



Legislation Details (With Text)

File #: 101561 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/12/2011 **In control:** LICENSES COMMITTEE

On agenda: **Final action:** 5/3/2011

Effective date:

Title: A substitute ordinance relating to exempting applicants for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds from certification requirements and procedures.

Sponsors: THE CHAIR

Indexes: ALCOHOL - REGULATION AND LICENSING, FESTIVALS

Attachments: 1. Hearing Notice List, 2. Notice Published on 5-19-11

Date	Ver.	Action By	Action	Result	Tally
4/12/2011	0	COMMON COUNCIL	ASSIGNED TO		
4/13/2011	1	CITY CLERK	DRAFT SUBMITTED		
4/15/2011	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
4/18/2011	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE		5:0
4/18/2011	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/3/2011	1	COMMON COUNCIL	PASSED	Pass	15:0
5/10/2011	1	MAYOR	SIGNED		
5/19/2011	1	CITY CLERK	PUBLISHED		

101561
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to exempting applicants for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds from certification requirements and procedures.

90-5-8-a-2-0 am

90-5-8-a-2-e am

90-5-8-a-2-g cr

A hearing on an application for new alcohol beverage retail establishment licenses is scheduled subject to certification by the city clerk of the following:

1. A police report has been received.
2. Notice has been given to neighboring addresses.
3. Written notice of the application has been posted on the outside of the proposed premises.
4. A concentration map has been received.

An applicant is required to appear before the licensing committee of the common council whenever the committee makes its recommendations related to the granting or denial of the license application.

This ordinance provides an exception for applicants for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds from these certification requirements and the requirement to appear before the licensing committee, provided the applicants have been previously granted alcohol beverage licenses for premises upon the Henry W. Maier Festival Park grounds.

The provisions of File # 061475 establishing an exemption for new applicants for alcohol beverage licenses for premises upon the Henry W. Maier Festival Park grounds from appearing before the licensing committee were inadvertently removed from the code upon passage of the alcohol beverage licensing revisions in File # 091205.

Whereas, Successive events of varying durations are held annually upon the Henry W. Maier Festival Park grounds by entities that are required to hold alcohol beverage retail establishment licenses to offer alcohol beverages for sale at the events; and

Whereas, Because different entities are not permitted to hold alcohol beverage retail establishment licenses for the same premises during the same periods of time, alcohol beverage retail establishment licensees for premises upon the Henry W. Maier Festival Park grounds must first surrender their licenses at the end of their events to allow other entities holding succeeding events to be issued alcohol beverage retail establishment licenses for the same premises; and

Whereas, Because entities applying for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds do not generally hold current licenses for the premises, the applications of the entities are considered new applications rather than renewal applications, regardless of whether applicants are applying for licenses for premises for which they have been previously granted; and

Whereas, Notices to neighbors, police reports, premises placards, concentration maps and requirements that repeat applicants appear before the licensing committee when applying for alcohol beverage premises licenses upon the Henry W. Maier Festival Park grounds provide little benefit to the licensing committee or protection to the health, welfare and safety of the public; now, therefore

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

Part 1. Section 90-5-8-a-2-0 of the code is amended to read:

90-5. Licensing.

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]]~~>>wholesale<< 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.

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

a-2-e. An applicant for a new alcohol beverage retail establishment license>> , with the exception of applicants under subpar. g,<< shall appear before the licensing committee at the date, time and place specified in written notice provided to the applicant by the city clerk's office. The notice shall be accompanied by a copy of any written report prepared as a result of investigation under sub. 7, and shall further be accompanied by copies of previous licensed premise reports relative to the premises in the 5-year period prior to the date of application.

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

a-2-g. Unless there is a possibility of denial of any license, applicants shall not be required to appear before the licensing committee under subd. 2-e and f provided the applicants have been previously granted alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival park grounds. Applications for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds may be certified by the city clerk as complete without meeting the requirements for certification in subd. 2-a to d.

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:_____

LRB126977-2

Richard L. Withers

4/12/2011