



## Legislation Text

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File #: 201617, Version: 2

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### 201617 SUBSTITUTE 2

#### ALD. COGGS

A substitute ordinance relating to the mailing of certain licensing notices.

85-2.7-1-0	am
85-2.7-1-b	am
85-3-2-0	am
85-39-6-b	am
90-4-7.9-e	am
90-5-8-a-8	am
90-12-5-a-3	am
90-37-5-b	am
100-50-15-c	am
101-23.7-5-c	am
105-75-6-b	am

This ordinance increases the number of days that notices must be mailed prior to licensing hearings from either 3 or 4 days to 7 days.

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

Part 1. Section 85-2.7-1-0 and b of the code is amended to read:

#### **85-2.7. Hearing Procedure, New License.**

1. HEARING; NOTICE. The notice shall be served upon the applicant so that the applicant has at least [[3]] >>7<< days' notice of the hearing.

b. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least [[3]] >>7<< days' notice of the hearing.

Part 2. Section 85-3-2-0 of the code is amended to read:

#### **85-3. Notice and Service.**

##### **2. SERVICE OF DOCUMENTS.**

Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the

same in the United States first class mail, postage prepaid. >>Hearing notices shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing.<<

Part 3. Section 85-39-6-b of the code is amended to read:

**85-39. Change to Plan of Operation, Temporary.**

**6. HEARING PROCEDURE**

b. No hearing shall be heard unless the city clerk provides the applicant written notice in the manner set forth in s. 85-3 so that the applicant has at least [[3]] >>7<< days notice of the hearing.

Part 4. Section 90-4-7.9-e of the code is amended to read:

**90-4. Classification of Licenses.**

**7.9. PERMANENT EXTENSION OF PREMISES.**

e. Committee Action. The licensing committee shall hold a hearing on whether or not to grant each application for a permanent extension of licensed premises. If any interested person objects to the granting of a particular application, the licensee shall receive at least [[3]] >>7<< days' notice of the hearing date and the nature of the objection to the application. The applicant shall have an opportunity to appear at the hearing and be represented by counsel and to cross-examine witnesses opposed to the granting of the application for permanent extension of the licensed premises, and to present evidence in favor of the granting of the application. At the conclusion of the hearing, the committee shall make a recommendation to the common council on whether to grant the application. In making its recommendation, the committee may consider, among other factors, the appropriateness of the location for which a permanent extension of licensed premises is sought, whether the location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare. The common council shall act on the committee's recommendation without further hearing.

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

**90-5. Licensing.**

**8. COMMITTEE ACTION.**

a. Notice.

a-8. If there is a possibility of denial of any license regulated by this subsection, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant so that the applicant has at least [[3]] >>7<< days' notice of the hearing.

Part 6. Section 90-12-5-a-3 of the code is amended to read:

**90-12. Revocation or Suspension of Licenses.**

## 5. PROCEDURES FOR REVOCATION OR SUSPENSION.

### a. Complaint; Summons; Report.

a-3. The chief of police shall prepare a report with information relating to the allegations contained in the written charges or complaint. The report shall first state whether the chief of police has information relating to the allegations contained in the written charges or complaint. The report may be offered and made part of the permanent record of the hearing without motion. Information contained in the report shall be admissible and may be considered by the committee as a public record to the extent that the information in the report sets forth the activities of department personnel, or provides information about matters observed by police personnel under a duty imposed by law, or contains factual findings resulting from an investigation made under authority of law, unless the sources of information or other circumstances indicate lack of trustworthiness. A copy of the report shall be provided to the licensee at least ~~[[3]]~~ 7 days prior to the time scheduled for appearance upon the summons and complaint.

Part 7. Section 90-37-5-b of the code is amended to read:

### **90.37. Centers for the Visual and Performing Arts.**

## 5. ISSUANCE.

b. The licensing committee shall hold a hearing on whether or not to issue each new license. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least ~~[[3]]~~ 7 days' notice of the hearing. The notice shall contain:

Part 8. Section 100-50-15-c of the code is amended to read:

### **100-50. Public Passenger Vehicle Permits**

## 15. REVOCATION OR SUSPENSION OF PERMITS.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a permittee involving conduct which would violate ordinances that are grounds for suspension or revocation of a permit, the city clerk shall issue notice to the permittee. ~~[[The notice shall be served upon the permittee so that the permittee has at least 3 days' notice of the hearing.]]~~ The notice shall contain:

Part 9. Section 101-23.7-5-c of the code is amended to read:

### **101-23.7. Loading and Unloading Zone Permits.**

## 5. ISSUANCE.

c. If both the common council member and the commissioner recommend in favor of an application, the application shall be forwarded to the common council for approval. If either the common council

member or the commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the commissioner and the common council member. Appeals shall be forwarded to the licensing committee for its recommendation as to whether each permit should be granted. The committee shall hold a hearing on whether to grant each permit for which an appeal has been requested. No hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least ~~[[3-working]]~~ >>7<< days' notice of the hearing. The notice shall contain:

Part 10. Section 105-75-6-b is amended to read:

**105-75. Private Alarm Systems and Regulations.**

**6. ISSUANCE**

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least ~~[[3]]~~ >>7<< days' notice of the hearing. The notice shall contain:

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: \_\_\_\_\_

Alex Highley  
LRB176627-3  
4/23/2021