CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
Amending Sections 14-31(3)b.2, 3, and 4 of the City of Stoughton Municipal Code Relating to Liquor Licensing Requirements			
Committee Action:	Public Safety Committee Recommended approval 5-0 on March 31, 2021		
Fiscal Impact:	N/A		
File Number:	O-10-2021	First Reading:	April 13, 2021
		Second Reading:	April 27, 2021

The Common Council of the City of Stoughton, Dane County, Wisconsin ordains as follows:

1. Sec. 14-31(3)b.2 of the Stoughton Municipal Code shall be amended to read:

   If the licensee appears as required by summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross examine witnesses and be represented by counsel. ~~The licensee shall be provided a written transcript of the hearing at his expense.~~ All proceedings and testimony shall be recorded on tape and promptly transcribed unless waived by both the complainant and licensee. ~~If either party requires a stenographic recording and transcription, city staff shall make the necessary arrangements, but the expense shall be borne by the requesting party.~~ The secretary to the public safety committee shall mark and receive all exhibits admitted into the record.

2. Sec. 14-31(3)b.3 of the Stoughton Municipal Code shall be amended to read:

   ~~Within 20 days of the~~ Within 20 days of completion of the transcript of the proceedings, or within 20 days of completion of the hearing if a transcript was waived by both parties, the public safety committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The public safety committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both.

3. Section 14-31(3)b.4 of the Stoughton Municipal Code shall be amended to read:

At the second regular meeting of the city council, after the filing of the public safety committee's recommendation, the city council shall act on the recommendation. If the recommendation is based upon a stipulation of the parties, the city council may accept or reject the recommendations by a simple majority vote. If the city council rejects the recommendation, the matter shall be referred back to the public safety committee for a full factfinding hearing. If the recommendation is based upon a full factfinding hearing, the recommendation shall become the decision of the city council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the city council. Only those members of the city council who have certified to the clerk in writing that they have read the transcript, unless waived by both the complainant and the licensee, exhibits and reports of the public safety committee, shall be permitted to vote on the matter. If the city council after considering the public safety committee's report and any arguments presented by the complainant or the licensee finds the complaint to be true or if there is no objection to the report recommending suspension or revocation of license, the license shall be suspended for not less than ~~one~~ ten days nor more than 90 days or revoked. Any suspension ~~or revocation~~ shall be served beginning at 12:00 a.m. on the 7th day following council action. Any revocation shall begin immediately following council action. The decision of the city council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the city the actual costs of the proceedings.

4. This ordinance shall take effect upon passage and publication pursuant to Wisconsin law.

Dates
Council Adopted: _____
Mayor Approved: _____
Published: _____
Attest: _____

_____
Tim Swadley, Mayor

_____
Holly Licht, City Clerk