



Legislation Details (With Text)

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On agenda: **Final action:** 6/18/2019
Effective date:
Title: A substitute ordinance relating to signature, notary, and residency requirements for alcohol beverage licenses and cigarette and tobacco licenses.
Sponsors: THE CHAIR
Indexes: ALCOHOL - REGULATION AND LICENSING, LICENSES, SMOKING
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Date	Ver.	Action By	Action	Result	Tally
5/29/2019	0	COMMON COUNCIL	ASSIGNED TO		
6/4/2019	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
6/18/2019	1	COMMON COUNCIL	PASSED	Pass	14:0
6/28/2019	1	MAYOR	SIGNED		
7/3/2019	1	CITY CLERK	PUBLISHED		

190220 SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to signature, notary, and residency requirements for alcohol beverage licenses and cigarette and tobacco licenses.

85-12-2 am

90-5-1-c-4 am

90-5-8-a-2-c am

90-6-2-b am

90-37-8 am

2017 Wisconsin Act 289 provides that if a municipality prepares a form relating to the appointment of an agent, the form may not require the signature of more than one person signing on behalf of the corporation or limited liability company submitting the form.

2017 Wisconsin Act 289 also provides that a municipality may not require an applicant's signature on an application for a cigarette and tobacco products retailer license to be notarized.

This ordinance amends the code to comply with 2017 Wisconsin Act 289.

This ordinance also amends provisions relating to residency requirements for Class "B" manager's licenses, to be consistent with state law.

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

Part 1. Section 85-12-2 of the code is amended to read:

85-12. Contents of Application.

2. WHEN APPLICANT IS A BUSINESS. An application for a new >>or renewal<< license shall be signed by the sole proprietor, ~~[[each]]~~ >>one<< partner, the agent ~~[[and]]~~ >>1<< a majority ~~[[of the owners]]~~ >>owner<< of the business entity, or ~~[[the agent and]]~~ a corporate officer. ~~[[A renewal application shall be signed by the sole proprietor, one partner, or the agent.]]~~ Each type of application shall contain the following information:

Part 2. Section 90-5-1-c-4 of the code is amended to read:

90-5. Licensing.

1. APPLICATION: FORM AND CONTENTS.

c. Additional Requirements.

c-4. Exemptions. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application pursuant to this paragraph, the licensee may file a ~~[[sworn,]]~~ written statement to that effect with the city clerk and, having done so, shall not be required to file a new floor plan and plan of operation with the renewal application.

Part 3. Section 90-5-8-a-2-c of the code is amended to read:

8. COMMITTEE ACTION.

a. Notice.

a-2-c. Certification shall not be made within 10 days following written and signed ~~[[and sworn]]~~ assurance to the city clerk by the applicant that notice of the application, on a form prescribed by the city clerk and approved by the licensing committee, has been conspicuously posted on the outside of the premises at applicant's expense providing notice to members of the public that an application has been made and that objections to the application may be filed with the city clerk, and that a survey form may be submitted electronically, through the city Internet site, by phone or in writing. The written and signed assurance shall include a statement of applicant's intent to maintain the posting, or replace any missing posting, until the date scheduled for hearing by the licensing committee.

Part 4. Section 90-6-2-b of the code is amended to read:

90-6. Qualifications for Licenses.

2. RESIDENCY REQUIREMENTS.

b. Class "B" Manager's License. The applicant shall have been a resident of the state of Wisconsin ~~[[continuously for at least 90 days]]~~ prior to the date of issuance.

Part 5. Section 90-37-8 of the code is amended to read:

90-37. Centers for the Visual and Performing Arts.

8. CHANGE IN PLAN OF OPERATION. If, after the license has been granted or issued, the licensee wishes to substantially deviate from the plan of operation as submitted with the original application, the licensee shall file a ~~[[sworn,]]~~ 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. The common council's approval shall be given only if it determines, in the manner set forth in sub. 5-e-2, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

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: _____

LRB174272-2
Andrew VanNatta
5/28/2019