



Legislation Details (With Text)

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Title: A substitute ordinance repealing disclosure of criminal history by license applicants on certain license applications.

Sponsors: THE CHAIR

Indexes: CRIME AND CRIMINALS, LICENSES

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

Date	Ver.	Action By	Action	Result	Tally
7/6/2011	0	COMMON COUNCIL	ASSIGNED TO		
8/29/2011	1	CITY CLERK	DRAFT SUBMITTED		
8/31/2011	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/7/2011	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:1
9/20/2011	1	COMMON COUNCIL	PASSED	Pass	15:0
9/29/2011	1	MAYOR	SIGNED		
10/6/2011	1	CITY CLERK	PUBLISHED		

110346
SUBSTITUTE 1

THE CHAIR

A substitute ordinance repealing disclosure of criminal history by license applicants on certain license applications.

84-7-5-b-7 rp

84-7-5-b-8 rn

84-7-5-b-9 rn

84-7-5-b-10 rn

84-7-5-b-11 rn

84-58-1-b-8 rp

84-58-1-b-9 rn

87-2-3-e rp

87-2-3-f rn

87-2-3-g rn

89-7-2-e rp

89-7-2-f rn

89-7-2-g rn

89-7-2-h rn

89-7-3 am

90-5-1-b-8 rp
90-5-1-b-9 rn
90-5-1-b-10 rn
90-37-4-b-6 rp
90-37-4-b-7 rn
90-37-4-b-8 rn
90-37-4-b-9 rn
90-37-4-b-10 rn
92-2-3-c rp
92-2-3-d rn
92-2-3-e rn
92-2-3-f rn
92-2-4 am
92-10-3-c rp
92-10-3-d rn
92-10-3-e rn
92-10-3-f rn
92-10-4 am
93-7-2-i rp
93-7-2-j rn
95-1-3-a-12 rp
95-1-3-a-13 rn
95-1-5-a am
95-2-3-a-7 rp
95-2-9-a am
95-14-3-b-6 rp
95-14-3-b-7 rn
95-14-3-b-8 rn
95-14-3-b-9 rn
100-50-4-b-7 rp
100-50-4-b-8 rn
100-50-4-b-9 rn
100-54-3-a-6 rp
100-54-3-a-7 rn
100-54-3-a-8 rn
100-54-3-a-9 rn
100-54-7 am
105-75-3-b-6 rp
105-75-3-b-7 rn
105-75-3-b-8 rn
105-75-3-b-9 rn
105-75-3-b-10 rn
108-5-3-b-6 rp
108-5-3-b-7 rn
108-5-3-b-8 rn
108-5-3-b-9 rn

Currently, license applicants are required to disclose their criminal history on certain license applications. In addition, applications are referred to the police department for investigation, and the findings are reported to the common council's licensing committee. This ordinance repeals the

requirement that license applicants disclose criminal history on their applications. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 84-7-5-b-7 of the code is repealed.

Part 2. Section 84-7-5-b-8 to 11 of the code is renumbered 84-7-5-b-7 to 10.

Part 3. Section 84-58-1-b-8 of the code is repealed.

Part 4. Section 84-58-1-b-9 of the code is renumbered 84-58-1-b-8.

Part 5. Section 87-2-3-e of the code is repealed.

Part 6. Section 87-2-3-f and g of the code is renumbered 87-2-3-e and f.

Part 7. Section 89-7-2-e of the code is repealed.

Part 8. Section 89-7-2-f to h of the code is renumbered 89-7-2-e to g.

Part 9. Section 89-7-3 of the code is amended to read:

89-7. Application for Escort Service License.

3. INVESTIGATION; HEARING. Applications shall be referred to the chief of police, commissioner of neighborhood services and commissioner of health, all of whom shall cause an investigation to be made and report their findings to the common council licensing committee. >>The chief of police who shall make and complete an investigation of the applicant's criminal history for the preceding 10 years.<<

Part 10. Section 90-5-1-b-8 of the code is repealed.

Part 11. Section 90-5-1-b-9 and 10 of the code is renumbered 90-5-1-b-8 and 9.

Part 12. Section 90-37-4-b-6 of the code is repealed.

Part 13. Section 90-37-4-b-7 to 10 of the code is renumbered 90-37-4-b-6 to 9.

Part 14. Section 92-2-3-c of the code is repealed.

Part 15. Section 92-2-3-d to f of the code is renumbered 92-2-3-c to e.

Part 16. Section 92-2-4 of the code is amended to read:

92-2. Secondhand Dealer's License.

4. INVESTIGATION. The chief of police shall investigate or cause to be investigated each [[applicant]]>>applicant's criminal history for the preceding 10 years<< for such license, and shall furnish to the city clerk in writing the information derived from the investigation.

Part 17. Section 92-10-3-c of the code is repealed.

Part 18. Section 92-10-3-d to f of the code is renumbered 92-10-3-c to e.

Part 19. Section 92-10-4 of the code is amended to read:

92-10. Precious Metal and Gem Dealer's License.

4. INVESTIGATION. The chief of police shall investigate or cause to be investigated each [[applicant]]>>applicant's criminal history for the preceding 10 years<< for such license, and shall furnish to the city clerk in writing the information derived from such investigation.

Part 20. Section 93-7-2-i of the code is repealed.

Part 21. Section 93-7-2-j of the code is renumbered 93-7-2-i.

Part 22. Section 95-1-3-a-12 of the code is repealed.

Part 23. Section 95-1-3-a-13 of the code is renumbered 95-1-3-a-12.

Part 24. Section 95-1-5-a of the code is amended to read:

95-1. Direct Sellers.

5. ISSUANCE.

a. Applications shall be referred to the chief of police who shall cause an investigation >>of the applicant's criminal history for the preceding 10 years<< to be made and report his or her findings to the city clerk. If the chief of police files no written report summarizing the arrest and convictions of the applicant which could form the basis for denial of the application, the city clerk shall issue the license.

Part 25. Section 95-2-3-a-7 of the code is repealed.

Part 26. Section 95-2-9-a of the code is amended to read:

95-2. Transient Merchants.

9. INVESTIGATION.

a. Upon receipt of each application, the city clerk shall refer immediately to the chief of police who shall make and complete an investigation ~~[[of the statements made in such application]]~~>>of the applicant's criminal history for the preceding 10 years>> as soon as possible, but no later than 10 days following referral.

Part 27. Section 95-14-3-b-6 of the code is repealed.

Part 28. Section 95-14-3-b-7 to 9 of the code is renumbered 95-14-3-b-6 to 8.

Part 29. Section 100-50-4-b-7 of the code is repealed.

Part 30. Section 100-50-4-b-8 and 9 of the code is renumbered 100-50-4-b-7 and 8.

Part 31. Section 100-54-3-a-6 of the code is repealed.

Part 32. Section 100-54-3-a-7 to 9 of the code is renumbered 100-54-3-a-6 to 8.

Part 33. Section 100-54-7 of the coded is amended to read:

100-54. Public Passenger Vehicle Driver's License.

7. INVESTIGATION. Each application shall be referred to the chief of police who shall cause an investigation >>of the applicant's criminal history for the preceding 10 years<<to be made and report the findings to the city clerk.

Part 34. Section 105-75-3-b-6 of the code is repealed.

Part 35. Section 105-75-3-b-7 to 10 of the code is renumbered 105-75-3-b-6 to 9.

Part 36. Section 108-5-3-b-6 of the code is repealed.

Part 37. Section 108-5-3-b-7 to 9 of the code is renumbered 108-5-3-b-6 to 8.

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:_____

City Clerk-License Division

LRB129432-2

Amy E. Hefter

8/29/2011

clerical correction -- 11/14/11 -- lp