



## Legislation Text

File #: 170950, Version: 1

170950  
SUBSTITUTE

ALD. COGGS

An ordinance relating to collusive agreements involving persons licensed by the city.

85-41 am

90-9 ra

Currently, collusive agreements are prohibited for those licensed by the city to sell alcohol beverages. This ordinance expands that prohibition to include all licenses and permits issued by the city clerk. In addition, this ordinance increases the penalty range for collusive agreements to a forfeiture of not less than \$2,500 and not more than \$5,000. The current penalty range is “not more than \$1,000.” The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 85-41 of the code is amended to read:

**85-41. Penalty**~~[[, General]]~~. >>a.<<Any person who violates any of the provisions of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction be subject to a forfeiture of not more than \$500 and in default of payment thereof, shall be imprisoned as provided by law.  
>>b. Any person who violates s. 85-30 shall upon conviction be subject to a forfeiture of not less than \$2,500 and not more than \$5,000, and in default of payment thereof, shall be imprisoned as provided by law.<<

Part 2. Section 90-9 of the code is renumbered 85-30 and amended to read:

**85-30. Collusive Agreements Prohibited.** Any person licensed ~~[[to sell intoxicating liquor or fermented malt beverages]]~~ in the city who shall permit any other person to conduct ~~[[such intoxicating liquor or fermented malt beverages]]~~ business under ~~[[such]]~~ >>the<< licensee’s license, or in the name of said licensee, ~~[[who]]~~ or who shall connive, collude>>i.<< or agree with any other person to enable such other person to conduct any ~~[[such]]~~ business under the ~~[[said]]~~ licensee’s license or in the name of ~~[[said]]~~ >>the<< licensee>>i.<< and any person who shall conduct any ~~[[premises or place for the sale of intoxicating liquor or fermented malt beverages]]~~ >>business<< within the city under a license issued to another person, or in the name of ~~[[such]]~~ >>another<< person, or who shall connive, collude, or agree with any licensee to enable such person to conduct ~~[[such]]~~ business in the name~~[[,]]~~ or under the license of such licensee, shall be subject to the penalty specified in ~~[[s. 90-40]]~~ >>s. 85-41-b<<. This section shall not apply to holders of Class “B” special fermented malt beverage licenses issued under s. 90-4-7.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

City Clerk's Office

LRB 169341-2

Tea Norfolk

11/2/2017