



Legislation Text

File #: 120071, Version: 0

120071
ORIGINAL

THE CHAIR

An ordinance relating to licensing provisions for alcohol beverage wholesalers and the exemption of movie theaters from restrictions on the presence of underage persons.

81-30 rc

90-1-3 rp

90-4-6 rc

90-4-8 rp

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

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

90-5-8-a-3-0 am

90-6-2-a-0 am

90-6-2-c-2 rp

90-8.5 am

90-11-1-a am

90-11-1-c-1-0 am

90-19-1-c am

In conjunction with recent changes in state law, this ordinance repeals various code provisions relating to the licensing of alcohol beverage wholesalers. Wholesalers now obtain permits from the Wisconsin department of revenue; municipalities no longer issue wholesaler licenses.

For consistency with state law, this ordinance also adds movie theaters to the list of premises which are exempt from restrictions on the presence of underage persons at places where alcohol beverages are sold.

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

Part 1. Section 81-30 of the code is repealed and recreated to read:

81-30. Class "C" Fermented Malt Beverage Wholesaler License. The expiration date of any unexpired Class "C" fermented malt beverage wholesaler license issued prior to January 1, 2012, shall be January 1, 2013.

Part 2. Section 90-1-3 of the code is repealed.

(Note: The provision being repealed reads as follows:

90-1. Definitions.

3. BOTTLER shall mean any person, firm or corporation, other than a brewer, who shall place in bottles fermented malt beverages as hereinafter defined, for the purpose of sale, barter, exchange,

transportation, offering for sale or having in possession with intent to sell.)

Part 3. Section 90-4-6 of the code is repealed and recreated to read:

90-4. Classification of Licenses.

6. CLASS "B" FERMENTED MALT BEVERAGE RETAILER LICENSE. A Class "B" fermented malt beverage retailer license shall authorize the licensee to sell fermented malt beverages to be consumed by the glass only on the premises, and in the original unopened package or containers to be consumed off the licensed premises; however, no person may sell between 9:00 p.m. and 8:00 a.m. on any Class "B" licensed premises fermented malt beverages in an original unopened package, container or bottle for consumption away from the premises.

Part 4. Section 90-4-8 of the code is repealed.

(Note: The provision being repealed reads as follows:

8. CLASS "C" FERMENTED MALT BEVERAGE WHOLESALER LICENSE. A Class "C" fermented malt beverage wholesaler licensee shall sell to retail dealers fermented malt beverages in the original packages or containers which are not to be consumed in or about the licensed premises of the wholesaler.)

Part 5. Section 90-5-8-a-2-0 and e 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 ~~[[,]]~~ ~~>>and<<~~ Class "B" manager's licenses ~~[[and Class "C" wholesale licenses]]~~ shall, except as provided in subd. 3, be referred to the licensing committee for its recommendations 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-e. Except for a Class "B" manager's license ~~[[or Class "C" wholesale license]]~~ application, certification shall not be made prior to the city clerk's receipt from the chief of police of written confirmation that the applicant has, as required by s. 90-5-1.5, met with a police department community liaison officer or other designee of the chief to review the applicant's floor plan and plan of operation and to conduct a crime prevention through environmental design (CPTED) survey.

Part 6. Section 90-5-8-a-3-0 of the code is amended to read:

a-3. If the chief of police files a written report summarizing the arrest and convictions of an applicant for a new operator's license ~~[[, alcohol beverage wholesale establishment license]]~~ or manager's license which could form the basis for denial of the application, the city clerk shall, in lieu of

forwarding the application to the licensing committee for a hearing under subds. 1 and 2, refer the application to the common council for approval and, except as provided in subd. 4, issue a warning letter to the applicant whenever all of the following are true:

Part 7. Section 90-6-2-a-0 of the code is amended to read:

90-6. Qualifications for Licenses.

2. RESIDENCY REQUIREMENTS.

a. By License Class. Class “A” retailer’s intoxicating liquor license; Class “B” retailer’s intoxicating liquor and service bar licenses; Class “A” fermented malt beverage retailer’s license; Class “B” fermented malt beverage retailer’s license; ~~[[Class “C” fermented malt beverage special wholesaler’s license;]]~~ Class “C” wine retailer’s license.

Part 8. Section 90-6-2-c-2 of the code is repealed.

(Note: The provision being repealed reads as follows:

c. Licenses Not Requiring City Residency.

c-2. Class “C” fermented malt beverage wholesaler’s license.)

Part 9. Section 90-8.5 of the code is amended to read:

90-8.5. Use of License by Another Prohibited. No person may allow another to use his or her alcohol beverage retail ~~[[or wholesale]]~~ establishment license to sell alcohol beverages.

Part 10. Section 90-11-1-a of the code is amended to read:

90-11. Renewal of License.

1. PROCEDURE FOR RENEWAL.

a. General. Applications for the renewal of alcohol beverage retail ~~[[and wholesale]]~~ establishment licenses and manager and operator licenses shall be made to the city clerk on forms provided therefore. The city clerk shall refer all applications for license renewal to the chief of police ~~[[;]]~~ and, excepting applications for manager’s and operator’s licenses, to the commissioner of neighborhood services and the commissioner of health for their review. If the chief of police and, when applicable, the commissioner of neighborhood services and commissioner of health indicate that the applicant still meets all of the licensing qualifications, the application shall be referred to the common council for approval.

Part 11. Section 90-11-1-c-1-0 of the code is amended to read:

c. Warning Letter.

c-1. If the chief of police files a written report summarizing the arrest and convictions of an applicant for renewal of an operator’s license ~~[[, alcohol beverage wholesale establishment license]]~~ or

manager's license which could form the basis for nonrenewal of the application, and if no written objection has been filed under par. b, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under par. b, refer the application to the common council for approval and, except as provided in subd. 2, issue a warning letter to the applicant whenever all of the following are true:

Part 12. Section 90-19-1-c of the code is amended to read:

90-19. Presence of Underage Persons in Places of Sale; Penalty.

1. RESTRICTIONS.

c. Hotels, drug stores, grocery stores, bowling alleys, >>movie theaters,<< cars operated by any railroad, regularly established athletic fields, stadiums, public facilities as defined in s. 125.52(5)(b) 1.d, Wis. Stats., which are owned by a county or municipality or centers for the visual or performing arts.

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

LRB136857-1

Jeffrey D. Osterman

05/03/2012