



Legislation Details (With Text)

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On agenda: **Final action:** 5/4/2010
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Title: A substitute ordinance relating to implementation of recommendations of the alcohol beverage licensing task force for providing neighborhood notice, scheduling hearings before the licensing committee, and consideration of police reports.

Sponsors: ALD. HINES JR., ALD. BOHL

Indexes: ALCOHOL - REGULATION AND LICENSING, LICENSES COMMITTEE

Attachments: 1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 5-20-10

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
3/18/2010	0	CITY CLERK	Sponsor added		
3/25/2010	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/25/2010	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/26/2010	1	CITY CLERK	DRAFT SUBMITTED		
3/29/2010	0	LICENSES COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
4/14/2010	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/14/2010	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/14/2010	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/20/2010	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/4/2010	2	COMMON COUNCIL	PASSED	Pass	14:0
5/4/2010	1	COMMON COUNCIL	AMENDED	Pass	14:0
5/4/2010	2	CITY CLERK	DRAFT SUBMITTED		
5/10/2010	2	MAYOR	SIGNED		
5/20/2010	2	CITY CLERK	PUBLISHED		

Number
091205
SUBSTITUTE 1

ALD. HINES, BOHL AND COGGS

A substitute ordinance relating to implementation of recommendations of the alcohol beverage licensing task force for providing neighborhood notice, scheduling hearings before the licensing committee, and consideration of police reports.

90-50-7 am
90-5-8-a-2 rc

90-5-8-b-0 am
90-5-8-c-1-b am
90-11-1-b rc

The common council established an alcohol beverage licensing task force with the adoption of common council resolution file # 080461, July 30, 2008. The report and recommendations of the task force were presented to the common council on April 30, 2009.

This ordinance addresses several of the recommendations of the task force relating to neighborhood notice of new and renewal applications for Class "A," Class "B" and Class "C" retail establishments, scheduling of hearings before the licensing committee, and the premises report to be filed by the chief of police upon investigation of applications for new Class "A", Class "B" and Class "C" retail establishments and new premises.

The ordinance provides that notice will be sent by the city clerk to addresses within 250 feet of the premises proposed for a new license. The ordinance further provides for conspicuous posting of notice, on a form prescribed by the city clerk and approved by the licensing committee, of a new or renewal license on the outside of the premises. Notices must include information about how to make an objection to a new or renewal license.

The ordinance provides that new applications be scheduled for hearing before the licensing committee within 3 full common council cycles which is defined to mean 3 full periods between regularly scheduled common council meetings following certification by the city clerk that an application and related investigations have been completed.

The ordinance also provides that the police investigation report related to a new application for a Class "A, Class "B" or Class "C" retail establishments include information related to any calls for service, complaints or criminal activity associated with the proposed premises for a period of 5 years prior to the date of application. The police report will include the criminal or ordinance violation history of the applicant, if any.

The ordinance takes effect for applications filed on or after July 1, 2010.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 90-5-7 of the code is amended to read:

90-5. Licensing.

7. INVESTIGATION. All applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the licensing committee of the common council. >>The report provided by the chief of police shall include information describing the circumstances of any calls for service, complaints or criminal activity occurring on the premises proposed for licensing as a Class "A," Class "B" or Class "C" retail establishment associated with the proposed premises during the 5-year period prior to the date of application. The report shall include information related to the criminal and ordinance violation history of the applicant, if any.<<

Part 2. Section 90-5-8-a-2 of the code is code is repealed and recreated to read:

8. COMMITTEE ACTION.

a. Notice.

a-2. Applications for all new Class "A," Class "B" and Class "C" retail licenses, Class "B" manager's licenses and Class

"C" retail licenses shall, except as provided in subd. 3, be referred to the licensing committee for its recommendation as to whether or not each license should be issued. Applications shall be referred without delay upon certification by the city clerk that the application is complete. Upon referral, the application shall be scheduled and heard by the licensing committee before the expiration of the period beginning on the date of referral and ending not later than 3 complete periods between regularly scheduled meetings of the common council.

a-2-a. Certification shall not be made prior to completion of all application paperwork and prior to receipt by the city clerk of the required police report required in subpar. a-2.

a-2-b. Certification shall not be made within 10 days following the provision of written notice of the application by the city clerk to all addresses located within 250 feet of the premises proposed for licensing with information about submitting comments related to the application, including objections to the proposed license, if any. The city clerk may receive comments and objections electronically, by telephone, by mail or through the direct filing of a written document. Communications relating to the license application shall be placed in the file containing application materials.

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.

a-2-d. Certification shall not be made prior to submission of a copy of a map displaying concentration in the neighborhood of licensed alcohol beverage retail establishments.

Part 3. Section 90-5-8-b-0 and c-1-b of the code is amended to read:

b. Hearing. >>Upon certification by the city clerk as provided in par. a-2, all new applications for Class "A," Class "B" and Class "C" retail licenses shall be timely scheduled for hearing by the licensing committee on a date prior to the expiration of 3 full periods of time between regularly scheduled meetings of the common council. Licensing committee hearings on all new applications under this section shall be conducted in the following manner:<<

c. Recommendations.

c-1-b. The appropriateness of the location and premises to be licensed and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the floor plan and plan of operation submitted pursuant to sub. 1-c>> and shall include information provided by the chief of police pursuant to sub. 7 of calls for service, complaints or criminal activity occurring on the premises that may be formally documented in a regular police department record such as a PA 33, summary or equivalent record that is proposed for licensing as a Class "A" or Class "B" retail establishment or a Class "C" retail establishment or incidents associated with the premises during the 5-year period prior to the date of application.<<

Part 4. Section 90-11-1-b of the code is repealed and recreated to read:

90-11. Renewal of License. 1. PROCEDURE FOR RENEWAL.

b. Objection. Upon the filing of an application for renewal of a Class "A" Class "B" or Class "C" retail establishment, the city clerk shall provide the applicant with a form, prescribed by the city clerk and approved by the licensing committee, to be completed by the applicant and conspicuously posted at the expense of the applicant on the outside of the licensed premises providing notice to members of the public that an application has been made and that objections to the application may be made in accordance with the procedures in s. 85-3-3. If the city clerk determines that there is cause to question the renewal of the license on the basis of one or more written complaints related to operation of the licensee during the current license period, or if police reports of incidents and activities on or related to the licensed premises not previously considered by the licensing committee establish cause to question whether renewal of the license may have an adverse impact on the health, safety and welfare of the public and the neighborhood, the city clerk shall cause the application to be scheduled for hearing. A written objection shall meet the definition in s. 85-2-4 and shall comply with the requirements of s. 85-3-3.

Part 4. This ordinance shall take effect for applications received for Class "A", Class B" and Class "C" retail licenses filed on and after July 1, 2010.

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: _____

LRB09349-5

RLW

3/26/2010