional Construction Permits. Prior to the licensing committee's review of a request for an alteration, change or addition to an establishment selling alcohol beverages, a conditional construction permit for the alteration, change or addition may be issued by the commissioner for a period of up to 180 days. Issuance of a conditional construction permit shall not imply that the licensing committee will approve the applicant's request, and shall not constitute permission for the establishment to use the area being altered, changed or enlarged prior to the issuance of the updated license. A conditional construction permit may be issued only when the following criteria have been met:

b-1. The commissioner has determined that plans for the proposed construction are in compliance with the building code and the zoning code.

b-2. The applicant has filed an application with the city clerk to change the licensed premises, as required by s. 90-4-7.9 or s. 90-5-13, and paid all required fees related to that application.

b-3. The commissioner has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact adjoining property or the neighborhood in general.

b-4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the common council

if the license application is not approved.

b-5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

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: _____

LRB161511-3
Jeff Osterman
11/16/2015