



## Legislation Text

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**File #: 960700, Version: 3**

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960700  
SUBSTITUTE 3

ALD. HENNINGSEN

A substitute ordinance relating to criteria for denial or non-issuance of applications for new or renewal alcohol beverage outlet licenses and photographs of premises to be submitted with those applications.

81-24-3 rn  
81-24-3 cr  
90-5-1-d cr  
90-5-8-c-1-f rn  
90-5-9-c-1-f cr  
90-5-9-c-1-g cr  
90-5-9-c-1-h cr  
90-5-9-c-1-i cr  
90-11-1-b rn  
90-11-1-b cr  
90-11-7-c-1-e rn  
90-11-7-c-1-e cr  
90-11-7-c-1-f cr  
90-11-7-c-1-g cr  
90-11-7-c-1-h cr  
- Analysis -

This ordinance requires photographs to be taken of business premises that apply for new or renewal alcohol beverage premises licenses. The alcohol beverage licenses to which the photograph requirement applies are: class "A" retailer's intoxicating liquor license, class "B" retailer's intoxicating liquor license, class "B" retailer's service bar license, class "A" fermented malt beverage retailer license (package store) and class "B" fermented malt beverage retailer. The photographs are to be taken by the police department and include at least 4 color photographs that depict each side of the exterior of the business. All photographs shall be taken during daylight hours under as similar conditions as is practicable. The photographs shall be made available to the utilities and licenses committee when a hearing is held on the application.

The ordinance also provides that new or renewal licenses can be denied for the following reasons:

1. Violation of the building code or health-related provision of the code of ordinances when the violation has an adverse effect upon the health, safety or convenience of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood.
2. Failure to comply with an order related to a violation described in item 1.
3. A violation described in item 1 for which a citation or order has not been issued but which is evidenced by the photographs or other evidence.
4. Broken windows, unpainted wood, broken signs or other building accoutrements, inoperable light fixtures, litter, broken or deteriorated siding, broken or deteriorated steps or banisters, graffiti or any other visible condition that negatively impacts neighborhood esthetic standards, as evidenced by the photographs or other evidence.

The ordinance also requires Class "B" fermented malt beverage retailers to apply for renewal licenses no later than the first day of the month before the month in which the license expires. There is an additional late renewal fee of \$53. The current code of ordinances imposes this renewal application deadline to all other licenses affected by this ordinance.

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

Part 1. Section 81-24-3 of the code is renumbered 81-24-4.

Part 2. Section 81-24-3 of the code is created to read:

81-24. Class "B" Fermented Malt Beverage Retailer's License.

3. License renewal applications must be filed before the first day of the month preceding the month in which the license expires. There shall be an additional fee for the filing of a late renewal application in the amount of \$53.

Part 8. Section 90-5-1-d of the code is created to read:

90-5. Licensing.

1. APPLICATION: FORM AND CONTENTS.

d. Premises Photographs. d-1. When an application for any license described in s. 90-4-1 to 3, or 90-4-5 or 6, is received, the city clerk shall request the police department to photograph the premises for which the license application is made. The department shall comply with requirements of subd. 2 and provide the photographs to the city clerk within 10 working days after the city clerk's request for photographs.

d-2. The photographs shall consist of not less than 4 unretouched color photographs that depict each side of the exterior of the building in which the premises are located. The photographs shall be taken by the police department not more than 30 days before the date of application. All photographs shall be taken during daylight hours under as similar conditions as is practicable. Such conditions include the type of film, the type of camera, the exposure settings and, to the extent practicable, the distance between the camera and the building and the lighting conditions. The photographs shall be made available to the utilities and licenses committee when the committee holds a hearing on the application.

Part 9. Section 90-5-8-c-1-f of the code is renumbered 90-5-8-c-1-j.

Part 10. Section 90-5-8-c-1-f to i of the code is created to read:

8. COMMITTEE ACTION.

c. Recommendations.

c-1-f. Whether there have been any violations of any provision of the building code that have an adverse effect upon the health, safety or convenience of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood or failure to comply with an order of the department of building inspection relative to such a violation.

c-1-g. Whether there have been any violations of any provision of the code of ordinances that are enforceable by the health department and that have an adverse effect upon the health, convenience or safety of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood or failure to comply with an order of the department of health relative to such a violation.

c-1-h. Whether there has been a violation of the code of ordinances for which a citation or order has not been issued but which is evidenced by the photographs described in sub. 5-1-d or other evidence, and that has an adverse effect upon the health, safety or convenience of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood.

c-1-i. Whether there are broken windows, unpainted wood, broken signs or other building accoutrements, inoperable light fixtures, litter, broken or deteriorated siding, broken or deteriorated steps or banisters, graffiti or any other visible condition, evidenced by the photographs described in sub. 5-1-d or other evidence that negatively impacts neighborhood esthetic standards.

Part 11. Section 90-11-1-b of the code is renumbered 90-11-1-c.

Part 12. Section 90-11-1-b of the code is created to read:

90-11. Renewal of License.

1. CONDITIONS.

b. Premises Photographs. b-1. When an application is received for any license described in s.90-4-1 to 3, or s. 90-4-5 or b., the city clerk shall request the police department to photograph the premises for which the license application is made. The department shall comply with the requirements of subd. 2 and shall provide the photographs to the city clerk within 10 working days after the city clerk's request for photographs.

b-2. The photographs shall consist of not less than 4 unretouched color photographs that depict each side of the exterior of the building in which the premises are located. The photographs shall be taken by the police department not more than 30 days before the date of application. All photographs shall be taken during daylight hours under as similar conditions as is practicable. Such conditions include the type of film, the type of camera, the exposure settings and, to the extent practicable, the distance between the camera and the building and the lighting conditions. The photographs shall be made available to the utilities and licenses committee when the committee holds a hearing on the application.

Part 13. Section 90-11-7-c-1-e of the code is renumbered to 90-11-7-c-1-i.

Part 14. Section 90-11-7-c-1-e to h of the code is created to read:

7. PROCEDURE FOR NON-RENEWAL.

c. Recommendation.

c-1-e. Violation of any provision of the building code that has an adverse effect upon the health, safety or convenience of customers or upon the

health, safety or convenience and prosperity of the immediate neighborhood or failure to comply with an order of the department of building inspection relative to such a violation.

c-1-f. Violation of any provision of the code of ordinances that is enforceable by the health department and that has an adverse effect upon the health, convenience or safety of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood or failure to comply with an order of the department of health relative to such a violation.

c-1-g. A violation of the code of ordinances for which a citation or order has not been issued but which is evidenced by the photographs described in par. b-2 or other evidence, and that has an adverse effect upon the health, safety or convenience of customers or upon the health, safety or convenience and prosperity of the immediate neighborhood.

c-1-h. Broken windows, unpainted wood, broken signs or other building accoutrements, inoperable light fixtures, litter, broken or deteriorated siding, broken or deteriorated steps or banisters, graffiti or any other visible condition, evidenced by the photographs described in par. b-2 or other evidence that negatively impacts neighborhood esthetic standards.

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: \_\_\_\_\_

LRB96328.4

CAW

7/13/98