



Legislation Text

File #: 180930, **Version:** 1

180930
SUBSTITUTE 1
171098
THE CHAIR

A substitute ordinance relating to regulations, requirements, and procedures for various licenses and permits.

68-21-2-h	cr
68-37-14	cr
81-4-0	am
81-4-2	am
81-26-0	am
85-20-2	rn
85-20-1	cr
85-20-3	rn
85-20-4	rn
85-24-1-b-2	am
90-1-8	rc
90-1-15	rc
90-4-2-d	rc
107-13-0	am
107-13-1-a	am
107-13-1-b	am
107-13-2	am
107-13-3-a	am
107-13-3-c	am
107-13-3-d	am
107-13-3-e	am
107-13-3-f	am
107-13-4	am
107-13-5-e	am
107-13-6	am
107-13-8-c	am
107-13-8-d-1	am
108-5-2-i	rp
108-5-2-j	rp
108-5-2-k	rp
108-5-2-L	rp
108-14	rp

This ordinance makes various changes to regulations, requirements and procedures for various licenses and permits, including:

1. Exempting certain home bakers from food licensing requirements, to be consistent with a February 26, 2018, Wisconsin circuit court case.
2. Allowing for a provisional license to be granted in situations where a licensee files a renewal application on time, but the common council is not able to meet to take action on the application prior to expiration of the license.
3. Adding a state code reference relating to licensing requirements for “Class B” taverns selling wine only.
4. Adding state code references for the definitions of “fermented malt beverage” and “intoxicating liquor.”
5. Exempting a person selling billiard or pool tables or jukeboxes from the requirement to obtain an amusement machine distributor license.
6. Eliminating obsolete language relating to the operation of festivals.
7. Recreating a provision related to identifying signage for food peddlers that was omitted from file number 171098, an ordinance reordering and revising food license regulations in chapter 68 of the code.

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

Part 1. Section 68-21-2-h of the code is created to read:

68-21. Licensure of Food Establishments; General.

2. EXCEPTIONS.

h. A bakery, as defined in s. 97.29 (1) (b), Wis. Stats., selling only non-potentially hazardous, flour-based goods baked out of a home and sold directly to consumers. This does not include the cooking and drying of candies or other confectionaries.

Part 2. Section 68-37-14 of the code is created to read:

68-37. Food Peddlers.

14. Identifying Signage. Each food peddler vehicle or carried container licensed under this chapter shall have identifying signs printed or affixed, in a prominent position, to 2 sides of the vehicle or container. Each identifying sign shall include the name of the business or person operating the vehicle or container and a valid telephone number for the business, in lettering not less than 3 inches high.

Part 3. Section 81-4-0 of the code is amended to read:

81-4. Amusement Machine ~~[[or Jukebox]]~~ Distributor License.

Part 4. Section 81-4-2 of the code is amended to read:

2. The fee for a new or renewal amusement machine ~~[[or jukebox]]~~ distributor license shall be \$850. (See s. 107-13).

Part 5. Section 81-26-0 of the code is amended to read:

81-26. ~~[[“Class B” Tavern]]~~ >>Class “B” Retailer’s Intoxicating Liquor<< License.

Part 6. Section 85-20-2 to 4 of the code is renumbered 85-20-3 to 5.

Part 7. Section 85-20-2 of the code is created to read:

85-20. Provisional Renewal Licenses.

2. EXCEPTION. If a licensee files a renewal application by the date established by the city clerk but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license and the licensee shall not be subject to pars. 1-c and d.

Part 8. Section 85-24-1-b-2 of the code is amended to read:

85-24. Issuance and Transfer of License.

1. STATE TAX DOCUMENTATION REQUIRED.

b-2. Amusement machine ~~[[or jukebox]]~~ distributor.

Part 9. Section 90-1-8 and 15 of the code is repealed and recreated to read:

90-1. Definitions.

8. FERMENTED MALT BEVERAGE has the meaning given in s. 125.02(6), Wis. Stats., as amended.

15. INTOXICATING LIQUOR has the meaning given in s. 125.02(8), Wis. Stats., as amended.

Part 10. Section 90-4-2-d of the code is repealed and recreated to read:

90-4. Classification of Licenses.

2. “CLASS B” TAVERN LICENSE.

d. Prerequisite. The provisions of this subsection are subject to s. 125.51(3)(f), Wis. Stats.

Part 11. Section 107-13-0 of the code is amended to read:

107-13. Amusement Machine ~~[[or Jukebox]]~~ Distributor License.

Part 12. Section 107-13-1-a and b of the code is amended to read:

1. DEFINITIONS.

a. "Amusement machine" means any mechanical or electronic device operated or intended to be operated for amusement or skill where the use or operation of which is conditioned upon payment of a fee either by insertion of a coin, token or similar object in a slot, or otherwise. The term does not include a jukebox >>or a billiard or pool table<<.

b. "Distributor" means any person who leases, rents, places or installs for use or operation, on a premises in the city not owned or leased by that person, one or more amusement machines ~~[[or jukeboxes]]~~.

Part 13. Section 107-13-2 of the code is amended to read:

2. GENERAL PROVISIONS. a. License Required. No person shall lease, rent, place or install amusement machines ~~[[or lease, rent, place or install jukeboxes]]~~ for use by the public on any premises not owned or leased by that person without first having obtained an amusement machine ~~[[or jukebox]]~~ distributor license as provided in this section.

b. Conditions for Placement. No person owning or operating any premises shall place, or permit to be placed, on such premises for use by the public any amusement machines ~~[[or jukeboxes]]~~ unless the premises is licensed as a public entertainment premises under s. 108-7 and either of the following is true:

b-1. The amusement machines ~~[[or jukeboxes]]~~ are owned by the person owning or operating the premises.

b-2. The amusement machines ~~[[or jukeboxes]]~~ are obtained from a distributor who is duly licensed by the city.

c. Agent Not Eligible. No person shall make application for an amusement machine ~~[[or jukebox]]~~ distributor license acting as agent for, or in the employ of another, or for the use and benefit of another person, except when the applicant is a corporation. In this case, the corporation shall appoint an agent and invest in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the application of the corporation and of the conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in the state.

Part 14. Section 107-13-3-a and c to f of the code is amended to read:

3. APPLICATION PROCEDURE.

a. Application. The application for a new or renewal amusement machine ~~[[or jukebox]]~~ distributor license shall be in writing on a form furnished by the city clerk and shall state that the application for a license is not made for and on behalf of any other person and that the applicant is not acting as an

agent for, or in the employ of, another

c. Disclosure. c-1. An application for a new amusement machine ~~[[or jukebox]]~~ distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines ~~[[or jukeboxes]]~~ currently placed or under agreement to be placed by the distributor within the city. Disclosure shall include the addresses of the premises where the amusement machines ~~[[or jukeboxes]]~~ are presently placed or are contracted to be placed, the number of machines ~~[[or jukeboxes]]~~ placed or to be placed at the premises, and the legal names of the entities with whom the machines ~~[[or jukeboxes]]~~ have been placed or are to be placed.

c-2. An application for the renewal of an amusement machine ~~[[or jukebox]]~~ distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines ~~[[or jukeboxes]]~~ currently placed within the city. Disclosure shall include the addresses of the premises where the amusement machines ~~[[or jukeboxes]]~~ are placed, the number of machines ~~[[or jukeboxes]]~~ placed at the premises, and the legal names of the entities with whom the machines ~~[[or jukeboxes]]~~ have been placed.

d. Qualifications. d-1. An amusement machine ~~[[or jukebox]]~~ distributor license may be denied to any applicant who is not of good professional character or who has been convicted of a felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of being a distributor. In this paragraph, "applicant" includes any individual or partner, or any officer, director or agent of any corporate applicant.

d-2. A noncorporate applicant for an amusement machine ~~[[or jukebox]]~~ distributor license shall be a resident of Wisconsin for at least one year prior to the date of filing the new or renewal license application. In the case of an applicant for a corporate amusement machine ~~[[or]]~~ distributor license, the agent for the applicant shall be a resident of Wisconsin for at least one year prior to the date of filing the new or renewal license application.

e. Fingerprinting. All applicants for amusement machine ~~[[or jukebox]]~~ distributor licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

f. Investigation. All applications for new amusement machine ~~[[or jukebox]]~~ distributor licenses shall be referred to the chief of police and the commissioner of neighborhood services, both of whom shall investigate and report their findings to the proper licensing committee of the common council.

Part 15. Section 107-13-4 of the code is amended to read:

4. COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE. An application for a new amusement machine ~~[[or jukebox]]~~ distributor license shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

Part 16. Section 107-13-5-e of the code is amended to read:

5. ISSUANCE; TERMS.

e. Identification Tags or Stickers. Each licensee shall affix, to each amusement machine ~~[[or jukebox]]~~ placed on a premises by the licensee, an identification tag measuring at least 2 inches by 2 inches

providing the name, telephone number of license number of the licensee. Each tag or sticker shall be placed in a location which is readily visible to the general public without requiring movement of the machine ~~[[or jukebox]]~~.

Part 17. Section 107-13-6 of the code is amended to read:

6. DAMAGE TO MACHINES PROHIBITED. No person shall willfully or maliciously remove, destroy, tamper, injure, mutilate or alter any amusement machine ~~[[or jukebox]]~~ or insert any slug, token or counterfeit coin in any amusement machine ~~[[or jukebox]]~~.

Part 18. Section 107-13-8-c and d-1 of the code is amended to read:

8. REVOCATION.

c. **Renewal After Revocation.** No person whose amusement machine ~~[[or jukebox]]~~ distributor license has been revoked may obtain another distributor license within a period of one year from the date of revocation.

d. **Surrender of Licenses and Permits.**

d-1. Upon revocation of any amusement machine ~~[[or jukebox]]~~ distributor license, the license shall be immediately surrendered by the licensee to the police department, to be returned to the city clerk with a certificate notifying the city clerk in writing of the name and address of the licensee, the number of the license and the basis for the revocation.

Part 19. Section 108-5-2-i to L of the code is repealed.

Part 20. Section 108-14 of the code is repealed.

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 - License Division
LRB172349-2
Andrew VanNatta: Jeff Osterman
11/05/2018