Sec. 14-31. - Revocation, suspension or nonrenewal of license.

The following provisions shall apply to the revocation, suspension or nonrenewal of any license issued pursuant to this chapter notwithstanding any other provisions of this chapter, except those providing for revocation or suspension of any license by the court:

(1) *Complaint.* Any resident of the city or city official may file a sworn written complaint with the city clerk alleging one or more of the following about any person or entity licensed pursuant to this chapter:

a. The person has violated Wis. Stats. ch. 125 or this chapter.

b. The person keeps or maintains a disorderly or riotous, indecent or improper house.

c. The person has sold or given away alcohol beverages to known habitual drunkards.

d. The person does not possess the qualifications required under this chapter to hold the license.

e. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

f. The person has been convicted of possessing any of the materials listed in Wis. Stats. § 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to Wis. Stats. § 961.65.

g. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

h. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in Wis. Stats. § 961.65 with the intent to manufacture methamphetamine.

i. The person received the benefits from an act prohibited under Wis. Stats. § 125.33(11).

(2) *Summons.* Upon the filing of the complaint, the city council or public safety committee shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the public safety committee on a day and time and at a place named in the summons, not less than three days and not more than ten days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stats. ch. 801, for service in civil actions in circuit court.

(3) *Procedure on hearing.*

a. *No appearance.* If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and, if the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

b. *Public safety committee to serve as hearing agency.*

1. The public safety committee shall serve as the hearing agency for the city council. The chair of the committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. As far as practicable, the rules of evidence provided in Wis. Stats. § 227.45 shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

2. 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 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.

3. Within 20 days of the completion of the hearing, 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.

4. 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 day 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. 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.

c. *Notice.* The city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

d. *Dismissal.* If the city council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the city council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The city council or committee may require the complainant to provide security for such costs before issuing the summons under subsection (2) of this section.

(4) *Effect of revocation.* When a license is revoked under this section, the revocation shall be recorded by the city clerk and no other license issued under this article shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation.

(5) *Judicial review.* The action of the city council in granting or failing to grant, suspending or revoking any license or the failure of the city council to revoke or suspend any license for good cause may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the city council in the manner provided in Wis. Stats. ch. 801, for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The city council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, that matter shall be deemed at issue and hearing may be had within five days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within ten days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

(6) *Nonrenewal of license.* The city may refuse to renew a license for the causes provided in subsection 14-31(1). Prior to the time for renewal of the license, the city council or the public safety committee shall notify the licensee in writing of the city's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in subsection 14-31(3), and judicial review shall be as provided in subsection 14-31(5).

(7) *Other provisions.* Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the city council by amendment to this chapter or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his license may be revoked in accordance with this chapter. In case of revocation of any license or any violation of any provision of this chapter in accordance with this chapter or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee. If a license issued under this chapter is not used within 15 days after its issuance or its usage is discontinued for a period of 15 days or more, such situation shall be grounds for cancellation of the license in accordance with the provisions of this chapter.

(Code 1986, § 12.03(11); Ord. No. 0-40-07, § 1, 11-27-2007; Ord. No. 0-14-08, § 1, 5-27-2008; Ord. No. 0-7-2011, §§ 1—3, 2-23-2011)

Sec. 14-32. - Alcohol beverage licenses.

No person shall sell, keep for sale, give away, deal in, traffic in or permit to be sold, kept for sale, given away, dealt in or trafficked in to consumers within the city any alcohol beverages, except in strict accordance with this chapter.

(Code 1986, § 12.03(1))

Sec. 14-33. - State statutes adopted.

The provisions of the Wisconsin Statutes set forth in this section are adopted and made a part of this section by reference, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes. A violation of any such provision shall constitute a violation of this section. This adoption by reference shall include all amendments of and to the listed provisions. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section.

Wisconsin Statutes Section	Description
125.02	Definitions.
125.04	General licensing requirements.
125.05	Local option; remonstrances.
125.06	License and permit restrictions.
125.07	Restrictions on sales to underage.
	Persons and intoxicated persons; presence of underage persons in; places of sale and possession by underage persons; penalties.
125.085	Proof of age.
125.09	General restrictions.
125.12	Revocations, suspensions, refusals to issue or review.
125.13	Report of suspension, revocation or imposition of penalty.
125.14	Enforcement provisions.
125.145	Prosecutions by attorney general.
125.16	Actions to recover price denied.
125.17	Issuance of operators' licenses.
125.18	Issuance of managers' licenses.
125.25	Class A Licenses—Fermented malt beverages.
125.26	Class B Licenses—Fermented malt beverages.
125.28	Wholesalers' licenses.
125.31(2)	Multiple licenses and permits.
125.315(1)	Evading provisions of law by giving away fermented malt beverages.
125.32	General restrictions and requirements.
125.51	Retail licenses and permits—Intoxicating liquor.
125.67	Evading provisions of law by giving away intoxicating liquors; penalties.
125.68	General restrictions and requirements.

(Code 1986, § 12.03(2))

Sec. 14-34. - Penalty.

Any licensee who personally or through his managers, operators, agents or employees violates any of the provisions of this article shall be subject to a penalty as provided in section 1-3. In addition, the licensee's license shall be subject to revocation, suspension or nonrenewal pursuant to Wis. Stats. § 125.12, or, if the violation involves one or more underage persons, the penalties shall be as set forth in Wis. Stats. § 125.07.

(Code 1986, § 12.03(12))

Sec. 14-35. - License fees.

The fees for licenses issued in this article shall be in accordance with the schedule listed in section 14-461 and shall be paid in cash or by certified check to the city clerk. Fees must be paid at least 15 days prior to the date the license is to be issued.

(Code 1986, § 12.03(3))

Sec. 14-36. - Application.

(a) The application for such licenses shall be in writing on forms furnished by the state department of revenue and shall contain the following information verified under oath by the applicant:

(1) Address of the building for which the license is desired and description including a diagram of the overall dimensions, seating arrangements, capacity and bar size of the premises therein where fermented malt beverages or intoxicating liquors are to be sold.

(2) A statement that the applicant or registered agent has resided continuously in the state for not less than 90 days prior to the date of such application.

(3) A statement as to whether the applicant has ever been convicted of a felony or of a violation of any federal or state act or ordinance regulatin prohibiting the sale of intoxicating or nonintoxicating beverage and, if so, the number and dates of such convictions and the penalty imposed

(4) A statement as to whether the applicant holds or has applied for any other Class A or B licenses.

(5) A statement as to whether any business other than the sale of fermented malt beverages, intoxicating liquor and soft drinks is to be conducted on the premises sought to be licensed and, if so, a description of the nature of such business. Such information shall not be required in an application for an operator's license.

(6) A statement that the applicant is not acting as agent for or in the employ of another.

(7) If the application is for a Class B license, a statement as to whether any brewer, bottler, wholesaler or corporation, a majority of whose stock is owned by any brewer, bottler or wholesaler, has or intends to supply, furnish, lease, give, pay for or take any chattel mortgage of any furniture, fixture, fittings or equipment to be used in or about the premises covered by the application.

(8) If the application is made for a Class A license, a statement as to whether any brewer, bottler or wholesaler has advanced, paid or furnished the money for a license fee or intends to do so.

(9) If the application is for a Class B license, a statement as to whether any brewer, bottler or wholesaler is financially interested in, directly or indirectly, the license for which application is made.

(10) The name, residence, age of the applicant, if an individual, or the names of the principal officers, their residence, ages, if the applicant is an association or corporation, together with the state of incorporation. It shall also contain the name of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address of such person.

(11) A statement that the applicant consents to the entry of authorized representatives of the city at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles in evidence in any prosecution that may be signed and sworn to by the applicant, if an individual, and, if a corporation, then by the president and secretary thereof, before a notary public or other officer authorized to administer oaths.

(12) The application shall also contain any other reasonable and pertinent information as the city council may, from time to time, require. The application shall be referred by the clerk to the public safety committee which shall then make any investigation it deems necessary or desirable. The application shall also be referred by the clerk to the chief of police who shall immediately conduct a background check and inspect the premises sought to be licensed and report in writing to the public safety committee as required. These reports shall deal with any and all incidents relating in any manner to the premises sought to be licensed, whether or not the incident led to any official action against the premises or its license.

(b) Before issuance of any operator's, manager's, Class A or Class B retailer's license, including owners of such establishments, every applicant shall be certified as having successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education unless the applicant fulfills one of the requirements in subsections (b)(1)—(3) of this section. Those who complete such programs shall have an appropriate endorsement recorded and placed on their licenses and shall be eligible to operate, conduct or be employed in establishments operating under a Class A or B license.

(1) The person is renewing an operator's license.

(2) Within the past two years, the person held a Class A or Class B license or permit or a manager's or operator's license.

(3) Within the past two years, the person has completed such a training course.

(c) The city clerk or designee may issue a provisional operator's license to a person who is enrolled in a training course under subsection (b) of this section and shall revoke that license if the applicant fails to successfully complete the course in which enrolled.

(d) Where application is made for a Class A or B license on behalf of a sole proprietorship, the sole proprietor shall successfully complete the training course under subsection (b) of this section. Where the application is made on behalf of a partnership, all partners shall successfully complete the training course. Where the application is made on behalf of a corporation, the registered agent shall successfully complete the training course.

(e) As a part of the operator's license review process, the chief of police will conduct a records check of the applicant's adult criminal arrests through the Wisconsin Crime Identification Bureau, the police department records of the applicant. This record will be attached to the application for review by the city clerk and, if necessary, the public safety committee.

(f) The number of Class A fermented malt beverage only permits is limited. Class A fermented malt beverage only retailer's licenses will be limited to one per 1,000 population for the city with partial numbers being rounded up to the next highest whole number. The population numbers for the city will be based on the department of administration estimates for the year in question. This number excludes Class A fermented malt beverage permits issued as a part of a Class A liquor and fermented malt beverage combination.

(Code 1986, § 12.03(4))

Sec. 14-37. - Transfer of licenses.

No license issued pursuant to this article may be transferred from place to place or from person to person except pursuant to the rules set forth in Wis. Stats. § 125.04(12). Any application for transfer pursuant to this statute shall be accompanied by payment of a fee as stated in section 14-461.

(Code 1986, § 12.03(5))

Sec. 14-38. - Issuance of license.

(a) The public safety committee shall give any person the opportunity to be heard for or against the issuance of any license. Upon the receipt of a timely application received by the city clerk, approval of the application by the city council and after payment of license fee, the city clerk shall issue the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, fee paid and the name of the licensee. All licenses shall remain in force until June 30 following the issuance thereof, unless revoked or suspended in the manner provided by statute or this chapter. Renewal license applications are due by April 15 and shall be issued a late fee of $25.00 for each day after April 15 that the application is received. Payment of the application fee is due in full by June 15 and shall be issued a late fee of $25.00 for each day later than June 15 that the application fee is received. Payments received after June 25 shall be made by cash, money order or bank cashiers check only. If necessary, the city clerk may issue a 60-day provisional retail license to late filing applicants, subject to report and approval of the chief of police.

(b) Where the applicant's premises are not in compliance with relevant ordinances and/or state codes at the time of application, the application may be accepted with the provisal that the license shall be granted and issued only upon the applicant's compliance with applicable ordinances and codes within 90 days of acceptance. If the applicant's premises are not in compliance within the 90-day period, the acceptance shall be withdrawn.

(Code 1986, § 12.03(6); Ord. No. 0-10-2011, § 2, 6-14-2011; Ord. No. 0-14-2011, § 1, 6-28-2011; Ord. No. 0-15-2011, 10-25-2011)

Sec. 14-39. - General licensing requirements.

In addition to the requirements set forth in section 14-33, all license applicants and licensees shall strictly comply with the following provisions:

(1) *Conformity to statutes and ordinances.* No license shall be issued or renewed unless the premises conform to the sanitary, safety and health requirements of the state building code, plumbing code and the rules and regulations of the state department of health applicable to restaurants, as well as all ordinances and regulations adopted by the city.

(2) *City claims.* No license shall be issued or renewed for operation on any premises upon which taxes or assessments or other financial claims of the city are delinquent and unpaid.

(Code 1986, § 12.03(7))

Sec. 14-40. - Operation by licensee under Class A or B license; additional city regulations.

(a) *View of interior unobstructed.*

(1) *Blinds, screens and partitions.* No holder of a retail Class B fermented malt beverage license under this article shall permit the interior of the premises to be obstructed, provided that partitions, etc., not exceeding 48 inches in height, may be permitted within the interior. This subsection shall not apply to a licensed premises where the principal business conducted is that of a restaurant or hotel.

(2) *Windows and doors.* Windows and doors of any licensed premises shall not be obstructed by screens, blinds, paints or other articles, provided articles not higher than 48 inches from the sidewalk level shall be permitted. This subsection does not apply to a licensed premises where the principal business conducted is that of a restaurant or hotel.

(b) *Alcohol beverages to be sold and consumed only in authorized parts of premises.*

(1) No alcohol beverage may be sold, dispensed or consumed under a Class B license in more than one room upon the same licensed premises. This subsection shall not prohibit the consumption of such beverages in bottles or other original containers in rooms occupied by guests in hotels, nor shall it prohibit the serving of such beverages in additional rooms in the same building on the same premises when these rooms are open to the public for the service of meals, nor shall it prohibit consumption in rooms specifically authorized and operating under a valid outdoor consumption permit.

(2) No alcohol beverage may be sold, dispensed or consumed under a Class B license in any portion of the building or premises not authorized in the license, outside the building or premises not authorized in the license, outside the building on the premises or within any temporary shelter or tent on the premises.

(c) *Posting.* Every license issued under this chapter shall be posted in a conspicuous place, while in force, in the room or place where alcohol beverages are kept for sale. No person shall post such licenses or permit such licenses to be posted upon premises other than those mentioned on the application. No person shall knowingly deface or destroy such license or remove such license without the permission of the

licensee. If a license is lost or destroyed through no fault of the holder, a duplicate thereof under the original application shall be issued by the city clerk if the clerk is satisfied as to the facts upon payment of a $5.00 fee.

(d) *Credit restrictions.* No licensee shall sell or offer to sell any alcohol beverage to any person on credit, except credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell alcohol beverages to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for alcohol beverages.

(e) *Gambling prohibited.* Except as provided by law, no person shall permit gambling or devices used for gambling upon any premises licensed under this chapter.

(f) *Licensee, manager or other operator on premises.* There shall be upon premises operated under a retail Class A or B license at all times the licensee or some person who shall be responsible for acts of all persons serving in any manner alcohol beverages to customers. No person other than the licensee shall serve alcohol beverages in any place operating under a retail Class A or Class B license unless he possesses an operator's or manager's license or unless he is under the immediate supervision of the licensee or a person holding an operator's or manager's license who shall be upon the premises at the time of service.

(g) *Consent to inspection of premises.* The holder of any license issued under this article shall be deemed to have given consent to entry and inspection at any time by any police officer or alderperson without warrant. Refusal by the licensee or holder of a manager's or operator's license to permit such inspection shall be deemed a violation of this article.

(h) *Presence on premises after hours under retail Class B license.*

(1) The licensee, employees, salesperson or service personnel shall be permitted to be present, but not to consume alcohol beverages, on licensed premises during hours when the premises are not open for business if those persons are performing job-related activities. The premises shall be well lighted during times when occupied and not open for business.

(2) Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during hours the establishment is not permitted to be open for business. The premises shall be well-lighted during cleanup.

(i) *Open containers restrictions.* No licensee, manager or operator shall permit any patron to leave the licensed premises with an open container containing any alcohol beverage.

(j) *Health rules.* Each premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The building inspector is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this chapter. Such rules and regulations may be classified and made applicable to the class of business conducted. All these rules and regulations shall have the same force as this chapter and an infraction thereof may be punished as a violation of this chapter.

(k) *Miscellaneous rules.*

(1) *Consent to inspection.* Every applicant procuring a license thereby consents to the entry of a city officer or other duly authorized representative of the city at all reasonable hours for the purpose of inspection and search, consents to the removal from the premises of all things and articles found in violation of ordinances or law, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(2) *Employment of underage persons.* No licensee shall employ an underage person in violation of Wis. Stats. § 125.07.

(3) *Clubs.* No club shall sell intoxicating liquors except to members and guests invited by members.

(4) *Orderly conduct required.* Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(5) *Alcohol beverages' content.* No beverages of an alcohol content prohibited by law shall be kept in or about licensed premises.

(6) *Permits for outdoor consumption at Class B premises.*

a. *Required for outdoor consumption.* No licensee shall sell, serve or permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this section after review by the public safety committee. The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section.

b. *Limitations on issuance of outdoor permits.* Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Amplified sound or music shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open or occupied between the hours of 11:00 p.m. Friday through 8:00 a.m. Saturday, 11:00 p.m Saturday through 8:00 a.m. Sunday, and between the hours of 10:00 p.m. and 8:00 a.m. on all other nights. The maximum capacity of the combined indoor and

outdoor areas of the licensed premises shall be the legal maximum capacity of the indoor area. A permit holder may apply for approval to exceed the otherwise established maximum capacity to accommodate a special event. Applications to exceed the otherwise established maximum capacity shall be referred to the public safety committee for recommendation to the city council, which shall determine whether to approve the application. The council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement.

(l) *Closing hours.* Establishments holding a retail Class B intoxicating liquor license shall be closed between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No alcohol beverages shall be served or consumed during hours when the premises is closed.

(m) *Prohibition of carryout sales.* No person shall sell or permit to be sold on premises for which a retail fermented malt beverage license or retail intoxicating liquor license has been issued any intoxicating liquor or fermented malt beverage in an original unopened package, container or bottle or for consumption away from the premises during the hours set forth as follows:

(1) If a retail Class A fermented malt beverage or intoxicating liquor license, between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1986, § 12.03(8); Ord. No. 0-20-04, § 1, 8-10-2004; Ord. No. 0-06-07, § 1, 1-23-2007; Ord. No. 0-13-2010, § 1, 8-24-2010; Ord. No. 0-12-2016, 7-26-2016)

Sec. 14-41. - License cancellation.

If a license issued under this article is not used within 60 days after it is granted, or its usage is discontinued for a period of 60 days or more, such nonuse shall be grounds for cancellation of the license in accordance with the provisions of this article. No refund shall be made of any part of the license fee if any license is canceled. open for business- 5min City revise!

(Code 1986, § 12.03(9); Ord. No. 0-27-07, § 1, 8-28-2007; Ord. No. 0-24-08, § 1, 10-28-2008; Ord. No. 0-15-2011, 10-25-2011)

Sec. 14-42. - Point values for alcohol beverage license, outdoor consumption permit, and cabaret license violations, revocations and suspensions.

(a) *Purpose.* The purposes of this section are to require the public safety committee to initiate nonrenewal, revocation or suspension proceedings under certain conditions, and to specify the minimum suspension that shall be imposed under certain conditions. Nothing in this section is intended to limit or modify the city's authority to refuse to renew, suspend or revoke any license under this chapter, or to require the city to apply the point schedule for any purpose other than those purposes expressly provided for in this section.

(b) *Point schedule.*

(1) The point schedule is as follows:

Code Section	Type of Violation	Point Value
14-461	Failure to be Licensed	100
14-33	Traffic to Underage Person	50
14-33	Traffic to Intoxicated Person	50
14-33	Underage Person on Premises	50
14-33	Failure to Keep Proper Book	25
14-33	Corporation and Agent Responsibility Violations	25
14-33	On-Premises Consumption—Class A	50
14-33	Unlawful Quantities on Containers	25
14-33	Wholesalers Restrictions	50
14-36(a)	False Statement on Application	50
14-37	Transfer of License Without Permission	50
14-40(b)	Sale or Dispensing in Building Off Premises	25
14-40(c)	Failure to Post License	50
14-40(e)	Gambling	100
14-40(f)	Operator's License Required	50
14-40(f)	No Licensed Bartender	50

14-40(g)	Search of Licensed Premises	100
14-40(h)(1)	Open After Hours	50
14-40(h)(1)	After Hours Consumption—Class B	50
14-40(h)(2)	Commercial Janitorial Service	25
14-40(h)(2)	Prior Police Approval Required	25
14-40(j)	Licensed Premises to be Sanitary	25
14-40(j)	Leaving with Open Container	25
14-40(k)(4)	Orderly Conduct Required	50
14-40(k)(6)a	Outdoor Consumption Prohibited Without Permit	50
14-40(k)(6)b	Violations of outdoor permit restrictions - Amplified sound or music	50
14-40(k)(6)b	Violations of outdoor permit restrictions - Open After Hours	50
14-40(k)(6)b	Violations of outdoor permit restrictions - Other Permit Restrictions	50
14-40(l)	Closing hours	50
14-40(m)	No Carryout After Hours	25
14-45	Nude Dancing in Licensed Establishment Prohibited	50
50-5(c)	Noises Disturbing the Public	50
	Any other nonenumerated violation of this article	25

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(2) In construing the number of points to be assessed for an alleged violation, it is the ordinance section number rather than the type of violation which shall control.

(c) *Violations, how calculated.* In determining the accumulated demerit points against a license or permit within a specified period, the city shall use the date each violation was committed as the basis for the determination.

(d) *Suspension or revocation of license or permit.*

(1) The public safety committee shall initiate nonrenewal, suspension or revocation proceedings for any licensee who has been found guilty, by a court having jurisdiction, of one or more violations occurring during any 12-month period, which total 100 points or more.

(2) If the demerit point accumulation calculated from the date of violation meets or exceeds 100 points in a 12-month period, 150 points in a 24-month period or 200 points in a 36-month period, the licensee shall be suspended for not less than three days, or the license shall be revoked. If the license or permit is revoked, no other license or permit shall be granted to such licensee or for such premises for a period of 12 months from the date of revocation. The point accumulation totals in this subsection shall be cumulative, so that a previous offense within the relevant time period shall be considered regardless of whether such previous offense resulted in a prior suspension or other penalty.

(Code 1986, § 12.03(10); Ord. No. 0-28-05, § 1, 8-23-2005; Ord. No. 0-08-06, § 1, 1-24-2006; Ord. No. 0-24-07, § 1, 8-14-2007; Ord. No. 0-02-08, § 1, 1-8-2008; Ord. No. 0-6-08, § 2-26-2008; Ord. No. 0-24-08, § 2, 10-28-2008; Ord. No. 0-7-2011, § 4, 2-23-2011)

Secs. 14-43, 14-44. - Reserved.

Sec. 14-45. - Nude dancing in licensed establishments prohibited.

(a) *Intent and findings:* This section is intended to exercise the city's authority, pursuant to Chapter 125, [Wis.] Stats., to adopt regulations governing the sale of alcohol beverages in addition to those set forth in said chapter, and to regulate sexually oriented businesses and related activities in order to promote the health, safety and general welfare of the citizens of the city.

The common council has determined, based upon the findings of numerous reports, studies, and court cases, that bars and taverns featuring live, nude, erotic dancing have in other communities tended to generate secondary effects including the potential increase in prostitution and other sex-related offenses as well as other crimes and offenses; the increase in health risks associated with the spread of sexually transmitted diseases; the disruption of the peace and order of the communities; the potential for infiltration by organized crime for the purpose of unlawful conduct; the depreciation of the value of neighboring real property; harm to the economic welfare and quality of life of the communities. The common council further finds that such secondary effects are detrimental to the public health, safety and general welfare of citizens of the city, and that enactment of this section promotes the goal of minimizing, preventing and controlling the negative secondary effects described in this subsection.

(b) *Prohibition.* It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in, any live act, demonstration, dance or exhibition on the premises of an establishment licensed to sell alcoholic beverages which:

(1) Shows his or her genitals, pubic area, vulva, anus or anal cleft with less than a fully opaque covering;

(2) Shows any portion of the female breast below a point immediately above the top of the areola, not completely and opaquely covered; or

(3) Shows the covered male genitals in a discernibly turgid state.

(c) *Exemptions.* The provisions of this section do not apply to the following licensed establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social and political merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude dancing.

(d) *Penalties.* Any person, partnership or corporation who violates any of the provisions of this section shall be subject to a forfeiture of not less than $250.00 and not more than $1,000.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this chapter constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under section 125.12, Wis. Stats.

(Ord. No. 0-35-07, § 1, 10-23-2007; Ord. No. 0-22-08, § 1, 9-10-2008)

Secs. 14-46—14-70. - Reserved.

- ## ARTICLE I. - IN GENERAL

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

- ### Sec. 14-1. - Penalty.

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

  Any person who shall violate any provision of this chapter or any order, rule or regulation made under this chapter shall be subject to a penalty as provided in section 1-3.

  (Code 1986, § 12.19)

- ### Sec. 14-2. - License withholding for unpaid city claims.

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

  City representatives shall not issue a permit or an original or renewal license to any person who has delinquent financial claims outstanding to the city, including, without limitation due to enumeration in this section, unpaid taxes, assessments, delinquent municipal utility charges or unpaid ordinance violation convictions.

  (Code 1986, § 12.02(7))

- ### Sec. 14-3. - Application for license; contents.

  SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

  At the time of filing an application, a fee as stated in section 14-461 shall be paid to the city treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the city clerk and shall contain such information as the police chief shall require for the effective enforcement of this article and the safeguarding of the residents of the city from fraud, misconduct or abuse.

  (Code 1986, § 12.04(3))

- ### Sec. 14-4. - Investigation; issuance of license.

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Upon receipt of each such application, the chief of police shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good, endorse his approval or disapproval upon such application within 72 hours after it has been filed with the clerk and shall recommend the license be issued or denied in accordance with his findings after presentation by the applicant of a receipt of the city treasurer showing payment of the required fee.

(Code 1986, § 12.04(4))

- ## Sec. 14-5. - Bond.

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If the chief determines from his investigation of such application that the interests of the city or its inhabitants require protection against possible misconduct of the licensee or that the applicant is otherwise qualified, but due to causes beyond his control is unable to supply all of the information required by section 14-3, he may require the applicant to file with the city clerk a bond in the sum of $500.00 with surety acceptable to the mayor, running to the city, conditioned that he will fully comply with ordinances and laws relating to peddlers or transient merchants and guaranteeing to any citizen doing business with him that the property purchased will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within six months after the expiration of the license of the principal.

(Code 1986, § 12.04(5))

- ## Sec. 14-6. - Expiration, renewal or transfer of license.

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The clerk shall date all licenses issued under this chapter and shall specify thereon the fee paid and the date of expiration. Licenses shall be issued on an annual basis and expire June 30 each year. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this chapter are personal and may not be transferred.

(Code 1986, § 12.04(6))

- ## Sec. 14-7. - Authority to grant licenses.

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(a)

The city clerk may issue the following licenses subject to the standards established by this chapter without approval of the city council or any other officer:

(1)—(3)

Reserved.

(4)

Pool tables; coin-operated and non-coin-operated.

(5)—(7)

Reserved.

(8)

Amusement devices.

(9)

Mechanical musical devices.

(10)

Reserved.

(11)

Dogs.

(12)

Reserved.

(13)

Sale of cigarettes.

(14)

Reserved.

(15)

Taxis.

(16)

Reserved.

(17)

Cabarets.

(b)

The city clerk may issue the following licenses subject to report and approval of the chief of police: peddlers, solicitor's, transient merchant's, 60-day provisional operator, and 60-day provisional retail.

(c)

The following licenses and permits may be granted by the city clerk only upon approval of the city council:

(1)

Intoxicating liquor and fermented malt beverages.

(2)

Beverage operator's licenses.

(3)

Public amusements.

(Code 1986, § 12.02(1); Ord. No. 0-2-09, § 1, 2-24-2009; Ord. No. 0-10-2011, § 1, 6-14-2011; Ord. No. 0-18-2017, 10-24-2017)

- ## Sec. 14-8. - Form of application; fees.

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Application for a license under this chapter shall be made to the city clerk upon a form furnished by the city clerk. Each application shall be accompanied by the appropriate license fee, except as otherwise stated in Wis. Stats. § 125.04(8).

(Code 1986, § 12.02(2))

- ## Sec. 14-9. - License term.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

All licenses issued under this chapter shall expire on June 30, unless the license is for some other definite period or unless otherwise provided by this chapter or by law.

(Code 1986, § 12.02(3))

- ## Sec. 14-10. - Transfer of licenses.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

No license issued under this chapter shall be transferable from one person to another. Licenses may be transferred from one premises to another, but only with the consent of the city council.

(Code 1986, § 12.02(4))

- ## Sec. 14-11. - Posting licenses.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

If a license issued under this chapter is applicable to a premises or to a vehicle, such license shall be posted prominently thereon.

(Code 1986, § 12.02(5))

- ## Sec. 14-12. - Revocation; hearing.

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Except as otherwise provided in this chapter and in statute, any license issued under this chapter may be revoked for a violation of this chapter or any ordinance or any law. Such revocation may be made either by the mayor or by the city council. If the revocation is made by the mayor, he shall report such revocation within five days to the city council. Within ten days thereafter or within ten days of the city council's action or revocation, a public hearing shall be held by the city council upon such revocation. Notice of such public hearing shall be given the licensee at least five days prior to the public hearing in the manner provided for service of circuit court summons pursuant to law. At the hearing, the licensee may appear in person with or without counsel. After the hearing, the council may either affirm the revocation, reinstate the license, or modify the revocation by the imposition of conditions for continuance of the licensed business or may suspend the license for a period not to exceed 30 days.

(Code 1986, § 12.02(6))

- ## ARTICLE II. - ALCOHOL BEVERAGES

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

- ### Sec. 14-31. - Revocation, suspension or nonrenewal of license.

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The following provisions shall apply to the revocation, suspension or nonrenewal of any license issued pursuant to this chapter notwithstanding any other provisions of this chapter, except those providing for revocation or suspension of any license by the court:

(1)

Complaint. Any resident of the city or city official may file a sworn written complaint with the city clerk alleging one or more of the following about any person or entity licensed pursuant to this chapter:

a.

The person has violated Wis. Stats. ch. 125 or this chapter.

b.

The person keeps or maintains a disorderly or riotous, indecent or improper house.

c.

The person has sold or given away alcohol beverages to known habitual drunkards.

d.

The person does not possess the qualifications required under this chapter to hold the license.

e.

The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under Wis. Stats. § 961.41(1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

f.

The person has been convicted of possessing any of the materials listed in Wis. Stats. § 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to Wis. Stats. § 961.65.

g.

The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

h.

The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in Wis. Stats. § 961.65 with the intent to manufacture methamphetamine.

i.

The person received the benefits from an act prohibited under Wis. Stats. § 125.33(11).

(2)

Summons. Upon the filing of the complaint, the city council or public safety committee shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the public safety committee on a day and time and at a place named in the summons, not less than three days and not more than ten days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stats. ch. 801, for service in civil actions in circuit court.

(3)

Procedure on hearing.

a.

No appearance. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and, if the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

b.

Public safety committee to serve as hearing agency.

1.

The public safety committee shall serve as the hearing agency for the city council. The chair of the committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. As far as practicable, the rules of evidence provided in Wis. Stats. § 227.45 shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

2.

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 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.

3.

Within 20 days of the completion of the hearing, 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.

4.

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 day 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. 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.

c.

Notice. The city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

d.

Dismissal. If the city council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the city council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The city council or committee may require the complainant to provide security for such costs before issuing the summons under subsection (2) of this section.

(4)

Effect of revocation. When a license is revoked under this section, the revocation shall be recorded by the city clerk and no other license issued under this article shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation.

(5)

Judicial review. The action of the city council in granting or failing to grant, suspending or revoking any license or the failure of the city council to revoke or suspend any license for good cause may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the city council in the manner provided in Wis. Stats. ch. 801, for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The city council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, that matter shall be deemed at issue and hearing may be had within five days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within ten days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

(6)

Nonrenewal of license. The city may refuse to renew a license for the causes provided in subsection 14-31(1). Prior to the time for renewal of the license, the city council or the public safety committee shall notify the licensee in writing of the city's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in subsection 14-31(3), and judicial review shall be as provided in subsection 14-31(5).

(7)

Other provisions. Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the city council by amendment to this chapter or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his license may be revoked in accordance with this chapter. In case of revocation of any license or any violation of any provision of this chapter in accordance with this chapter or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee. If a license issued under this chapter is not used within 15 days after its issuance or its usage is discontinued for a period of 15 days or more, such situation shall be grounds for cancellation of the license in accordance with the provisions of this chapter.

(Code 1986, § 12.03(11); Ord. No. 0-40-07, § 1, 11-27-2007; Ord. No. 0-14-08, § 1, 5-27-2008; Ord. No. 0-7-2011, §§ 1—3, 2-23-2011)

- ## Sec. 14-32. - Alcohol beverage licenses.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

No person shall sell, keep for sale, give away, deal in, traffic in or permit to be sold, kept for sale, given away, dealt in or trafficked in to consumers within the city any alcohol beverages, except in strict accordance with this chapter.

(Code 1986, § 12.03(1))

- ## Sec. 14-33. - State statutes adopted.

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The provisions of the Wisconsin Statutes set forth in this section are adopted and made a part of this section by reference, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes. A violation of any such provision shall constitute a violation of this section. This adoption by reference shall include all amendments of and to the listed provisions. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section.

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EXPAND

Wisconsin Statutes Section	Description
125.02	Definitions.
125.04	General licensing requirements.
125.05	Local option; remonstrances.
125.06	License and permit restrictions.
125.07	Restrictions on sales to underage.
	Persons and intoxicated persons; presence of underage persons in; places of sale and possession by underage persons; penalties.
125.085	Proof of age.
125.09	General restrictions.
125.12	Revocations, suspensions, refusals to issue or review.
125.13	Report of suspension, revocation or imposition of penalty.
125.14	Enforcement provisions.

125.145	Prosecutions by attorney general.
125.16	Actions to recover price denied.
125.17	Issuance of operators' licenses.
125.18	Issuance of managers' licenses.
125.25	Class A Licenses—Fermented malt beverages.
125.26	Class B Licenses—Fermented malt beverages.
125.28	Wholesalers' licenses.
125.31(2)	Multiple licenses and permits.
125.315(1)	Evading provisions of law by giving away fermented malt beverages.
125.32	General restrictions and requirements.
125.51	Retail licenses and permits—Intoxicating liquor.
125.67	Evading provisions of law by giving away intoxicating liquors; penalties.
125.68	General restrictions and requirements.

(Code 1986, § 12.03(2))

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- ## Sec. 14-34. - Penalty.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

Any licensee who personally or through his managers, operators, agents or employees violates any of the provisions of this article shall be subject to a penalty as provided in section 1-3. In addition, the licensee's license shall be subject to revocation, suspension or nonrenewal pursuant to Wis. Stats. § 125.12, or, if the violation involves one or more underage persons, the penalties shall be as set forth in Wis. Stats. § 125.07.

(Code 1986, § 12.03(12))

- ## Sec. 14-35. - License fees.

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The fees for licenses issued in this article shall be in accordance with the schedule listed in section 14-461 and shall be paid in cash or by certified check to the city clerk. Fees must be paid at least 15 days prior to the date the license is to be issued.

(Code 1986, § 12.03(3))

- ## Sec. 14-36. - Application.

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(a)

The application for such licenses shall be in writing on forms furnished by the state department of revenue and shall contain the following information verified under oath by the applicant:

(1)

Address of the building for which the license is desired and description including a diagram of the overall dimensions, seating arrangements, capacity and bar size of the premises therein where fermented malt beverages or intoxicating liquors are to be sold.

(2)

A statement that the applicant or registered agent has resided continuously in the state for not less than 90 days prior to the date of such application.

(3)

A statement as to whether the applicant has ever been convicted of a felony or of a violation of any federal or state act or ordinance regulating or prohibiting the sale of intoxicating or nonintoxicating beverage and, if so, the number and dates of such convictions and the penalty imposed.

(4)

A statement as to whether the applicant holds or has applied for any other Class A or B licenses.

(5)

A statement as to whether any business other than the sale of fermented malt beverages, intoxicating liquor and soft drinks is to be conducted on the premises sought to be licensed and, if so, a description of the nature of such business. Such information shall not be required in an application for an operator's license.

(6)

A statement that the applicant is not acting as agent for or in the employ of another.

(7)

If the application is for a Class B license, a statement as to whether any brewer, bottler, wholesaler or corporation, a majority of whose stock is owned by any brewer, bottler or wholesaler, has or intends to supply, furnish, lease, give, pay for or take any chattel mortgage of any furniture, fixture, fittings or equipment to be used in or about the premises covered by the application.

(8)

If the application is made for a Class A license, a statement as to whether any brewer, bottler or wholesaler has advanced, paid or furnished the money for a license fee or intends to do so.

(9)

If the application is for a Class B license, a statement as to whether any brewer, bottler or wholesaler is financially interested in, directly or indirectly, the license for which application is made.

(10)

The name, residence, age of the applicant, if an individual, or the names of the principal officers, their residence, ages, if the applicant is an association or corporation, together with the state of incorporation. It shall also contain the name of one or more persons whom such corporation or association shall designate as manager or person in charge, with the address of such person.

(11)

A statement that the applicant consents to the entry of authorized representatives of the city at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles in evidence in any prosecution that may be signed and sworn to by the applicant, if an individual, and, if a corporation, then by the president and secretary thereof, before a notary public or other officer authorized to administer oaths.

(12)

The application shall also contain any other reasonable and pertinent information as the city council may, from time to time, require. The application shall be referred by the clerk to the public safety committee which shall then make any investigation it deems necessary or desirable. The application shall also be referred by the clerk to the chief of police who shall immediately conduct a background check and inspect the premises sought to be licensed and report in writing to the public safety committee as required. These reports shall deal with any and all incidents relating in any manner to the premises sought to be licensed, whether or not the incident led to any official action against the premises or its license.

(b)

Before issuance of any operator's, manager's, Class A or Class B retailer's license, including owners of such establishments, every applicant shall be certified as having successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education unless the applicant fulfills one of the requirements in subsections (b)(1)—(3) of this section. Those who complete such programs shall have an appropriate endorsement recorded and placed on their licenses and shall be eligible to operate, conduct or be employed in establishments operating under a Class A or B license.

(1)

The person is renewing an operator's license.

(2)

Within the past two years, the person held a Class A or Class B license or permit or a manager's or operator's license.

(3)

Within the past two years, the person has completed such a training course.

(c)

The city clerk or designee may issue a provisional operator's license to a person who is enrolled in a training course under subsection (b) of this section and shall revoke that license if the applicant fails to successfully complete the course in which enrolled.

(d)

Where application is made for a Class A or B license on behalf of a sole proprietorship, the sole proprietor shall successfully complete the training course under subsection (b) of this section. Where the application is made on behalf of a partnership, all partners shall successfully complete the training course. Where the application is made on behalf of a corporation, the registered agent shall successfully complete the training course.

(e)

As a part of the operator's license review process, the chief of police will conduct a records check of the applicant's adult criminal arrests through the Wisconsin Crime Identification Bureau, the police department records of the applicant. This record will be attached to the application for review by the city clerk and, if necessary, the public safety committee.

(f)

The number of Class A fermented malt beverage only permits is limited. Class A fermented malt beverage only retailer's licenses will be limited to one per 1,000 population for the city with partial numbers being rounded up to the next highest whole number. The population numbers for the city will be based on the department of administration estimates for the year in question. This number excludes Class A fermented malt beverage permits issued as a part of a Class A liquor and fermented malt beverage combination.

(Code 1986, § 12.03(4))

- ## Sec. 14-37. - Transfer of licenses.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

No license issued pursuant to this article may be transferred from place to place or from person to person except pursuant to the rules set forth in Wis. Stats. § 125.04(12). Any application for transfer pursuant to this statute shall be accompanied by payment of a fee as stated in section 14-461.

(Code 1986, § 12.03(5))

- ## Sec. 14-38. - Issuance of license.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

(a)

The public safety committee shall give any person the opportunity to be heard for or against the issuance of any license. Upon the receipt of a timely application received by the city clerk, approval of the application by the city council and after payment of license fee, the city clerk shall issue the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, fee paid and the name of the licensee. All licenses shall remain in force until June 30 following the issuance thereof, unless revoked or suspended in the manner provided by statute or this chapter. Renewal license applications are due by April 15 and shall be issued a late fee of $25.00 for each day after April 15 that the application is received. Payment of the application fee is due in full by June 15 and shall be issued a late fee of $25.00 for each day later than June 15 that the application fee is received. Payments received after June 25 shall be made by cash, money order or bank cashiers check only. If necessary, the city clerk may issue a 60-day provisional retail license to late filing applicants, subject to report and approval of the chief of police.

(b)

Where the applicant's premises are not in compliance with relevant ordinances and/or state codes at the time of application, the application may be accepted with the provisal that the license shall be granted and issued only upon the applicant's compliance with applicable ordinances and codes within 90 days of acceptance. If the applicant's premises are not in compliance within the 90-day period, the acceptance shall be withdrawn.

(Code 1986, § 12.03(6); Ord. No. 0-10-2011, § 2, 6-14-2011; Ord. No. 0-14-2011, § 1, 6-28-2011; Ord. No. 0-15-2011, 10-25-2011)

- ## Sec. 14-39. - General licensing requirements.

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In addition to the requirements set forth in section 14-33, all license applicants and licensees shall strictly comply with the following provisions:

(1)

Conformity to statutes and ordinances. No license shall be issued or renewed unless the premises conform to the sanitary, safety and health requirements of the state building code, plumbing code and the rules and regulations of the state department of health applicable to restaurants, as well as all ordinances and regulations adopted by the city.

(2)

City claims. No license shall be issued or renewed for operation on any premises upon which taxes or assessments or other financial claims of the city are delinquent and unpaid.

(Code 1986, § 12.03(7))

- ## Sec. 14-40. - Operation by licensee under Class A or B license; additional city regulations.

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(a)

View of interior unobstructed.

(1)

Blinds, screens and partitions. No holder of a retail Class B fermented malt beverage license under this article shall permit the interior of the premises to be obstructed, provided that partitions, etc., not exceeding 48 inches in height, may be permitted within the interior. This subsection shall not apply to a licensed premises where the principal business conducted is that of a restaurant or hotel.

(2)

Windows and doors. Windows and doors of any licensed premises shall not be obstructed by screens, blinds, paints or other articles, provided articles not higher than 48 inches from the sidewalk level shall be permitted. This subsection does not apply to a licensed premises where the principal business conducted is that of a restaurant or hotel.

(b)

Alcohol beverages to be sold and consumed only in authorized parts of premises.

(1)

No alcohol beverage may be sold, dispensed or consumed under a Class B license in more than one room upon the same licensed premises. This subsection shall not prohibit the consumption of such beverages in bottles or other original containers in rooms occupied by guests in hotels, nor shall it prohibit the serving of such beverages in additional rooms in the same building on the same premises when these rooms are open to the public for the service of meals, nor shall it prohibit consumption in rooms specifically authorized and operating under a valid outdoor consumption permit.

(2)

No alcohol beverage may be sold, dispensed or consumed under a Class B license in any portion of the building or premises not authorized in the license, outside the building or premises not authorized in the license, outside the building on the premises or within any temporary shelter or tent on the premises.

(c)

Posting. Every license issued under this chapter shall be posted in a conspicuous place, while in force, in the room or place where alcohol beverages are kept for sale. No person shall post such licenses or permit such licenses to be posted upon premises other than those mentioned on the application. No person shall knowingly deface or destroy such license or remove such license without the permission of the licensee. If a license is lost or destroyed through no fault of the holder, a duplicate thereof under the original application shall be issued by the city clerk if the clerk is satisfied as to the facts upon payment of a $5.00 fee.

(d)

Credit restrictions. No licensee shall sell or offer to sell any alcohol beverage to any person on credit, except credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell alcohol beverages to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for alcohol beverages.

(e)

Gambling prohibited. Except as provided by law, no person shall permit gambling or devices used for gambling upon any premises licensed under this chapter.

(f)

Licensee, manager or other operator on premises. There shall be upon premises operated under a retail Class A or B license at all times the licensee or some person who shall be responsible for acts of all persons serving in any manner alcohol beverages to customers. No person other than the licensee shall serve alcohol beverages in any place operating under a retail Class A or Class B license unless he possesses an operator's or manager's license or unless he is under the immediate supervision of the licensee or a person holding an operator's or manager's license who shall be upon the premises at the time of service.

(g)

Consent to inspection of premises. The holder of any license issued under this article shall be deemed to have given consent to entry and inspection at any time by any police officer or alderperson without warrant. Refusal by the licensee or holder of a manager's or operator's license to permit such inspection shall be deemed a violation of this article.

(h)

Presence on premises after hours under retail Class B license.

(1)

The licensee, employees, salesperson or service personnel shall be permitted to be present, but not to consume alcohol beverages, on licensed premises during hours when the premises are not open for business if those persons are performing job-related activities. The premises shall be well lighted during times when occupied and not open for business.

(2)

Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during hours the establishment is not permitted to be open for business. The premises shall be well-lighted during cleanup.

(i)

Open containers restrictions. No licensee, manager or operator shall permit any patron to leave the licensed premises with an open container containing any alcohol beverage.

(j)

Health rules. Each premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The building inspector is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this chapter. Such rules and regulations may be classified and made applicable to the class of business conducted. All these rules and regulations shall have the same force as this chapter and an infraction thereof may be punished as a violation of this chapter.

(k)

Miscellaneous rules.

(1)

Consent to inspection. Every applicant procuring a license thereby consents to the entry of a city officer or other duly authorized representative of the city at all reasonable hours for the purpose of inspection and search, consents to the removal from the premises of all things and articles found in violation of ordinances or law, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(2)

Employment of underage persons. No licensee shall employ an underage person in violation of Wis. Stats. § 125.07.

(3)

Clubs. No club shall sell intoxicating liquors except to members and guests invited by members.

(4)

Orderly conduct required. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(5)

Alcohol beverages' content. No beverages of an alcohol content prohibited by law shall be kept in or about licensed premises.

(6)

Permits for outdoor consumption at Class B premises.

a.

Required for outdoor consumption. No licensee shall sell, serve or permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this section after review by the public safety committee. The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section.

b.

Limitations on issuance of outdoor permits. Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Amplified sound or music shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open or occupied between the hours of 11:00 p.m. Friday through 8:00 a.m. Saturday, 11:00 p.m Saturday through 8:00 a.m. Sunday, and between the hours of 10:00 p.m. and 8:00 a.m. on all other nights. The maximum capacity of the combined indoor and outdoor areas of the licensed premises shall be the legal maximum capacity of the indoor area. A permit holder may apply for approval to exceed the otherwise established maximum capacity to accommodate a special event. Applications to exceed the otherwise established maximum capacity shall be referred to the public safety committee for recommendation to the city council, which shall determine whether to approve the application. The council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement.

(l)

Closing hours. Establishments holding a retail Class B intoxicating liquor license shall be closed between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No alcohol beverages shall be served or consumed during hours when the premises is closed.

(m)

Prohibition of carryout sales. No person shall sell or permit to be sold on premises for which a retail fermented malt beverage license or retail intoxicating liquor license has been issued any intoxicating liquor or fermented malt beverage in an original unopened package, container or bottle or for consumption away from the premises during the hours set forth as follows:

(1)

If a retail Class A fermented malt beverage or intoxicating liquor license, between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1986, § 12.03(8); Ord. No. 0-20-04, § 1, 8-10-2004; Ord. No. 0-06-07, § 1, 1-23-2007; Ord. No. 0-13-2010, § 1, 8-24-2010; Ord. No. 0-12-2016, 7-26-2016)

- ## Sec. 14-41. - License cancellation.

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If a license issued under this article is not used within 60 days after it is granted, or its usage is discontinued for a period of 60 days or more, such nonuse shall be grounds for cancellation of the license in accordance with the provisions of this article. No refund shall be made of any part of the license fee if any license is canceled.

In Verona, a license with a quota (so only class b liquor) needs to be open 150 days of the license year to keep their license

This is the part of their ordinance that has the 150 days of use:

(b)**Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.