



Legislation Details (With Text)

File #: 091027 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 12/1/2009 **In control:** LICENSES COMMITTEE

On agenda: **Final action:** 5/25/2010

Effective date:

Title: A substitute ordinance relating to procedures for late filing of applications for carnival site permits and for special Class "B" short-term licenses for clubs.

Sponsors: THE CHAIR

Indexes: ALCOHOL - REGULATION AND LICENSING, RECREATION

Attachments: 1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 6-11-10

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/2/2009	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
12/2/2009	1	CITY CLERK	DRAFT SUBMITTED		
2/10/2010	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/17/2010	1	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
5/10/2010	1	LICENSES COMMITTEE	SUBSTITUTED	Pass	4:0
5/10/2010	2	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/10/2010	2	CITY CLERK	DRAFT SUBMITTED		
5/25/2010	1	COMMON COUNCIL	PASSED	Pass	13:0
6/1/2010	1	MAYOR	SIGNED		
6/11/2010	1	CITY CLERK	PUBLISHED		

091027
Substitute 2

THE CHAIR

A substitute ordinance relating to procedures for late filing of applications for carnival site permits and for special Class "B" short-term licenses for clubs.

81-17 rc

81-28 rc

87-14-3-a-0 am

87-14-3-c cr

87-14-6-d rp

90-4-7-d am

90-4-7- e rn

90-4-7-e cr

90-4-7-f rn

90-4-7-g rn

90-4-7-h rn

90-4-7-i rn

90-4-7-j rn

This ordinance establishes the following procedures for the late filing of applications for carnival site permits and Class “B” special licenses (a short-term license for clubs):

1. Applications are to be made in writing on or before the filing deadlines established by the city clerk.
2. The city clerk shall accept applications from any applicant who files a carnival site permit application after the filing deadline provided the applicant affirms the applicant’s understanding that any adverse decision made by a common council member is final and not subject to further review. Adverse decisions by common council members may be appealed to the licensing committee, if applications are timely filed.
3. The city clerk shall accept an application from an applicant who files a Class “B” special license after the filing deadline provided the applicant affirms the applicant’s understanding that if a written objection is received it may not be possible, due to the late filing of the application, to conduct a hearing before the date for which the license is sought.

In addition, this ordinance increases from \$50 to \$75 the application fee for any applications for carnival site permits filed after filing deadlines, and establishes a \$25 late filing fee for any applications for Class “B” special licenses filed after the filing deadline.

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

Part 1. Section 81-17 of the code is repealed and recreated to read:

81-17. Carnival Site Permit. 1. \$50, if the application is filed on or before the filing deadline established by the city clerk.

2. \$75, if the application is filed after the deadline established by the city clerk.

(See s. 87-14.)

Part 2. Section 81-28 of the code is repealed and recreated to read:

81-28. Special Class “B” License. 1. The fee for each special “Class B” license shall be \$10.

2. If application is made after the filing deadline established by the city clerk, there shall be an additional fee of \$25 for the late filing of the application.

Part 3. Section 87-14-3-a-0 of the code is amended to read:

87-14. Carnival Site Permits.

3. APPLICATION.

a. Basic Requirement. Any person desiring a carnival site permit shall apply for the permit ~~[[not less than 45 days before the date for which the permit is sought]]~~ >>on or before the filing deadline established by the city clerk<<. The application shall be made in writing on a form provided therefore by the city clerk. The application shall require:

Part 4. Section 87-14-3-c of the code is created to read:

c. The city clerk shall accept an application from an applicant who files the application after the filing deadline established by the city clerk provided the applicant affirms the applicant's understanding that any decision made by a common council member under the provisions of sub. 4 is final and not subject to further review.

Part 5. Section 87-14-6-d of the code is repealed.

Part 6. Section 90-4-7-d of the code is amended to read:

90-4. Classification of Licenses.

7. CLASS "B" SPECIAL LICENSE (A SHORT-TERM LICENSE FOR CLUBS.)

d. Application. Application for a Class "B" license shall be filed ~~[[with the city clerk not less than 45 days before]]>>on or before the filing deadline established by the city clerk. Applicants may at the time of application specify alternative dates for which the license is sought.~~

Part 7. Section 90-4-7-e to j of the code is renumbered 90-4-7-f to k.

Part 8. Section 90-4-7-e of the code is created to read:

e. The city clerk shall accept an application from an applicant who files the application after the filing deadline established by the city clerk, provided the applicant affirms the applicant's understanding that, if a written objection is received as provided in par. f, it may not be possible to conduct a hearing before the date for which the license is sought due to the late filing of the application.

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: _____

LRB09439-3

RLW

3/19/2010

clerical correction -- 6-11-10 -- lp