



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 12/15/2015      **In control:** LICENSES COMMITTEE

**On agenda:**      **Final action:** 1/19/2016

**Effective date:**

**Title:** An ordinance revising certain licensing regulations for the purposes of correcting errors, clarifying language and eliminating obsolete provisions.

**Sponsors:** THE CHAIR

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**Attachments:** 1. Notice Published on 2-4-16

Date	Ver.	Action By	Action	Result	Tally
12/15/2015	0	COMMON COUNCIL	ASSIGNED TO		
1/5/2016	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
1/19/2016	0	COMMON COUNCIL	PASSED	Pass	14:0
1/28/2016	0	MAYOR	SIGNED		
2/4/2016	0	CITY CLERK	PUBLISHED		

151320  
ORIGINAL

THE CHAIR

An ordinance revising certain licensing regulations for the purposes of correcting errors, clarifying language and eliminating obsolete provisions.

- 75-5-18            am
- 75-21-21        am
- 75-40-2-a       am
- 81-1-2           am
- 81-1-2.5        am
- 81-121-3.5     cr
- 82-20-13       am
- 82-30-12       am
- 84-7-4          rc
- 85-20-3        am
- 85-24-1-a-1    am
- 85-26-4        am
- 108-5-4-b      am
- 108-5-5-f-1    am
- 275-20-4-i     rp
- 275-20-4-j     rn

275-20-4-k rn

This ordinance revises certain licensing regulations for the purpose of clarifying language relating to the proration of license terms and the expiration date of provisional renewal licenses. This ordinance also exempts extended hours establishments located within General Mitchell International Airport from the extended hours establishment licensing requirement.

Finally, this ordinance revises various provisions of the code relating to licensing for the purposes of correcting errors and eliminating obsolete provisions.

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

Part 1. Section 75-5-18 of the code is amended to read:

### **75-5. Bed and Breakfast Establishments.**

**18. EMERGENCY SUSPENSION.** The emergency suspension procedures of ~~[[s. 75-51-12]]~~ >>s. 75-23-19<< may be applicable to a bed and breakfast establishment permit if the situation warrants an emergency suspension.

Part 2. Section 75-21-21 of the code is amended to read:

### **75-21. Massage Establishment Regulation.**

**21. EMERGENCY SUSPENSION.** The emergency suspension procedures of ~~[[s. 75-51-12]]~~ >>s. 75-23-19<< may be applicable to a massage establishment license if the situation warrants an emergency suspension.

Part 3. Section 75-40-2-a of the code is amended to read:

### **75-40. Environmental Health Board.**

**2. DUTIES.** a. The environmental health board shall serve as an appeal board with respect to the nonrenewal, suspension or revocation of permits and licenses issued under chs. 66 and 75 except for those under ss. 75-15 and ~~[[75-54]]~~ >>75-23<< and under ss. 76-20, 84-45 and 84-48, and with respect to the denial or granting with conditions of permits applied for under s. 66-12-5.

Part 4. Section 81-1-2 and 2.5 of the code is amended to read:

### **81-1. General Provisions.**

**2. LICENSE PERIOD.** A license fee shall be paid for the entire license period or for any fraction thereof except where otherwise provided. In the absence of provisions to the contrary, no license or permit fee shall be transferable ~~[[or prorated]]~~.

**2.5. ALIGNMENT OF EXPIRATION DATES; 2 OR MORE LICENSES OR PERMITS.** Except where a set license or permit expiration date is provided in this code, a licensee or permit holder may request a change to the expiration date of ~~[[an]]~~ >>a new or<< existing license or permit processed by the city clerk's office for the purpose of aligning the license or permit period with the license or permit period of any other license or permit >>held by or<< issued to the licensee or permit holder. The request shall be accompanied by a prorated fee in an amount determined by dividing the fee imposed by this chapter by 12 or 24, depending on the license or permit period of the license or permit type, and multiplying the quotient by the number of months by which the license or permit period is being changed. A request to align license or permit expiration dates shall apply to all licenses and permits held by the requester and administered by the city clerk's office for which adjustment of expiration dates is allowed.

Part 5. Section 81-121-3.5 of the code is created to read:

**81-121. Tattooing and Body-Piercing Establishments.**

**3.5. LICENSE DURATION.** Each license issued under this section shall expire on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

Part 6. Section 82-20-13 of the code is amended to read:

**82-20. Scanning Devices.**

**13. EMERGENCY SUSPENSION.** The emergency suspension procedures of ~~[[s. 75-51-12]]~~ >>s. 75-23-19<< may be applicable to a scanning device license if the situation warrants an emergency suspension.

Part 7. Section 82-30-12 of the code is amended to read:

**82-30. Licensing Requirements and Procedures.**

**12. EMERGENCY SUSPENSION.** The emergency suspension procedures of ~~[[s. 75-51-12]]~~ >>s. 75-23-19<< may be applicable to a public vehicle scale operator's license if the situation warrants an emergency suspension.

Part 8. Section 84-7-4 of the code is repealed and recreated to read:

**84-7. Extended Hours Establishments.**

**4. EXEMPTIONS.** This section shall not apply to the following:

a. Premises holding class “B” alcohol beverage licenses during those hours during which class “B” premises may be open.

b. Extended hours establishments located within General Mitchell International Airport.

Part 9. Section 85-20-3 of the code is amended to read:

### **85-20. Provisional Renewal Licenses.**

3. EXPIRATION DATE. A provisional renewal license shall expire 60 days after the date of issuance by the city clerk or upon issuance >> non-renewal or suspension<< of the regular license, whichever is sooner, and shall not be renewable.

Part 10. Section 85-24-1-a-1 of the code is amended to read:

### **85-24. Issuance and Transfer of License.**

#### **1. STATE TAX DOCUMENTATION REQUIRED.**

a-1. The applicant is the holder of a seller’s permit or use tax registration certificate issued by the Wisconsin department of revenue >> if required by the Wisconsin department of revenue<<.

Part 11. Section 85-26-4 of the code is amended to read:

### **85-26. Application for Renewal.**

4. A permit or license renewed after expiration shall be valid for the ~~[[remainder of the term or period that follows expiration]]~~ >> license period specified in ch. 81<<.

Part 12. Section 108-5-4-b of the code is amended to read:

### **108-5. License Required.**

#### **4. CHANGES TO BE REPORTED.**

b. Change in Plan of Operation. If, after the license has been granted or issued, the licensee wishes to deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council, unless the deviation is to last not longer than 4 consecutive days, in which case the request for deviation shall be processed in the same manner as an application for a temporary public entertainment premises permit under sub. 5. The common council’s approval shall be given only if it determines, in ~~[[the manner set forth in s. 108-7-1-d-2]]~~ >> accordance with ss. 85-2.7 and 85-5<<, that the new entertainment is compatible with

the normal activity of the neighborhood in which the licensed premises is located.

Part 13. Section 108-5-5-f-1 of the code is amended to read:

**5. TEMPORARY PUBLIC ENTERTAINMENT PREMISES PERMIT.**

f. Hearing Procedure. f-1. Any hearing required under the subsection shall be conducted in ~~[[the manner provided in s. 108-7-1-b and c]]~~ >>accordance with ss. 85-2.7 and 85-5<<. ~~[[No hearing shall be heard unless the city clerk provides the applicant written notice in the manner provided in s. 108-7-1-a so that the applicant has at least 3 days' notice of the hearing.]]~~

Part 14. Section 275-20-4-i of the code is repealed.

Part 15. Section 275-20-4-j and k of the code is renumbered 275-20-4-i and j.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB161903-1

Andrew R. VanNatta

12/11/2015