



Legislation Details (With Text)

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Title: A substitute ordinance relating to allowing locked entrance doors at alcohol beverage premises under certain circumstances.

Sponsors: ALD. DONOVAN, ALD. SANCHEZ, Fredrick Gordon

Indexes: ALCOHOL - REGULATION AND LICENSING, SAFETY MEASURES

Attachments: 1. Mayoral Veto Letter.PDF, 2. Chief HegertyLetter.PDF, 3. Chief Wentlandt Letter.PDF

Date	Ver.	Action By	Action	Result	Tally
12/20/2002	0	COMMON COUNCIL	ASSIGNED TO		
1/2/2003		LICENSES COMMITTEE	REFERRED TO		
6/25/2003	1	CITY CLERK	DRAFT SUBMITTED		
6/26/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
6/26/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
6/26/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
6/26/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
6/27/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
7/1/2003	1	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
7/3/2003	2	CITY CLERK	DRAFT SUBMITTED		
9/25/2003	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/26/2003	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/30/2003	2	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Fail	1:3
9/30/2003	2	LICENSES COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
10/14/2003	2	COMMON COUNCIL	RETURNED TO COMMITTEE - SIGNATURES	Pass	
11/26/2003	3	CITY CLERK	DRAFT SUBMITTED		
11/26/2003	2	LICENSES COMMITTEE	HEARING NOTICES SENT		
12/1/2003	4	CITY CLERK	DRAFT SUBMITTED		
12/2/2003	5	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	2:1
12/2/2003	5	CITY CLERK	DRAFT SUBMITTED		
12/19/2003	6	COMMON COUNCIL	PASSED	Pass	9:7
12/19/2003	6	COMMON COUNCIL	SUBSTITUTED	Pass	15:0
12/19/2003	6	COMMON COUNCIL	PASSED	Fail	8:7

12/19/2003	6	COMMON COUNCIL	RECONSIDERED	Pass	16:0
12/30/2003	6	MAYOR	VETOED		
1/12/2004	6	CITY CLERK	PUBLISHED		
1/21/2004	6	COMMON COUNCIL	VETO SUSTAINED	Fail	6:8

021312
SUBSTITUTE 6

ALD. DONOVAN

A substitute ordinance relating to allowing locked entrance doors at alcohol beverage premises under certain circumstances.

90-11-7-c-1-e rn

90-11-7-c-1-e cr

90-12-1-g rn

90-12-1-g cr

90-27-1 rc

This ordinance allows an entrance door to a licensed alcohol beverage establishment to be locked if the following conditions are met:

1. An operating doorbell or buzzer is provided at the exterior of such entrance door, so that an employe of the licensed establishment can, by remote control device, grant access to a person who uses the doorbell or buzzer.
2. The door shall be locked from the outside only.
3. The licensee shall install, maintain in proper working order and operate, during all hours the entrance door is locked and the licensed establishment is open for business, 2 security cameras, one which can produce a retrieval image on film or tape of any individual waiting to enter the establishment and another which can produce a retrievable image of activities occurring inside the establishment during the same time period.
4. The licensee shall provide, to the chief of police, written notice of the times and dates when the door will be locked.
5. Any employe, manager, bartender, entertainer or licensee of the establishment shall provide immediate admission to the premises (within 5 seconds) to any employe of the police department, fire department, health department or department of neighborhood services upon being shown proper official identification.
6. All entrance doors to the licensed premises may not be so locked or controlled as to prevent or interfere with the safe egress of occupants in case of fire or other emergency, and, in regard thereto, shall be in compliance with all applicable local and state rules, regulations and laws. The commissioner of neighborhood services or chief of police may issue a citation, without a prior order, to any licensee who fails to deactivate a defective door lock which prevents emergency egress.

This ordinance also makes violation of any of these conditions grounds for nonrenewal, suspension or revocation of a license for an alcohol beverage premises.

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

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

Part 2. Section 90-11-7-c-1-e of the code is created to read:

90-11. Renewal of License.

7. PROCEDURE FOR NONRENEWAL.

c. Recommendation.

c-1-e. If the establishment has a locked entrance door, failure of the license applicant to comply with any of the conditions for allowing a locked entrance door specified in s. 90-27-1, including but not limited to failure to provide immediate access to the establishment upon being shown proper official identification by any employee of the police department, fire department, health department or department of neighborhood services.

Part 3. Section 90-12-1-g of the code is renumbered 90-12-1-h.

Part 4. Section 90-12-1-g of the code is created to read:

90-12. Revocation or Suspension of Licenses.

1. CAUSES.

g. If the establishment has a locked entrance door, failure of the license applicant to comply with any of the conditions for allowing a locked entrance door specified in s. 90-27-1, including but not limited to failure to provide immediate access to the establishment upon being shown proper official identification by any employee of the police department, fire department, health department or department of neighborhood services.

Part 5. Section 90-27-1 of the code is repealed and recreated to read:

90-27. Licensed Premises Accessible and Lighted. 1. ENTRANCE DOORS. The entrance doors to any licensed alcohol beverage premises may be locked during the conduct of business on the premises only if all of the following conditions are met:

a. An operating doorbell or buzzer is provided at the exterior of such entrance door, within one foot of the door itself, so that an employee of the licensed establishment can, by remote control device, grant access to a person who uses the doorbell or buzzer.

b. The door shall be locked from the outside only. Any person within the premises shall be able to exit a locked entrance door without having to unlock the door himself or herself and without having to wait for an employee of the licensed establishment to unlock or open the door either manually or by remote control device.

c. The licensee shall install, maintain in proper working order and operate, during all hours the entrance door is locked and the licensed establishment is open for business, 2 security cameras which can produce retrieval images on film

or tape.

c-1. One camera shall be placed at the exterior of the entrance door so as to provide a clear and identifiable full frame of the filmed individual's face as the individual is waiting to enter the establishment. The other camera shall be placed at a location within the establishment that affords a panoramic, full-frame view of the activities occurring therein.

c-2. If a time-lapse videorecorder is operated, recorded images shall not be recorded at a slower speed than 24 hours.

c-3. Recorded tapes shall be kept for a minimum of 7 days.

d. At least 72 hours before the first time the entrance door is to be locked, the licensee shall provide, to the chief of police, written notice of the times and dates when the door will be locked. The notice may apply for a period of up to 90 days, after which the licensee shall provide another notice to the chief of police if the licensee wishes to continue to keep the entrance door locked during business hours.

e. Any employe, manager, bartender, entertainer or licensee of the establishment shall provide immediate admission to the premises (within 5 seconds) to any employe of the police department, fire department, health department or department of neighborhood services.

f. All entrance doors to said licensed premises may not be so locked or controlled as to prevent or interfere with the safe egress of occupants in case of fire or other emergency, and, in regard thereto, shall be in compliance with all applicable local and state rules, regulations and laws. If, for any reason, a door lock becomes defective such that the door cannot be immediately opened from the egress side, the lock shall be deactivated immediately and shall remain deactivated until it is repaired to proper working order. Pursuant to s. 66.0113, Wis. Stats., the commissioner of neighborhood services or the chief of police may issue a citation without a prior order in accordance with the citation procedure set forth in s. 50-25 to any licensee who fails to deactivate a defective lock.

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: _____

LRB02660-7

JDO

12/18/03