



Legislation Details (With Text)

**File #:** 021665      **Version:** 2  
**Type:** Ordinance      **Status:** Placed On File  
**File created:** 3/4/2003      **In control:** PUBLIC SAFETY COMMITTEE  
**On agenda:**      **Final action:** 11/5/2003

**Effective date:**

**Title:** A substitute ordinance relating to hours of operation of convenience stores and filling stations.

**Sponsors:** ALD. BOHL, ALD. RICHARDS

**Indexes:** FOOD DEALERS, SERVICE STATIONS

**Attachments:** 1. Fiscal note.pdf

Date	Ver.	Action By	Action	Result	Tally
3/4/2003	0	COMMON COUNCIL	ASSIGNED TO		
3/5/2003	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/5/2003	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/5/2003	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/13/2003	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
3/26/2003	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
3/27/2003	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
4/2/2003	1	CITY CLERK	DRAFT SUBMITTED		
4/3/2003	1	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
5/5/2003	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
5/13/2003	1	CITY CLERK	Sponsor added		
5/14/2003	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
5/15/2003	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
5/15/2003	1	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
5/22/2003	2	CITY CLERK	DRAFT SUBMITTED		
5/22/2003	2	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Fail	2:3
5/22/2003	2	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	3:2
6/3/2003	2	COMMON COUNCIL	RETURNED TO COMMITTEE - SIGNATURES	Pass	
10/17/2003	2	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
10/23/2003	2	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
11/5/2003	2	COMMON COUNCIL	PLACED ON FILE	Pass	16:0

021665  
SUBSTITUTE 2

ALD. BOHL

A substitute ordinance relating to hours of operation of convenience stores and filling stations.

68-4.3-5 cr

84-45-3.3 cr

This ordinance prohibits convenience food stores and filling stations licensed after the effective date of the ordinance from being open between the hours of 12 a.m. and 4 a.m., unless specifically authorized by a resolution of the common council. It will take effect 3 months after its passage and publication.

Whereas, Historically, convenience food stores and filling stations, when open in the early morning hours, have been gathering places for individuals unable to find other open businesses; and

Whereas, While some of these gatherings are orderly and undisruptive, many have become sources of loud noise, disorderly conduct, traffic congestion, cruising, litter and other nuisances that lower the quality of life for the entire community; and

Whereas, The Board of Zoning Appeals has gone on record indicating that a limitation on the hours of operation for these establishments would assist its members in performing its duty to review requests to open these businesses in certain neighborhoods; now, therefore

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

Part 1. Section 68-4.3-5 of the code is created to read:

**68-4.3. Convenience Food Stores.**

**5. HOURS OF OPERATION.** Unless specifically authorized by a resolution of the common council, no convenience food store shall be open for business between the hours of 12 a.m. and 4 a.m. This provision shall not apply to those convenience food stores that are licensed as of the effective date of this ordinance [city clerk to insert date].

Part 2. Section 84-45-3.3 of the code is created to read:

**84-45. Filling Stations.**

**3.3. HOURS OF OPERATION.** Unless specifically authorized by a resolution of the common council, no filling station shall be open for business between the hours of 12 a.m. and 4 a.m. This provision shall not apply to those filling stations that are licensed as of the effective date of this ordinance [city clerk to insert date].

Part 3. This ordinance takes effect 3 months after passage and publication [city clerk to insert date].

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: \_\_\_\_\_

LRB02534-3

jro

05/21/03