INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

221471	A substitute ordinance relating to the standard of proof required or nonrenewal, suspension and revocation of licenses.
221512	Substitute ordinance relating to the per-page fee imposed for black and white photocopies of paper records.
221544	An ordinance relating to overnight parking permits.

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
Remove old MEMO (Suppl. #421)					
				v-vi	v-vi
75-23-20-c	am	221471	3/18/2023	202i-202j	202i-202j
81-38.5-2	am	221512	“	257-258	257-258
81-85	rc	221544	“	265-266	265-266
85-2.7-4	am	221471	“	323-338	323-340
85-4-4	am	“	“	“	“
85-20-2	am	“	“	“	“
85-20-2-b	cr	“	“	“	“
90-5-8-c-1	am	“	“	371-372	371-372
90-11-2-c-1	am	“	“	377-378	377-378
90-37-5-e	am	“	“	389-392	389-392
90-37-10-d	am	“	“	“	“
93-25-4	am	“	“	417-418	417-418
95-14-9-d	am	“	“	431-432	431-432
101-27-3-b	corr			547-548	547-548
108-11-3	am	221471	3/18/2023	641-642f	641-642b

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For questions concerning the content of the Milwaukee Code of Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations:

am=amended	ra=renumbered and amended	rn=renumbered
cr=created	rc=recreated	rp=repealed
corr=correction		

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through February 28, 2023.

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b. A due process hearing shall be conducted in the following manner:

b-1. All witnesses shall be sworn in.

b-2. The chair shall ask the department to proceed first.

b-3. The appellant shall be permitted an opportunity to cross-examine.

b-4. After the conclusion of the department's testimony, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

b-5. Board members may ask questions of witnesses.

b-6. Both the department and the appellant shall be permitted brief summary statements.

c. The decision of the board regarding the appellant shall be based only on the preponderance of evidence presented at the hearing. Probative evidence concerning whether or not the appeal should be upheld may be presented on the factors enumerated in sub. 9-b or 11-a, whichever is applicable.

d. The board may decide whether the department's decision shall be upheld, modified or reversed immediately following the hearing or at a later date. Written notice of the board's decision, including the specific reasons for the decision, shall be mailed to the appellant. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the appellant to the department.

21. ENFORCEMENT. a. The department shall enforce this section by issuance of orders and citations. A citation may be issued for a violation of this section without prior issuance of an order for that violation.

b. The police department shall enforce this section by issuance of citations.

22. PENALTIES. a. Except as otherwise provided in par. b, a person who violates this section or fails to comply with an order issued under this section shall be subject to a forfeiture not to exceed $500 for each violation or failure to comply.

b. Any person who tattoos or offers to tattoo a person under 18 years of age shall be subject to a forfeiture not to exceed $200.

75-30. Reinspection. 1. Any responsible party who receives notification of the assessment of reinspection fees shall remit the fees to the department within 15 days of mailing or service of the notification of charges. Failure to remit in full within this time period may subject the responsible party to an action to collect the sum in a civil action. An alternative to the commencement of a civil action collection may be enforced as follows:

a. Where the responsible party is operating under a license or permit issued by the department and the reinspection fee is assessed, failure to pay the reinspection fee as required is declared just cause for the commissioner to suspend such license or permit following notification to the responsible party.

b. No license or permit shall be issued or renewed by the department for any operation which has an outstanding unpaid reinspection fee.

2. Any responsible party who receives notification of the assessment of reinspection fees may appeal such assessments as to appropriateness or amount by the following procedure:

a. Within 10 days of mailing or service of the notification of the reinspection assessment, the responsible party shall notify the commissioner in writing that he or she is appealing the assessment and setting forth the reasons for appeal.

b. The commissioner shall within 7 days of receipt of the appeal notify the responsible party by mail of the date and time of a hearing to consider the appeal.

c. The commissioner shall consider the testimony of the responsible party and that of the department's representatives responsible for the issuance of the order, the report of the reinspection and subsequent reinspection assessment fees. The commissioner may affirm, modify or cancel the charges as may be proper in the circumstances. The action taken shall be reduced to writing and mailed to the responsible party within 10 days. Such notification shall inform the responsible party that if the party is not satisfied with the decision, he or she may appeal pursuant to the procedure set forth in s. 320-11.

75-40. Environmental Health Board.

1. ESTABLISHMENT. An environmental health board is established consisting of 3 members appointed by the health commissioner. At least 2 members shall be professional environmental health personnel. Members are not required to be city residents. Elected officials and city employees who serve on the board shall not receive remuneration.

75-40-2 Miscellaneous Health Provisions

2. DUTIES. a. The environmental health board shall serve as an appeal board with respect to the nonrenewal, suspension or revocation of permits and licenses issued under chs. 66 and 75 except for those under ss. 75-15 and 75-23 and under ss. 76-20, 84-45 and 84-48, and with respect to the denial or granting with conditions of permits applied for under s. 66-12-5.

b. The environmental health board shall serve as an appeal board for appeals of an order or other action of the health department or the health commissioner pursuant to s. 66- 22-13.

3. FUNCTION. Each board member serves as an officer of the city exercising a quasi-judicial function within the scope of s. 893.80, Wis. Stats.

For legislative history of chapter 75, contact the Municipal Research Library.

81-21.5. "Class A" Cider License.

1. There shall be no fee for a "Class A" cider license. However, the applicant shall pay all publication fees associated with the license.

2. A "Class A" cider license shall be valid for the same period as the Class "A" fermented malt beverage retailer license issued for the same premises.

(See s. 90-5.5.)

81-22. Class "A" Fermented Malt Beverage Retailer's License (Package Store).

1. The fee for each Class "A" fermented malt beverage retailer's license shall be $350.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

81-23. "Class A" Retailer's Intoxicating Liquor License.

1. The fee for each "Class A" retailer's intoxicating liquor license shall be $500.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

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

1. The fee for each Class "B" fermented malt beverage retailer's license shall be $100.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

81-25. Class "B" Manager's License.

1. The fee for each Class "B" manager's license shall be $25.

2. Each license shall be issued for a one-year period beginning on July 1 and ending on the following June 30.

(See s. 90-4.)

81-26. Class "B" Retailer's Intoxicating Liquor License.

1. The fee for each Class "B" retailer's Intoxicating liquor license shall be $500.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

81-27. Class "B" Retailer's Service Bar License.

1. The fee for a service bar license shall be $600.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

81-28. Special Class "B" License.

1. The fee for each special "Class B" license shall be $10.

(See s. 90-4.)

81-30.5. "Class C" Wine Retailer's License.

1. The fee for each "Class C" wine retailer's license shall be $100.

2. Each license shall be valid for one year effective from the date the license is issued.

(See s. 90-4.)

81-31. Class "D" Operator's License.

1.a. The fee for each original Class "D" operator's license shall be $75.

b. The fee for renewal of each license shall be $50.

2. A new class "D" operator's license granted during an even-numbered year shall expire on December 31 of the following odd-numbered year. A new Class "D" operator's license granted during an odd-numbered year shall expire on December 31 of the following even-numbered year.

3. The fee for each certified copy of a Class "D" operator's license shall be $5.

4. A renewal Class "D" operator's license shall expire 2 years from the expiration date of the license being renewed.

(See s. 90-4.)

81-31.3. Class "D" Provisional Operator's License. The fee for each Class "D" provisional operator's license shall be $15.

(See s. 90-4.)

81-31.5. Class "D" Special Temporary Operator's License. The fee for each Class "D" special temporary operator's license shall be $15.

(See s. 90-4.)

81-35.5. Code and Charter. The fees charged for the sale of the city charter and code shall be:

1. Amendment service:

a. Charter: $20 per year.

b. Code, Volume 1: $60 per year.

c. Code, Volume 2: $40 per year.

d. Code, Volume 3: $40 per year.

(See s. 50-20.)

81-35.7. Commercial Driver License Testing Fees.

1. The department of public works operations division, as a third-party tester authorized by the Wisconsin department of transportation in accordance with s. 343.16, Wis. Stats., and ch. Trans 115, Wis. Adm. Code, to conduct a commercial driver license skill testing program, shall collect fees for classroom training sessions, pre-trip inspections and road skills tests, as well as for any incidental rental of vehicles used in conjunction with the testing program.

2. The fees for classroom training sessions and for the rental of "class A," "class B" and "class C" vehicles shall be as determined by the operations division.

3. In accordance with s. Trans 115.04, Wis. Adm. Code, the fee for a pre-trip inspection and a road skills test shall not exceed the maximum fee specified by the Wisconsin department of transportation.

4. All fees relating to commercial driver license testing, including vehicle rental fees, shall be paid by the commercial license applicant prior to administration of a test.

5. Payment of fees relating to commercial driver license testing shall be made by check or money order. Cash or credit card payments shall not be accepted.

81-38. Concrete Contractor.

1. Each concrete contractor license for work in a public way shall be issued for the calendar year.

2. The fee for each license shall be $89.

3. There shall be a processing fee of $10 for each license issued.

(See s. 115-26.)

81-38.5. Copies of Records and Record Searches.

1. Each department shall impose a fee upon the requestor of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.

2. The fee imposed by all departments for black and white photocopies of paper records not exceeding 8.5 inches by 14 inches in size shall be 15 cents per page or 30 cents per double-sided copy.

3. Each department shall impose a fee upon the requestor of a copy of a photographic record for the actual, necessary and direct cost of photographing and photographic processing.

4. Except as otherwise provided by law, each department shall impose a fee upon a requestor for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is $50 or more.

5. Each department shall impose a fee upon a requestor for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record.

6. Additional charges shall be added as required to cover the costs of complying with the request.

7. A department may waive or reduce fees under this section when in the public interest.

8. A list of the fees charged under this section shall be posted within each department.

81-40.5. Demolition Permit Application Processing Exemption. The fee for application for exemption from demolition permit application processing requirements shall be $55.

(See s. 200-26-5.)

81-42. Dock Alteration or Repair Permit. The fee for every permit for the alteration or repair of a dock shall be $310.

(See s. 118-7.)

these conditions, shall be exempted from payment of any fee under this section.
(See subch. 1 of ch. 92.)

81-75. Mooring Permits.

1. The fee for a mooring permit shall be $35.

2. Each permit shall be applicable for one boat and one mooring and shall be issued for a one-year period which begins July 1 and ends the following June 30.

3. Each permit may be renewed annually upon payment of a $20 fee.

4. A permit may be transferred for use by a boat other than one originally listed on the application, by completion of a transfer form provided by the harbor commission and payment of a $25 fee.
(See s. 118-80-9.)

81-76. Municipal Identification Card.

1. The fee for each municipal identification card shall be $10.

2. The replacement fee for each municipal identification card shall be $5.

81-78. Newspaper Vending Box Retrieval Fee. The fee for retrieving a newspaper vending box from the designated holding place shall be $35 per box.
(See s. 115-33.5.)

81-81. Parking Lot or Place License.

1. Each license shall be valid for one year from the date of issuance.

2. The fee for each license shall be $50.
(See s. 84-20.)

81-82. Parking Meter or Parking Space Marker Permanent Removal.

1. REMOVAL FOR LOADING ZONES. The fee for the removal of each parking meter or space marker needed to accommodate loading zones shall be sufficient to cover the costs of labor, materials and overhead and if necessary the costs of relocating a multi-space meter.

2 REMOVAL FOR FACILITIES OTHER THAN LOADING ZONES.

a. The fee for the removal of each single-space parking meter or space marker needed to accommodate facilities other than loading zones shall be $60.

b. The fee for the removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead, and if necessary the costs of relocating a multi-space meter.
(See s. 101-50.)

81-83. Parking Meter or Parking Space Marker Temporary Removal or Hooding.

1. The fee for the temporary hooding of each parking meter space per day shall be $9.

2. The fee for the temporary removal of single-space parking meters or space markers shall be $60 per metered space.

3. The fee for the temporary removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead and reinstallation of the meter.

4. The fee for the temporary and seasonal hooding or removal of a parking meter for purpose of installation of a parklet shall be $250 per metered space.

81-85. Parking Permit: On-Street All Night; Off-Street Municipal Parking Lot.

1. The fee for an annual permit including sales tax shall be $55.

2. The fee for a 4-month permit including sales tax shall be $20.

3. The fee for a monthly permit including sales tax shall be $10.

4. The fee for a weekly permit including sales tax shall be $5.

5. The fee for a daily permit including sales tax shall be $1.

6. Except for the daily permit, there shall be a $1 fee for each permit purchased online or using mobile apps.
(See ss. 101-27 and 101-33.)

81-86. Parking Permit: On-Street Daytime Residential.

1. The fee for each annual on-street, daytime, residential parking permit shall be $15.
(See s. 101-27.5.)

81-87. Parking Permit: On-Street Commuter Parking, Impacted Areas. There shall be no fees charged for on-street commuter parking permits for impacted areas issued on an annual basis.
(See s. 101-27.7.)

81-90. Permanent Extension of Alcohol Beverage Licensed Premises. The fee for a permanent extension of alcohol beverage licensed premises shall be $50. Locations filing for the extension of operations to the outside on a permanent basis under s. 81-55-9-b shall be charged a total fee of $75.
(See s. 90-4.)

81-96. Plat Filing Fee. The nonrefundable filing fee for submission of any preliminary or final subdivision plat shall be $405.
(See s. 119-4.)

81-97. Plat or Map Correction Instrument. The nonrefundable fee for filing each plat or map correction instrument shall be $50.
(See s. 119-4.)

81-100. Provisional Renewal License. The fee for each provisional renewal license shall be $15.
(See s. 85-20)

81-101.2. Public Entertainment Premises License.

1. REGULAR LICENSE.

a. Each public entertainment premises license shall be valid for a one-year period commencing on the date of the issuance of the license. If a premises is also licensed as a retail alcohol beverage establishment, the public entertainment premises license shall be valid for one year or part thereof, effective from the date the license is issued, and shall expire on the same date as the retail alcohol beverage license.

b. The fee for each license shall be based on the maximum capacity of the premises established by the common council under s. 108-7-4:

b-1. 25 or fewer persons, or a premises without a specified capacity: $150.

b-2. 26-79 persons: $250.

b-3. 80-99 persons: $375.

b-4. 100-149 persons: $500.

b-5. 150-179 persons: $700.

b-6. 180-299 persons: $1,000.

b-7. 300-499 persons: $1,500.

b-8. 500 or more persons: $2,000.

2. TEMPORARY PERMIT. The fee for each temporary permit shall be $50.
(See 108-5.)

81-101.5. Public Passenger Vehicle Permit.

1. Each permit shall be valid for 2 years from the date of issuance.

2. The fee for each new permit, except a taxicab permit, shall be $284.

2.5. The fee for each new taxicab permit shall be $400.

3. The fee for renewal of each permit, except a taxicab permit, shall be $209.

3.5. The fee for renewal of each taxicab permit shall be $325.

4. The fee for each provisional permit shall be $15.

5. The fee for filing a notice of change of taxicab affiliation shall be $25.

6. The fee for changing the agent or officers of a corporation holding a public passenger vehicle permit shall be $25.

7. The fee for any special inspection of a public passenger vehicle, as provided in s. 100-51, shall be $125.
(See s. 100-50.)

81-102. Public Ways: Permits for Temporary Occupancy or Use as Public Ways.

1. DEFINITIONS. In this section:

a. "Parking lane" means that portion of the roadway along the curb, generally 8 feet in width, for which the primary purpose is parking. Should this area function for vehicular travel, it shall be identified as a traffic lane.

b. "Roadway area" means that portion of highway between the regularly established curb lines.

c. "Sidewalk area" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines.

d. "Traffic lane" means that portion of the roadway area used for the movement of vehicular traffic.

2. CALCULATION OF FEES. The fees charged in subs. 3 to 5 are charged for each area that is occupied. The fees shall be charged for every 30 feet of street front or fractional part thereof that is to be temporarily occupied or used. Fees for seasonal parklet occupancy of the parking lane shall be charged per 20 feet of street front or marked parking space, or fractional part thereof that is to be occupied. Fees for occupancy of parking lanes and traffic

CHAPTER 85
LICENSE AND PERMIT PROCEDURES

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SUBCHAPTER 1
PROCEDURES FOR COMMITTEE HEARINGS AND COMMON COUNCIL REVIEW

85-1. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures under which certain licenses and permits are considered for approval, denial, renewal, non-renewal, suspension and revocation. It is the further purpose of the common council to guarantee to licensees, permittees and members of the public those protections of due process of law respecting a full and fair right to be heard upon adequate notice, to confront and cross-examine witnesses, to have the benefit of rules of evidence, and to present evidence and arguments of law and fact.

2. SCOPE AND APPLICATION. The provisions of this chapter shall not supercede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for notice, committee hearing or council action are otherwise silent.

85-2. Definitions. 1. APPLICANT means any person, partnership, corporation, limited liability company or other firm causing, either directly or by agent or counsel, a written application for license or license renewal or for a permit or permit renewal to be filed with an office of the city for consideration and determination by the common council. For purposes of this chapter, applicant shall also mean a licensee or permittee subject to suspension or revocation proceedings.

2. COMMITTEE means the licensing committee or permitting committee designated by common council ordinance or rule to review and hear matters related to identified licenses or permits.

3. COMPLAINANT means a person or party who asserts an interest affected by the operation or proposed operation of a licensee, or the issuance or continuance of a permit, who files a written complaint in compliance with the provisions of this code or the provisions of state law with respect to the license or permit.

3.5. LICENSEE or PERMITTEE means a person licensed, permitted or otherwise approved under the provisions of this code to operate a particular type of business or to conduct a certain activity for which the code

requires that a license, permit or other approval be granted or issued by the city before any person may operate that type of business or conduct that activity.

4. OBJECTION means a written statement submitted by an interested party to the city clerk that includes information personally known to the objector that could form the basis for nonrenewal or suspension of a license or permit as provided in s. 85-4-4, or as expressly provided elsewhere in this code for a license or permit as a basis for denying renewal or suspension of the license.

5. OBJECTOR means a person or party affected by the operation or proposed operation of a licensee, or who is or may be affected by the issuance or continuance of a permit, whose written objection is sufficient under this code to initiate proceedings for non-renewal, suspension or revocation of a license or permit.

6. PERSON means any individual, firm, partnership, association, corporation, limited liability company or limited liability partnership.

85-2.5. Notice of Hearing Upon Council Member Request. 1. CITY CLERK TO NOTIFY. Upon request of the local council member, the city clerk may provide, by mail, written notice, regarding an application for any business license processed by the city clerk, which is scheduled for a hearing before the licensing committee of the common council, to up to 100 single-family residences in the immediate area of the property for which a license is sought, or to each resident of the circular area having a radius of 250 feet, centered on the property for which a license is sought, whichever is greater.

2. EXCEPTION. Notwithstanding sub. 1, those interested parties who have made written requests to the city clerk to be notified of a hearing for a particular license application shall be provided notice by the city clerk regardless of their residence.

85-2.7. Hearing Procedure, New License. 1. HEARING; NOTICE. The licensing committee shall make a recommendation on whether or not to grant each new license. If there is a possibility of denial, the licensing committee shall hold a hearing. No hearing shall be heard unless the city clerk, or other city official or department authorized to receive applications for licenses, has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing. The notice shall contain:

a. The date, time and place of the hearing.

b. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. 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 7 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

c. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

d. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

2. POSSIBILITY OF DENIAL. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

3. DUE PROCESS. A due process hearing shall be conducted in the following manner:

a. All witnesses shall be sworn in.

b. The chair shall ask those opposed to the granting of the license to proceed first.

c. The applicant shall be permitted an opportunity to cross- examine.

d. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

e. Committee members may ask questions of witnesses.

f. The applicant shall be permitted a brief summary statement.

4. RECOMMENDATION. The recommendation of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

a. Whether or not the applicant meets the municipal requirements.

b. The appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application.

c. The fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought, whether the proposal is consistent with any pertinent neighborhood business or development plans, or proximity to areas where children are typically present.

d. The applicant's record in operating similarly licensed premises.

e. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for.

f. Any other factors which reasonably relate to the public health, safety and welfare.

5. FACTORS NOT CONSIDERED FOR RECOMMENDATION. The recommendations of the committee regarding the applicant shall not be based on evidence presented at the hearing related to the type or content of any music, or the actual or likely financial or non-financial effects on actual or potential competitors.

6. Committee Decision. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. DOCUMENT. If the common council grants the application for a license, the city clerk, or other city official or department authorized by the code to issue licenses, shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

85-3. Notice and Service. 1. NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION. a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council’s intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant’s choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

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.

3. OBJECTIONS. a. How Made. Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 90-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. Exception. If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

85-4. Hearing Procedure; Non-Renewal, Suspension or Revocation. 1. AUTHORITY OF COMMITTEE. The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

1.5. MULTIPLE LICENSE TYPES. When the committee conducts a hearing relating to the possible denial, non-renewal, suspension or revocation of a business type license and the licensee holds one or more other types of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

2. COMMITTEE HEARING PROCEDURE. a. The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. Unless expressly provided elsewhere in this code, the chair shall advise the licensee and parties seeking nonrenewal, suspension or revocation of the license that each side will be limited to 30 minutes for testimony and oral argument. This time may be extended by the chair, subject to approval by the committee, if additional time is necessary for a full and fair presentation of the facts and arguments. When permitted by the chair, questioning by committee members and relevant responses shall not count against the time limitation. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

3. RECORD. An electronic or stenographic record shall be made of all licensing proceedings before the licensing committee and the common council. An electronic record shall audibly, accurately and completely reflect the testimony and statements made by participants in the proceedings. Recordings shall be maintained in a manner prescribed by the city clerk. An electronic record shall be made available for stenographic transcription or for transcription by other means at the expense of the person or party seeking the transcription of all or any portion of the record.

4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION. The recommendations of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the applicant to meet municipal qualifications.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant.

c. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following:

c-1. Disturbance of the peace.
c-2. Illegal drug activity.
c-3. Public drunkenness.
c-4. Drinking in public.
c-5. Harassment of passers-by.
c-6. Gambling.
c-7. Prostitution.
c-8. Sale of stolen goods.
c-9. Public urination.
c-10. Theft.
c-11. Assaults.
c-12. Battery.
c-13. Acts of vandalism including graffiti.
c-14. Excessive littering.
c-15. Loitering.
c-16. Illegal parking.
c-17. Loud noise at times when the licensed premise is open for business.
c-18. Traffic violations.
c-19. Curfew violations.
c-20. Lewd conduct.
c-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
c-22. Any other factor which reasonably relates to the public health, safety and welfare.
c-23 Failure to comply with the approved plan of operation.

5. HEARING OFFICER. Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employee of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the common council for action as provided in sub. 6.

6. COMMITTEE REPORT. The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no more than 90 days.

85-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the council have not read the recommendation and report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date the common council takes action to suspend the license or permit, or on the date of the expiration of the license or permit, whichever is later. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

g. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

SUBCHAPTER 2
ADMINISTRATIVE PROCEDURES
APPLICABLE TO LICENSE AND
PERMIT APPLICATIONS

85-11. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures related to application for and administration of certain licenses and permits.

2. SCOPE AND APPLICATION. The provisions of this subchapter shall not supersede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for application and administration are otherwise silent. This subchapter provides uniform procedures for licenses and permit disqualifications, transfers of licenses and permits, changes in names of licensees, permittees and business names, and consideration of changes in circumstances following denial, nonrenewal or revocation.

85-12. Contents of Application. 1. WHEN APPLICANT IS AN INDIVIDUAL. The license application, which shall be signed and certified by the applicant, shall contain the following information:

a. The type of license being applied for.

b. Name, permanent home address and telephone number of the applicant.

c. The date of birth of the applicant.

d. If applicable, the name and address of the business with which the license will be associated or at which the licensee will be employed.

e. Such other reasonable and pertinent information as the common council or licensing committee may from time to time require.

2. WHEN APPLICANT IS A BUSINESS. An application for a new or renewal license shall be signed by the sole proprietor, one partner, the agent, a majority owner of the business entity, or a corporate officer. Each type of application shall contain the following information:

a. The type of license being applied for.

b. The name and permanent address of the applicant.

c. If applicable, the name and address of the premises for which the license is to be granted.

d. If the applicant is a corporation, limited liability company or other organized business entity, the name of the corporation, company or other entity shall be set forth exactly as it is set forth in its articles of incorporation, together with the name and address of an agent and of each person who owns 20% or more of the corporation, company or entity.

e. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

f. The date of birth of each sole proprietor, partner, agent or person who owns 20% or more of the business entity.

g. Such other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

3. PROOF OF IDENTITY; AGE REQUIREMENT. a. Every applicant shall present to the city clerk for examination a driver's license, Milwaukee municipal identification card, or some other proof of identity as may be reasonably required.

b. Every applicant shall be at least 18 years of age at the time of application, unless otherwise specified in this code.

85-12.5. Issuance of License or Permit; Duplicate Required. 1. ISSUANCE. Each license or permit authorized to be issued by the city clerk shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city. No license or permit shall be issued until the applicant shall satisfy the common council, or other public body or official authorized by the common council, that he or she has in every manner complied with the ordinances pertaining to the issuance of the license or permit, including payment to the city of the required license or permit fee. In addition, no license or permit shall be issued by the city clerk if the health department or department of neighborhood services has placed a hold on issuance of the license or permit because of a need for the applicant to obtain an inspection or a permit, to pay a fee, or to comply with an order issued by the department.

2. DUPLICATE REQUIRED. Any license or permit that cannot be produced or displayed due to loss, theft, mutilation or destruction or that is not legible due to defacement or any other reason shall be promptly replaced by the licensee or permittee upon payment of the fee for a duplicate copy provided in s. 81-1-4.

85-12.7. Scheduling of Committee Hearing. For any license application subject to review by a licensing committee of the common council, the city clerk shall, upon certifying that the application is complete and that any required reports of the police department and department of neighborhood services have been completed, refer the application to the appropriate committee. Upon referral, the application shall be scheduled and heard by the common council committee before the expiration of the period beginning on the date of referral and ending not later than 3 complete periods between regularly scheduled meetings of the common council.

85-13. Disqualification for License.

1. APPLICABILITY. Whenever any application denied, or license not renewed, revoked or surrendered, is an alcohol beverage retail establishment or tavern entertainment license, the provisions of this section related to periods of disqualification for these licenses shall apply to any other type of alcohol beverage retail establishment license.

2. EXCEPTIONS. This section shall not apply to any application that is denied or any license that is not renewed for a reason based solely on the failure of the applicant to appear before the licensing committee for a hearing on whether a new or renewal application shall be recommended for approval or denial to the common council.

3. WHEN WITHDRAWN. Whenever a new application for a license is withdrawn after the city clerk issues a notice for a hearing on a possible denial, the application shall be considered denied upon withdrawal for purposes of the disqualification provided in sub. 4, except that the period of disqualification shall be 6 months from the date of withdrawal.

4. WHEN DENIED. a. Except as provided in par. b, whenever an application is denied, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of the denial.

b. Whenever an application for a new license is denied for a reason relating to the fitness of the location of the premises to be licensed, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the denial unless the applicant has demonstrated under s. 85-15 a change of circumstances since the denial.

5. WHEN NOT RENEWED. a. Except as provided in par. b, whenever a license is not renewed, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of nonrenewal.

b. Whenever a license is not renewed for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the nonrenewal unless the applicant has demonstrated under s. 85-15 a change of circumstances since the nonrenewal.

6. WHEN REVOKED. a. Except as provided in pars. b and c, whenever a license is revoked, no other new application by the same applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

b. Whenever a license is revoked, no other application by any other party who has a financial relationship with the person whose license was revoked, including, but not limited to membership in the same partnership, corporation, limited liability company or association, for the same license at the same premises shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

c. Whenever a license is revoked for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the revocation unless the person has demonstrated under s. 85-15 a change of circumstances since the revocation.

7. WHEN SURRENDERED. Whenever a license is surrendered in lieu of pending nonrenewal or revocation proceedings, no other new application by the applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of surrender.

85-14. Insurance Required.

1. For any license or permit issued by the city clerk for which insurance is required, an insurance policy shall continuously remain in effect for the duration of the license period. Failure to comply with this paragraph shall be grounds for suspension of the license or permit.

2. If a license or permit is suspended under par. a, the licensee or permittee shall pay the fee specified in s. 81-1-6 prior to reinstatement of the license or permit.

85-15. Change of Circumstances.

1. ELIGIBILITY. a-1. Except as provided in pars. b and c, whenever an application accompanied by the fee specified under s. 81-19.2 and a written statement of changed circumstances is filed with the city clerk setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, the committee shall hold a hearing to determine if changed circumstances exist.

a-2. Except as provided in pars. b and c, whenever the owner of the premises has filed with the city clerk the fee specified under s. 81-19.2 and a written statement of changed circumstances setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, and no application for a license or permit has been filed the committee shall hold a hearing to determine if changed circumstances exist sufficient for removal of the disqualification.

b. No hearing under this section shall be held by the licensing committee within a period of 12 months following the date of denial, nonrenewal or revocation of a license for a reason relating to the fitness of the location of the premises.

c. Not more than one hearing under this section involving the same applicant or owner at the same premises shall be held by the licensing committee during the period of disqualification under s. 85-13.

2. HEARING. a. At the hearing, testimony and other evidence shall be limited to that offered by the applicant or owner, appearing in person or by counsel, to demonstrate a change in circumstances. The committee may also entertain relevant evidence offered by city officers and employees.

b. If the committee determines that the applicant or owner has failed to demonstrate that a sufficient change in circumstances exists, the period of disqualification shall remain in effect. If an application has been filed under sub. 1-a-1, then the committee shall recommend that the application be denied.

c. If the committee determines that a sufficient change in circumstances has been demonstrated, the period of disqualification shall be terminated. If an application has been filed under sub. 1-a-1, then the committee shall schedule a separate hearing on whether the application should be recommended for approval or denial.

d. In considering whether changed circumstances exist, the committee shall consider, among other factors:

d-1. A change in the type of license sought by an applicant.

d-2. A change in the number of premises holding the same license in the neighborhood.

d-3. A change in zoning applicable to the subject property.

d-4. New developments or land uses in the vicinity of the subject property.

85-17. Request to Surrender a License.

1. If a licensee wishes to surrender his or her license or withdraw a renewal application after receiving a notice for a hearing on nonrenewal, revocation or suspension, the licensee shall request, in writing, permission from the licensing committee to do so prior to the date of the hearing. The committee may

approve the request, or deny the request and proceed with the hearing.

2. If a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to sub. 1, the licensee shall request, in writing at least 45 days prior to the expiration date of the license, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk.

3. The committee may approve the request and return the license without further action by the common council, provided that the period for which the license was originally granted has not expired, or make a recommendation to the common council to deny the request based on the same grounds set forth for nonrenewal or revocation of the license. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth for nonrenewal or revocation.

85-18. License or Permit Not Issued.

1. No person shall be issued any license or permit after one year from the date of granting or approval of the license or permit.

2. The common council may waive the requirement of sub. 1 upon demonstration of unusual circumstances and payment of the fee provided in s. 81-1-9. A waiver shall be effective for one year from the date of approval by the common council.

3. If a waiver is filed under sub. 2, the hearing procedures of s. 85-2.7 and the investigation requirements of 85-21-2 shall apply.

85-19. Transfer of License or Permit or Change of Name. 1. GENERAL REQUIREMENT. Unless otherwise provided in this code, no license or permit shall be transferable whether as to licensee, permittee or location except as herein provided.

2. CHANGE OF PREMISES. Every license or permit issued under this code may be transferred from one premises to another within the city upon payment of the fees required in ch. 60 or ch. 81, as the case may be, but no licensee or permittee shall be entitled to more than one transfer in any one license or permit year. The application and proceedings for such transfer shall be made in the same form and manner as the original application.

3. CHANGE OF NAME. The city clerk is authorized to change the name on a license or permit whenever there is a death in the family, a marriage, or a divorce with an award by court decree, provided the name change will not transfer the license or permit outside the family.

4. DEATH. a. Death of Licensee or Permittee. In case of death of the licensee or permittee, the license or permit may in the discretion of the common council be transferred to the executor, administrator or next of kin of the deceased licensee or permittee. In such event, the executor, administrator or next of kin of the deceased licensee or permittee shall report the death of the original licensee or permittee to the city clerk, together with the name and address of the person by whom the licensed or permitted business is to be conducted. The transfer of a license or permit under such circumstances may be made only if it is approved by the common council and the new licensee or permittee is in full compliance with the applicable provisions of this code.

b. Death or Withdrawal of Partner. In the case of the death or withdrawal of one or more members of a partnership to which a license or permit has been issued, the city clerk shall upon request allow the remaining partner or partners to operate the business for the remainder of the license or permit year.

5. DISABILITY. If a licensee or permittee becomes disabled, the common council may in its discretion, upon application, transfer the license or permit to the licensee's or permittee's spouse if that spouse may hold a license or permit under applicable license or permit qualifications and complies with all requirements under this code applicable to original applicants, except that the spouse is exempt from payment of the license or permit fee for the year in which the transfer takes place.

6. BANKRUPTCY. If any licensee or permittee becomes bankrupt or makes an assignment for the benefit of creditors, the receiver or creditor may continue or sell the business. The transfer of a license or permit under such circumstances may be made only if

it is approved by the common council and the new licensee or permittee is in full compliance with the applicable provisions of this code.

7. TRANSFER OF STOCK. The transfer of stock in any corporate licensee or permittee when the effect of the transfer would constitute a change in a stockholder list required by this code shall be reported to the city clerk within 10 days of the transfer. The transfer of corporate stock shall not require the payment of any transfer of license or permit fee.

8. SOLE PROPRIETORSHIP OR BUSINESS ENTITY REORGANIZATION. A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license or permit for operation of an establishment to the newly-formed business entity or sole proprietorship if the following conditions are satisfied:

a. The establishment remains at the location for which the license or permit was issued.

b. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license or permit was issued has an ownership interest in the newly-formed sole proprietorship or business entity.

9. NOTIFICATION. a. The city clerk shall be notified of any changes made in the name of a licensed or permitted business within 10 days of the change.

b. The city clerk shall notify the chief of police, the licensing committee and the Wisconsin department of revenue of any name change or license transfer involving an alcohol beverage licensee or permittee.

85-20. Provisional Renewal Licenses.

1. ISSUANCE. If a licensee files a renewal application but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license whenever:

a. The renewal application contains all required information.

b. The licensee has submitted all required supporting documentation.

c. The licensee has paid the required fee for the renewal license and provisional renewal license specified in ch. 81.

d. Except in the case of a Class “D” operator’s license or a Class “B” manager’s license, the local common council member has approved the application for a provisional renewal license.

e. Issuance of the provisional license would not be contrary to state law.

f. The renewal application is filed before the end of the license period subsequent to the expiration date of the license.

2. EXCEPTIONS. a. If a licensee files a renewal application by the date established by the city clerk but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license and the licensee shall not be subject to pars. 1-c and d.

b. If an application is held in committee, the city clerk may issue a provisional renewal license, and the licensee shall not be subject to pars. 1-c and d.

3. APPEAL. If an application is denied approval by a common council member under sub. 1-d, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of the common council member.

4. EXPIRATION DATE. A provisional renewal license shall expire 60 days after the date of issuance by the city clerk or upon issuance, non-renewal or suspension of the regular license, whichever is sooner, and shall not be renewable.

5. REVOCATION. The city clerk may revoke a provisional renewal license without further common council action if he or she determines that the licensee provided false information on the license application.

85-21. Fingerprinting and Investigation Required. 1. FINGERPRINTING REQUIREMENT. a. Each applicant for a license or permit subject to review by a licensing committee of the common council shall be fingerprinted in a manner directed by the chief of police unless otherwise provided in this code.

a-1. If the applicant is a partnership, each partner shall be fingerprinted.

a-2. If the applicant is a corporation, limited liability company or similar firm or business recognized in law, the agent as well as any persons holding 20% or more ownership in the legal entity shall be fingerprinted.

b. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of the change.

c. If there is change of ownership where the change results in any person holding 20% or more ownership in the legal entity, that person shall be fingerprinted within 10 days of the change, if not already fingerprinted under this section.

d. Exemption. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for verification.

2. INVESTIGATION REQUIREMENT. a. Each application for a license or permit subject to review by a licensing committee of the common council shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the applicant's compliance with background investigation requirements.

b. The report provided by the chief of police shall include information for the preceding 10 years related to any criminal or ordinance convictions and any pending criminal charges and ordinance citations of the applicant; each partner, if the applicant is a partnership; or agent, as well as any persons holding 20% or more ownership in the legal entity, if the applicant is a corporation, limited liability company or similar firm or business recognized in law.

c. If referral of a license or permit application to the commissioner of neighborhood services, commissioner of health, commissioner of public works or chief of police for investigation is required, the commissioner or chief of police shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the city clerk's referral of the application to the commissioner or chief of police.

85-23. Maximum Authorized Occupancy for Certain Licensed Establishments.

1. PURPOSE. The common council finds that the overcrowding of licensed establishments constitutes a serious risk of harm, injury or death, that overcrowding may also be detrimental to the character and well-being of the surrounding neighborhood, including traffic and parking patterns in that neighborhood, and that these risks and detrimental impacts increase with each person over the established occupancy limit for an establishment. The purpose of this section is to require the clear and accurate posting of occupancy limitations and to enforce occupancy limitations so as to assure the health, safety and welfare of the public and of persons employed by licensed establishments with occupancy limitations.

2. POSTING REQUIRED. Any licensed establishment with a maximum occupancy established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, shall securely post and maintain official placards issued by the department of city development indicating the maximum number of persons permitted on the licensed premises as established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, whichever is less.

3. POLICE ORDERS. If, in the determination of the police department, the number of persons on the premises exceeds the limitation set on the official placard, the police department shall order the number reduced to the permitted number. The police department may also order the establishment closed until it complies with this section.

4. PROHIBITIONS. a. No greater number of persons that the number indicated on the official placard shall be permitted on the licensed premises by any person responsible for operations or activities conducted on the premises.

b. Tampering with, obscuring or otherwise changing the official placard is prohibited.

c. Refusal by a patron to comply with a police department order to leave an establishment that has been determined by the police department to exceed the posted occupancy limitation is prohibited.

5. CITATION. The citation for a violation of sub. 4 shall state the occupancy limitation contained upon the official placard and shall further state the number of persons determined to be present in excess of the permitted limitation.

6. PENALTIES. Any person convicted of a violation of this section shall be subject to the following forfeitures and penalties:

a. For conviction of a violation of subs. 2, 4-b and 4-c, not less than $200 nor more than $1000.

b. For conviction of a violation of sub. 4-a, not less than $200 nor more than $10,000

c. For conviction of a second violation of sub. 4-a within 12 months, not less than $200 nor more than $15,000.

d. For conviction of a third or subsequent violation of sub. 4-a all within 12 months, not less than $200 nor more than $25,000

e. For purposes of determining the amount of a forfeiture for violation of sub. 4-a, the court may treat each person found to have been on the premises in excess of the permitted limit as a separate violation.

f. Any person convicted of a violation of this section shall, in default of payment of the prescribed forfeiture, be imprisoned as permitted under law.

85-24. Issuance and Transfer of License.

1. STATE TAX DOCUMENTATION REQUIRED. The city clerk shall not issue any business license or permit until the license applicant has provided the city clerk with proof of one of the following:

a. The applicant is the holder of or exempt from holding a seller's permit or use tax registration certificate issued by the Wisconsin department of revenue. b. The applicant is registered with the Wisconsin department of revenue to collect, report and remit use tax under subch. III of ch. 77, Wis. Stats.

c. The applicant has been informed by an employee of the Wisconsin department of revenue that the department will issue a seller's permit or use tax registration certificate to the applicant or register the applicant to collect, report and remit use tax.

2. COMPLIANCE WITH ORDINANCES. No license or permit shall be issued until the person, firm or corporation applying for the same shall satisfy the common council or the city clerk, as the case may be, that he or she has in every manner complied with the ordinances pertaining to the issuance of the license or permit, including the presentation to the city clerk of the city treasurer's receipt showing payment to the city of the required license or permit fee.

3. SIGNATURE AND SEAL. Each license or permit issued by the city clerk shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city.

4. TRANSFER. No license or permit issued by the city clerk shall be assignable or inure to the benefit of any other than the person to whom the license or permit was originally issued, except as may otherwise be provided, but the license or permit may be transferred from one premises to another upon proper application made to the common council or city clerk, as the case may be, and the transfer shall be endorsed, after proper action by the common council if necessary, upon the original license or permit by the city clerk.

85-25. Display of License or Permit. Except as otherwise expressly provided in this code, any license or permit issued by the city clerk that authorizes the conduct of business upon or within identified premises shall be posted and displayed in a conspicuous place on the premises and shall be readily accessible for inspection by all members of the public and proper authorities who enter upon or within the premises.

85-26. Application for Renewal. 1. Application for renewal of a permit or license shall be timely made prior to deadlines established by the city clerk.

2. Except where expressly permitted in this code, no activity authorized by permit or license shall be conducted by the permittee or licensee after expiration of the permit or license.

3. Application for renewal of a permit or license may be made at any time during the permit or license period immediately subsequent to the expired permit or license period except where state law requires application for a new license following expiration.

4. A permit or license renewed after expiration shall be valid for the license period specified in ch. 81.

85-27. Revocation of Licenses. The judge of the county court may at his or her discretion revoke and annul any license issued under this code upon the conviction of any licensed person of any crime or of the violation of any city ordinance which in the opinion of the judge should necessitate revocation. It shall be the duty of the clerk of the county and municipal courts to notify the city clerk of the revocation of

a license. Any license issued under this code may be also revoked by the common council in its discretion for any improper conduct of the licensed person.

85-29. Discrimination by License Holders.

1. DISCRIMINATION PROHIBITION. No holder of any license, permit or franchise issued by the city may willfully refuse services or add charges or require deposits not required of the general public under such license, permit or franchise because of sex, race, religion, color, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status, the fact that a person is a past or present member of the military service, whether dressed in uniform or not, or because a person is affiliated, or perceived to be affiliated, with a protected individual. No holder of a dwelling facility license issued by the city may willfully refuse services or add charges or require deposits not required of the general public under the dwelling license because of a person's place of residence.

2. DECLARATION REQUIRED. All applications submitted by persons seeking the licenses, permits or franchises listed in sub. 1 shall contain the following declaration: (name of applicant) shall not willfully refuse to provide those services offered under this license, permit or franchise, or add charges or required deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not. All applications submitted by persons seeking a dwelling facility license shall also contain the following declaration: (name of applicant) shall not willfully refuse to provide those services offered under this license or add charges or require deposits not required of the general public because of a person's place of residence.

3. LICENSEES EXERCISING AGE DISTINCTION IN THE INTEREST OF PUBLIC ORDER. Notwithstanding sub. 1, Class "B" tavern license holders may, in the interest of the public order and keeping the general peace, exercise a predetermined age restriction that must be posted at the establishment. A declaration required by sub. 2, minus the age provision, shall be required for the holders of these licenses.

85-30. Collusive Agreements Prohibited. Any person licensed in the city who shall permit any other person to conduct business under the licensee's license, or in the name of said licensee, or who shall connive, collude, or agree with any other person to enable such other person to conduct any business under the licensee's license or in the name of the licensee, and any person who shall conduct any business within the city under a license issued to another person, or in the name of another person, or who shall connive, collude, or agree with any licensee to enable such person to conduct business in the name, or under the license of such licensee, shall be subject to the penalty specified in s. 85-41-2. This section shall not apply to holders of Class "B" special fermented malt beverage licenses issued under s. 90-4-7.

85-32. Operation of Public Utilities on Licensed Premises. 1. GENERALLY. Operators of a licensed or permitted premises shall not permit or allow the operation, whether directly or under contract, of any telephone, Internet, broadcast or other public utility service as defined in s. 196.01, Wis Stats., in any manner inconsistent with the rules, regulations and requirements of the U.S. federal communications commission.

2. TELEPHONE ACCESSIBILITY. A telephone made routinely available to members of the public by a licensee or permittee for payment or otherwise, shall be provided and operated in compliance with all U.S. federal communications requirements for accessibility, including rules, regulations or other requirements ensuring toll free calling in emergencies.

85-34. Truth of Statements and Affidavits.

1. No document submitted to the city clerk by any person relating to any application filed with or license or permit issued through the city clerk's office shall contain false, misleading or fraudulent information or false affidavit.

2. Any application filed with or license or permit issued through the city clerk's office may be denied, suspended, not renewed or revoked by the common council after notice to the applicant or licensee and a hearing, if the applicant or licensee provided false, misleading or fraudulent information or a false affidavit.

3. The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false, misleading or fraudulent information.

4. The city clerk shall provide on each individual application for any license or permit issued through the city clerk's office notice that a penalty is provided for any false, misleading or fraudulent information or false affidavit provided by any applicant or licensee.

85-35. Changes to Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

85-37. Changes to Plan of Operation, Permanent. If, after a license has been issued, the licensee wishes to permanently deviate from the plan of operation that was submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request is approved through issuance of a new license.

85-39. Changes to Plan of Operation, Temporary. 1. AUTHORITY. The granting of a temporary change of plan permit shall authorize the permittee or licensee to deviate from the plan of operation specified on the existing license or permit. Such authority shall be contingent on the licensee also obtaining any other special privileges or permits required to effectuate the additional action or activity sought in the change of plan permit application.

2. ELIGIBILE AREAS. Areas included in any temporary change of plan permit shall be owned by or under the control of the permittee or licensee. If the applicant seeks to encroach upon public property or a public thoroughfare, the applicant shall also obtain the applicable special privilege permit.

3. APPLICATION. a. Application for a temporary change of plan permit shall be made by an individual, or authorized agent in the case of a corporation, who shall be personally responsible for compliance with all of the provisions of this section.

b. Application for the temporary change of plan permit shall be filed on or before the deadline established by the city clerk on forms provided by the city clerk. The application shall include:

b-2. The name, business address and telephone number of the applicant.

b-3. The address of the existing licensed premises, the aldermanic district in which the premises is located, and a specific description of the site for which the temporary change is sought.

b-4. The name of the particular event or function for which the temporary change of the licensed premises is sought.

b-5. The date and period of time for which the particular event or function will be operated.

b-6. Such other reasonable and pertinent information as the common council or licensing committee may require.

c. The city clerk shall accept applications filed after the filing deadline established by the city clerk, provided the applicant affirms the applicant's understanding that any decision made by a common council member under sub. 4 is final and not subject to further review.

4. APPROVAL BY COUNCIL MEMBER. a. The completed application shall be referred to the common council member representing the district in which the premises for which the permit is sought is located. The common council member shall determine whether to approve the permit and shall inform the city clerk of his or her decision.

b. In making a determination, the common council member shall consider each of the following factors:

b-1. The appropriateness of the location and site for which the permit is sought, and whether the activity for which the permit is sought will create undesirable neighborhood problems.

b-2. The hours during which the activity would take place on the site and the likely effect of the activity on the surrounding area.

b-3. Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.

b-4. Any other factors which reasonably relate to the public health, safety and welfare.

5. COMMITTEE ACTION. a. If an application filed prior to the deadline set by the city clerk is denied approval by a common council member under sub. 4-a, the applicant may appeal the decision to the licensing committee.

b. If a written objection to an application is filed by any interested person, the city clerk shall forward the application to the licensing committee for a hearing.

6. HEARING PROCEDURE. a. Any hearing required under sub. 5 shall be conducted as set forth in s. 85-2.7.

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 7 days' notice of the hearing.

7. ISSUANCE. a. If the common council member approves or the common council grants the application for a temporary change of plan permit, the city clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the temporary change of plan shall be in effect. The document shall also contain any restrictions or conditions which the common council member or common council may place on the approvals.

b. The city clerk shall not issue a temporary change of plan permit if the commissioner of neighborhood services has provided the city clerk with a request to hold the issuance on the basis that the applicant has not obtained all required permits for the premises or final inspection of the premises has not yet occurred.

c. The city clerk shall, within 24 hours after the issuance of the approving document, inform the chief of police of the date, place and event for which the temporary change of plan was issued.

8. ON-PREMISES SALE.

a. A licensee granted a temporary change of plan permit and in possession of a current Class "B" tavern license, Class "B" fermented malt beverage retailer's license, or Class "C" wine retailer's license may not sell any alcohol or non-alcohol beverages for consumption in bottles, cans and glass containers in the temporary location of the change of plan. Beverages may only be sold in single-service cups for on-premises consumption in the location of the temporary extension of the licensed premises.

b. An exception to the limitation on sale of alcohol beverages to single-service cups in par. a may be permitted by the chief of police upon application of an event sponsor or the licensee of the temporary change of plan made at least 60 days prior to the special event. In an application for such an exception, the applicant shall provide all of the following to the chief of police:

b-1. A copy of the change of plan application or permit, if issued, and information identifying the sponsor or sponsors of the special event, if any.

b-2. The reason or reasons for which an exception in sought.

b-3. The security plan proposed for the event, including a specific description of the procedures and policies for ensuring the safety of the public.

b-4. A description of the entertainment or amusement to be provided during the special event.

b-5. The type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises.

b-6. Any other information the chief of police may require.

c. The chief of police may permit beverage containers other than single-service cups when, in his or her discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of police officers, it is determined that the exception poses no appreciable risk. These factors may include past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances.

d. The chief of police may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.

9. DISPLAY OF PERMIT.

a. Every person issued a temporary change of plan permit pursuant to this section shall post the permit in a conspicuous place in the premises during those times when the activity is taking place.

b. It shall be unlawful for any person to post a permit or to be permitted to post a permit upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

c. Failure to appropriately post a permit shall be treated in the same manner as operating without a permit.

10. FEE. Each application shall be accompanied by the fee specified in s. 81-126.5.

85-41. Penalty, General. 1. Any person who violates any of the provisions of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction be subject to a forfeiture of not more than $500 and in default of payment thereof, shall be imprisoned as provided by law.

2. Any person who violates s. 85-30 shall upon conviction be subject to a forfeiture of not less than $2,500 and not more than $5,000, and in default of payment thereof, shall be imprisoned as provided by law.

For legislative history of chapter 85, contact the Municipal Research Library.

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a-6. In determining the number of pending charges under subd. 3-a and convictions under subd. 3-b to g, any pending charges or convictions arising out of the same incident or occurrence shall be counted as one pending charge or conviction.

a-7. Notwithstanding the provisions of subds. 3 and 5, an applicant who meets the criteria of those subdivisions shall have his or her application forwarded to the licensing committee if a written objection to the application is filed by any interested party.

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 7 days' notice of the hearing.

a-9. The notice shall contain:

a-9-a. The date, time and place of the hearing.

a-9-b. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

a-9-c. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

a-9-d. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

a-10. If it appears for the first time at the hearing that there will be objections, then the matter shall be laid over until the next meeting, prior to which proper notice shall be given.

a-11. If the chair at any time determines that a hearing is or will be contested, the chair shall announce that a time limit of 30 minutes shall be provided opponents of the proposed license and a time limit of 30 minutes for the applicant and supporters of the proposed license. This time shall be extended for relevant questioning by licensing committee members. If upon expiration of 30 minutes for opponents or 30 minutes for the applicant and proponents the chair determines, subject to the approval or objection of the committee, that a full and fair hearing of relevant issues requires an extension of time to protect the interests of the public and the applicant, a reasonable extension of time may be granted. Individuals opposing the proposed license and members of the public supporting the proposed license may be limited to not more than 2 minutes testimony each, or a greater or lesser amount if the chair determines that a different time limit is appropriate to the fair and efficient conduct of the hearing. The applicant shall have the privilege of using any portion of applicant's 30 minutes for presentation and testimony. At any time, the chair may overrule or prohibit redundant testimony or argument found unnecessary to substantiate or corroborate testimony and argument previously presented.

b. Hearing. Upon certification by the city clerk as provided in par. a-2, all new applications for Class "A," "Class A," Class "B," "Class B" and "Class C" retail licenses shall be timely scheduled for hearing by the licensing committee on a date prior to the expiration of 3 full periods of time between regularly scheduled meetings of the common council. Licensing committee hearings on all new applications under this section shall be conducted in the following manner:

b-1. If there is a possibility of denial, at the hearing the committee chairman shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chairman shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

b-2. A due process hearing shall be conducted in the following manner:

b-2-a. All witnesses will be sworn in.

b-2-b. Any report prepared under sub. 7 and offered by the chief of police, the commissioner of health or the commissioner of neighborhood services shall be entered into the permanent record of the hearing without motion. Information contained in the report shall be admissible and considered by the committee as a public report to the extent that the report sets forth the activities of department personnel, or provides information about matters observed by department 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.

b-2-c. The chair shall then ask those opposed to the granting of the license to proceed.

b-2-d. The applicant shall be permitted an opportunity to cross-examine.

b-2-e. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

b-2-f. Committee members may ask questions of witnesses.

b-2-g. Both proponents and opponents shall be permitted a brief summary statement.

c. Recommendations. c-1. The recommendations of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

c-1-a. Whether or not the applicant meets the statutory and municipal requirements.

c-1-b. The appropriateness of the location and premises to be licensed and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the floor plan and plan of operation submitted pursuant to sub. 1-c and shall include information provided by the chief of police pursuant to sub. 7 of calls for service, complaints or criminal activity occurring on the premises that may be formally documented in a regular police department record such as a PA 33, summary or equivalent record that is proposed for licensing as a Class "A," “Class A,” “Class B” or Class "B" retail establishment or a “Class C" retail establishment or incidents associated with the premises during the 5-year period prior to the date of application.

c-1-c. Whether there is an over-concentration of licensed establishments in the neighborhood. A concentration map placed in the applicant's file prior to certification for hearing may be admitted to the record upon motion of any interested party.

c-1-d. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

c-1-e. Any other factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. This recommendation may include such revisions to the floor plan and plan of operation submitted pursuant to sub. 1-c as the committee may deem necessary and which are agreed to by the applicant. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the full common council for vote at the next meeting at which such matter will be considered.

9. DISQUALIFICATION.

a. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

b. Whenever a new application for a “Class A" retailer's intoxicating liquor license, a “Class B" tavern license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer license, a Class "B" fermented malt beverage retailer license, a “Class C" wine retailer license, a Class "D" operator's license, a tavern amusement, dancing and music license, or a center for the visual and performing arts license, is withdrawn after commencement of the hearing of the licensing committee procedures for withdrawal provided in s. 85-13-3 shall apply.

10. ISSUANCE OF LICENSE BY CITY CLERK. It shall be the duty of the city clerk, whenever a license for the sale of intoxicating liquors, or fermented malt beverages shall have been granted by the common council, and the applicant shall have produced and filed with the city clerk a receipt showing payment of the sum required for such license to the city treasurer, to prepare and deliver to such applicant a license in accordance with this chapter and of the laws of the state of Wisconsin. Such license shall specifically state the premises to be licensed. Such license shall not be transferable from one person to another, except as otherwise provided in s. 90-10, and it shall not authorize the sale of intoxicating liquors or fermented malt beverages in any other manner than that specified in the license. It shall not inure to the benefit of any person other than the licensee therein named and shall not authorize the sale of intoxicating liquors or fermented malt beverages in any other place than that specified in the license. It shall bear the signature of the city clerk and the corporate seal of the city.

a-2-c. A statement of the reasons for nonrenewal.

a-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for nonrenewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

a-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

b. Hearing. b-1. At the committee hearing, the chairman shall open the hearing by stating that a notice was sent, and shall read the notice into the record unless the applicant admits notice. The chairman shall advise the applicant that he or she has an option to proceed with a hearing, represented by counsel, with all testimony under oath, or he or she can make a statement.

b-2. If the applicant selects a hearing:

b-2-a. Any report prepared as the result of a review required under sub. 1-a and offered by the chief of police, the commissioner of health or the commissioner of neighborhood services shall be entered into the permanent record of the hearing without motion. Information contained in the report shall be admitted and considered by the committee as a public report to the extent that the report sets forth the activities of department personnel, or provides information about matters observed by department 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. The chief of police shall offer a written report summarizing any criminal or ordinance convictions or pending criminal charges or ordinance citations of an applicant for license renewal. The report offered by the chief of police shall also include information summarizing any police investigation or action related to the licensed premise or its patrons.

b-2-b. The chairman shall order all witnesses sworn in.

b-2-c. The chairman shall then ask those opposed to the renewal of the license to present their case in opposition to renewal.

b-2-d. The applicant shall then be permitted an opportunity to cross-examine witnesses in opposition to the renewal.

b-2-e. After the conclusion of the opponent's case, the applicant shall be permitted to present witnesses, testimony and exhibits subject to cross-examination.

b-2-f. Committee members may ask questions of witnesses.

b-2-g. Both sides shall be permitted a brief summary statement.

b-2-h. If the chair should at any time determine that a hearing is or will be contested, the chair will announce that a time limit of 30 minutes shall be provided opponents of the license renewal and a time limit of 30 minutes for the applicant and supporters of the license renewal. This time will be extended for relevant questioning by licensing committee members. If upon expiration of 30 minutes for opponents or 30 minutes for the applicant and proponents the chair should determine, subject to the approval or objection of the committee, that a full and fair hearing of relevant issues requires an extension of time to protect the interests of the public and the applicant, a reasonable extension of time may be granted. Individuals opposing the proposed license and members of the public supporting the proposed license may be limited to not more than 2 minutes testimony each, or a greater or lesser amount if the chair determines that a different time limit is appropriate to the fair and efficient conduct of the hearing. The applicant shall have the privilege of using any portion of applicant's 30 minutes for presentation and testimony. At any time, the chair may overrule or prohibit redundant testimony or argument found unnecessary to substantiate or corroborate testimony and argument previously presented.

b-2-i. A record shall be made of all committee hearings as provided in s. 85-4-3.

c. Recommendation. c-1. The recommendation of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning nonrenewal may include evidence of:

c-1-a. Failure of the applicant to meet the statutory and municipal license qualifications.

c-1-b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, on behalf of the licensee, his or her employees, or patrons.

c-1-c. The appropriateness of tavern location and premises. Evidence of the appropriateness of the location may be included in the report provided by the chief of police or chief's designee under par. b-2-a.

c-1-d. Neighborhood problems due to management or location.

c-1-e. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

c-1-f. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

c-1-g. Any other factor or factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. Such suspension shall commence on the effective date of the license renewal. Following the hearing, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant and complainant, if any, may file a written statement in response to the report including objections, exceptions and arguments of law and fact. A written statement must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

d. Council Action. d-1. The applicant shall be given 5 working days' notice of the date set for hearing by the full common council.

d-2. At the meeting of the common council, the chair shall allow oral argument by an applicant or complainant who has timely submitted a written statement in response to the recommendations of the licensing committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the licensing committee and any written statements in response that have been filed thereto. If they have not, the chair shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the vote taken by the common council.

3. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-12. Revocation or Suspension of Licenses. 1. CAUSES. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Such licenses shall be suspended or revoked for the following causes:

a. The making of any material false statement in any application for a license.

b. The conviction of the licensee, his agent, manager, operator or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

other depository, in payment of established charges for food, beverages of any kind, or other service, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

90-37. Centers for the Visual and Performing Arts. 1. FINDINGS. The Wisconsin state statutes create the designation "centers for the visual and performing arts" and exempt them from certain restrictions relating to the presence of underage persons on licensed Class "B" alcohol beverage premises. The state statutes do not, however, provide a definition for "centers for the visual and performing arts.'" The prevention of the underage consumption of alcohol and the regulation of alcohol beverage premises where underage persons congregate is a primary concern of the common council, given its responsibility to protect its most vulnerable residents. The common council finds, therefore, that it is essential to define and license "centers for the visual and performing arts" to help ensure the health, safety and welfare of the people of the city of Milwaukee and, in this light, to grant this license infrequently and only after careful consideration, review and deliberation.

2. LICENSE REQUIRED. No premise shall be deemed a center for the visual and performing arts without first obtaining a license as required in this section, except that no license shall be required of centers for the visual and performing arts operated by nonprofit organizations which, for the purposes of this provision, shall mean a federal, state or local unit of government or agency thereof, a public or private elementary, secondary or post-secondary school, or an organization that is described in s. 501(c)(3) of the internal revenue code of the United States of America and is exempt from taxation under s. 501(a) of this code.

3. MINIMUM QUALIFICATIONS. No premise shall be licensed as a center for the visual and performing arts unless it fulfills all the relevant criteria of pars. a to d.

a. The operator of the premises shall hold a valid public entertainment premises license for the same premises issued under ch. 108.

b. A center for the visual and performing arts shall have either of the following:

b-1. At least one stage or designated performance space.

b-2. A collection of recognized works of art placed on regular public display, as testified to before the licensing committee of the common council by recognized experts or art critics.

c. At a center for the visual and performing arts that is also a theater, the service of alcohol beverages shall be incidental to the main function of the licensed premise as evidenced by the service of alcohol beverages no earlier than 2 hours before a given day's scheduled performance, no later than 2 hours after a given day's scheduled performance and only in a designated lobby area.

d. At a center for the visual and performing arts that provides live music performances on a stage or designated performance space less than 1200 square feet in size to an all-ages audience, which is subject to the curfew limitations set forth in s. 106-23 and the employment limitations of minors set forth in s. 103.78, Wis. Stats., underage patrons shall enter the premises no earlier than one hour before a scheduled performance and shall leave the premises no later than one half hour after completion of the performance.

4. APPLICATION. a. Application for a center for the visual and performing arts license shall be filed with the city clerk on a form provided therefor.

b. The application shall require:

b-1. The name and permanent address of the applicant.

b-2. The name and address of the premise for which the license is to be granted, including the aldermanic district in which it is situated.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation.

b-4. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and resident

addresses of all officers and be verified by an officer of the club, association, or organization.

b-6. The date of birth of the applicant.

b-7. A completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall require:

b-7-a. The planned hours of operation for the premises.

b-7-b. The number of patrons expected on a daily basis at the premises.

b-7-c. The legal occupancy limit of the premises.

b-7-d. What plans, if any, the applicant has to insure underage persons are not served alcohol beverages at the premise and that alcohol beverages are not consumed by underage persons at the premise.

b-7-e. What plans, if any, the applicant has to insure that underage persons are not on the premise in violation of the city's curfew ordinance as set forth in s. 106-23.

b-7-f. The number of off-street parking spaces available at the premises.

b-7-g. Whether or not the premises will make use of sound amplification equipment and, if so, what kind.

b-7-h. What plans, if any, the applicant has to provide security for the premises.

b-7-i. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.

b-8. Any other licenses held by the applicant or attached to the premises.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

5. ISSUANCE. a. An application shall be referred to the chief of police and the commissioner of neighborhood services, each of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with the provisions of s. 85-2.5 and 85-2.7.

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 7 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross- examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements, including those in sub. 3.

e-2. The appropriateness of the location and premises where the center for the visual and performing arts is to be located and whether the location will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the plan of operation submitted pursuant to sub. 4-b-8. but not the content of any performance.

e-3. The applicant's record in operating similarly licensed premises.

e-4. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-5. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. This recommendation may include such revisions to the plan of operation submitted pursuant to sub 4-b-8 as the committee may deem necessary and which are agreed to by the applicant. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

6. DEPOSIT OF FEE; REFUND.

a. Prior to issuance of a license, each applicant shall deposit with the city treasurer the full amount of the fee required in s. 81-17.7 for the license or permit applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license or permit is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license or permit fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him or her the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.

d. Upon the withdrawal or the common council's denial of a center for the visual and performing arts license application, the amount of $50 of the application fee shall be retained by the city treasurer to defray the cost of investigation of facts and administration thereof. The remainder of the application fee and deposits on all applications denied by the common council shall be refunded by the city treasurer upon surrender of the deposit receipt certified by the city clerk, provided that the certified deposit receipt is surrendered no later than one year after the date of the license denial.

7. FEES. See s. 81-17.7 for the required permit fees and terms.

8. CHANGE IN PLAN OF OPERATION. If, after the license has been granted or issued, the licensee wishes to substantially deviate from the plan of operation as submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council. The common council's approval shall be given only if it determines, in the manner set forth in sub. 5-e-2, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

9. RENEWAL OF LICENSES.

a. Procedure for Renewal. Applications for the renewal of a center for the visual and performing arts license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal.

b-1. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the license in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for non-renewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 11.

10. REVOCATION. a**.** Any license issued under this section may be revoked for cause by the common council after notice to the licensee and a hearing.

b. Revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation of a license, the city clerk shall issue notice to the licensee of the licensing committee's intention to hear the matter. The notice shall be served upon the licensee so that the licensee has at least 10 working days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of revocation of the license exists and the reasons for possible revocation.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for revocation and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

d. The licensing committee shall convene at the date and time designated in the notice for the purpose of taking the preponderance of evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation.

e. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the licensee in connection with the revocation.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub 11.

11. HEARING PROCEDURE.

a. Authority of Licensing Committee. The licensing committee shall conduct hearings with respect to the non-renewal or revocation of a center for the visual and performing arts license pursuant to this subsection. The chair of the licensing committee shall be the presiding officer.

b. Committee Hearing Procedure.

b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-4. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

c. Record. A record shall be made of all licensing proceedings before the committee and before the common council as provided in s. 85-4-3.

d. Grounds for Non-Renewal or Revocation. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

SUBCHAPTER 2
LICENSING

93-21. Licensing, General.

1. APPLICATION. Application for a license shall be filed with the city clerk on forms provided therefor and shall contain, in addition to the information specified in s. 85-12, the following information:

a. The number of recycling, salvaging and towing vehicles owned, operated or controlled by the applicant to be used in the conduct of recycling, salvaging or towing, including each vehicle's identification number, make, model, year, license plate number and, if applicable, towing weight capacity, U.S. DOT number or Wisconsin DOT operating authority.

b. Whether the applicant has the capability to provide information to the police department relative to the recordkeeping, reporting and other business regulations set forth in subch. 3.

c. Whether the applicant has ever had a license, permit or authority relating to the activities licensed in this chapter denied, not renewed, suspended or revoked, with a brief statement of the circumstances associated with this event, and the jurisdiction in which this event occurred.

d. For recycling, salvaging or towing premises, a completed plan of operation on a form provided by the city clerk. The plan of operation shall require each of the following:

d-1. The planned hours of operation of the premises.

d-2. What plans, if any, the applicant has to ensure the orderly appearance and operation of premises with respect to litter and noise, including plans the applicant has to ensure that all motor vehicles associated with the business will be stored on the licensed premises and that all maintenance and repair work related to these vehicles will be confined to the licensed premises and will not violate any code provisions relating to littering of the public right-of-way.

d-3. What plans, if any, the applicant has to provide security for the premise with respect to the theft of valuable metal and other articles of personal property.

d-4. Any other types of licenses or permits planned or currently held by the applicant or issued for the premises.

d-5. Any other types of business enterprises planned or currently conducted at the premises.

e. For recycling, salvaging or towing vehicles, what plans, if any, the applicant has to ensure that all vehicles owned, operated or controlled by the applicant, including all junk, motor vehicles, valuable metals or other materials attached to or located within these vehicles, will be stored in a secured lot or facility, and the exact location of this lot or facility.

2. FEE. a. Premises. Each application for a recycling, salvaging or towing premises license shall be accompanied by the fee specified in s. 81-102.6.

b. Vehicle. Each application for a recycling, salvaging or towing vehicle license shall be accompanied by the fee specified in s. 81-102.8.

3. FINGERPRINTING. All applicants shall be fingerprinted as provided in s. 85-21-1.

93-23. New License. 1. INVESTIGATION.

a. Every application for a new license shall be referred to the chief of police and the commissioner of neighborhood services, both of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with s. 85-21-2.

b. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of being a recycling, salvaging or towing business.

2. HEARING. Each application for a new license shall be referred to the licensing committee for a hearing in accordance with s. 85-2.7.

93-25. Renewal, Nonrenewal, Revocation or Suspension. 1. RENEWAL; INVESTIGATION.

a. Application for the renewal of a recycling, salvaging or towing license shall be made to the city clerk. The clerk shall refer the application to the chief of police and the commissioner of neighborhood services for review.

b. If the chief of police and the commissioner of neighborhood services indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires.

c. If the city clerk determines that there is cause to question the renewal of the license on the basis of one or more written complaints related to operation of the licensee during the current license period, or if the chief of police objects on the basis of police reports of incidents and activities on or related to the licensed premises or vehicle not previously considered by the licensing committee establishing cause to question whether renewal of the license may have an adverse impact on the health, safety and welfare of the public and the neighborhood, or if the applicant has been issued a warning letter or been subject to administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection, the city clerk shall cause the application to be scheduled for hearing. A written objection shall meet the definition in s. 85-2-4 and shall comply with the requirements of s. 85-3-3.

2. SUSPENSION; REVOCATION. Suspension or revocation proceedings may be initiated by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any interested party.

3. HEARING. Any license issued under this chapter may be not renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing. If there is a possibility that the licensing committee will not recommend renewal of the license, or if suspension or revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

4. PROBATIVE EVIDENCE. The recommendation of the committee concerning the licensee shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the licensee to meet the statutory and municipal requirements.

b. Pending charges against or the conviction of a felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, or subcontractors.

c. The licensee, or any employee or lessee of the licensee, having violated any of the regulations or prohibitions set forth in this chapter.

d. Whether the applicant has been issued a warning letter or been subject to administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection.

e. Any other factors which reasonably relate to the public health, safety and welfare.

93-27. Additional Storage. The application for, and issuance of, a premises license shall be conducted in accordance with ss. 93-21 to 93-25, except that for an application for additional storage, the report to the licensing committee by the commissioner of neighborhood services shall include information related to the zoning district in which the principal place of business, or additional fixed place of storage, of the recycling, salvaging or towing business is to be located and shall be made within 14 days.

93-29. Changes to be Reported.

1. APPLICATION; PLAN OF OPERATION. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

2. TRANSFER OF LICENSES; CHANGE OF NAMES. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

93-31. Change of Vehicle. A licensee may change the motor vehicles used in the conduct of the recycling, salvaging or towing business if the licensee files with the city clerk the information required on the form provided by the city clerk and pays the applicable fee specified in s. 81-102.8. Every motor vehicle involved in the recycling, salvaging or towing business as of October 9, 2015, shall comply with the sticker, signage and other applicable requirements of subch. 3.

93-33. Disqualification; Change of Circumstances. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

9. PROCEDURES FOR NON-RENEWAL, REVOCATION OR SUSPENSION OF LICENSE.

a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application to the chief of police for review. If the chief indicates that the applicant still meets the licensing qualifications, the city clerk shall issue the license unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. Any interested person may file the objection. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Revocation or Suspension. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

d. Grounds for Non-renewal, Revocation or Suspension. The recommendation of the committee regarding the licensee shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, subcontractors or customers.

d-3. Failure to obtain any permit required under the ordinances of the city or the laws of the state of Wisconsin, or employing persons not authorized to do any specific work as required under the ordinances of the city or laws of the state of Wisconsin.

d-4. Whether the licensee, or his or her employees, has violated any of the required and prohibited practices set forth in this section.

d-5. Whether the licensee has been issued a warning letter or had the imposition of administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection.

d-6. Whether a judgment has been rendered against the licensee by any court of competent jurisdiction regarding violations of ordinances of the city or laws of the state of Wisconsin the nature of which substantially relate to the particular activity for which the license is issued, or a judgment has been rendered against the licensee.

d-7. Any failure of the licensee to complete work on a project in accordance with the contractual written specifications for the work set forth pursuant to sub. 12-c-1 and 2, or to complete the work within the time period specified in the contract or agreement for the work pursuant to sub. 12-c-4.

d-8. Any other factor which reasonably relates to the public health, safety and welfare.

e. Evidence of Quality of Workmanship Excluded. The recommendations of the committee regarding the licensee shall not be based on evidence presented at the hearing related to quality of workmanship.

h. Request to Surrender a License. If a licensee who has surrendered his or her license wishes to have the surrendered license returned, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.

12. REQUIRED AND PROHIBITED PRACTICES. All persons licensed under this section shall:

a. Pay All Subcontractors. Pay all subcontractors and material suppliers so that no liens are filed against the owner of the property to whom the sale has been made, and furnish such owner waivers of liens from material suppliers and subcontractors within 30 days of completion of any job; except that where any subcontractor or material supplier's bill is the subject of a bona fide dispute in a legal action, no waivers need be furnished until the determination of such action. Legal action in this section shall include any type of arbitration or 3rd party determination of the dispute recognized by the trade.

b. Furnish Copies of All Written Documents. Furnish to the purchaser a copy of all written documents which the purchaser is requested to sign at the time of signing.

c. Written Agreements. Before starting work of any kind, enter into a contract or firm agreement with the purchaser as to price and the work to be done, provided that no written contract shall be required where the work to be done is of an emergency nature and the total cost does not exceed $100. Any such agreement shall include therein a complete statement as to:

c-1. The specific work to be done.

c-2. The material to be used, describing it by brand name, if possible, and by weight, size and color.

c-3. Guarantees and warranties made or represented to buyer in writing, setting forth by whom guaranteed or warranted, and any and all exclusions and limitations as to cost of repair, replacement of parts, service charges and labor charges.

c-4. The time in which the work is expected to be completed.

c-5. All financing, including the initial cost, any time charges, interest, etc., and the total cost including such charges, together with the amount of payment, the time at which the payments will begin, and the length of time for which they will continue.

c-6. A statement agreeing to restore and repair any part of the property of the purchaser destroyed or damaged, where such damage results from the negligent acts of the contractor, his or her agents or subcontractors.

c-7. A statement of the fact that the contractor or salesperson has a license from the city does not constitute an endorsement of the person or product by the city.

d. Other Regulations. No contractor or salesperson obtaining a license under this section shall:

d-1. Imply that having a license constitutes an endorsement or recommendation of the city. No person shall advertise in any manner that they have obtained a license from the city.

d-2. Use any false or deceptive inducements or misrepresent or falsely state to a prospective customer that his or her dwelling or building is to serve as a "prospective buyer" lure or "model home" or " advertising job," and that he or she will be paid a commission or other compensation for any other sales the seller may make in the vicinity or within a specified distance from the customer's location, and in that way lead the customer to believe that the cost of the improvement or installation will be fully paid or reduced by reason thereof.

d-3. Misrepresent to a prospective customer that he or she is being given a special, introductory, confidential, close-out, factory or wholesale price or discount, or any other concession; or that this price or discount or any other concession is made due to materials left over from a nearby job or a test of the local market or a market survey.

d-4. Misrepresent that anyone, whether connected with the seller or not, is especially interested in seeing that the prospective customer gets a bargain, special price, discount or any other concession.

d-5. Substitute any product or material, or deliver or install or apply a product of different brand, grade or quality from that represented by any sample, illustration or model.

d-6. Misrepresent or mislead prospective customers into believing that:

d-6-a. Fire resistant materials are incombustible or fire-proof.

d-6-b. The product needs no periodic repainting, refinishing, maintenance or any other service.

which these provisions apply include those bounded by and including both sides of the boundary streets:

a-2-a. E. Edgewood Ave, from its eastern terminus in a line continuing on E. Keefe Ave., N. Pierce St., E. Meinecke Ave., N. Bremen St., E. North Ave., N. Humboldt Blvd., to the Milwaukee River, E. Juneau Ave., N. Broadway, E. Ogden Ave., N. Franklin Ave., N. Prospect Ave., E. Kane Pl., N. Summit Ave., E. Lafayette Pl., E. Lafayette Hill Rd., N. Lincoln Memorial Dr. to 2300 N. Lincoln Memorial Dr., and east to the city limits.

a-2-b. 2300 N. Lincoln Memorial Dr. from the east city limits, N. Lincoln Memorial Dr., E. Lafayette Hill Rd., E. Lafayette Pl., N. Summit Ave., E. Kane Pl., N. Prospect Ave., N. Franklin Ave., E. Ogden Ave., N. Broadway, E. Juneau Ave., to the Milwaukee River, E. Wells St., continuing east to the city limits.

a-2-c. E. Keefe Ave., N. Holton Blvd., to the Milwaukee River, N. Humboldt Blvd., E. North Ave., N. Bremen St., E. Meinecke Ave., N. Pierce St.

a-2-d. N. 27th St., W. St. Paul Ave., I-94, N.16th St., S. 16th St., W. Pierce St., S. 20th St., W. Mitchell St., S. 19th St., W. Rogers St., S. 20th St., railroad right of way, W. Forest Home Ave., W. Pabst Ave., at 3400 W. Pabst a line south to the railroad right of way, railroad right of way, W. Lincoln Ave., W. Lincoln Ave. east to the city limits, following the city limits to S. 44th St., N. 44th St., I-94, and exempted from alternate side parking by sub. 3-b-1.

a-2-e. W. Becher St., Kinnickinnic River, to eastern border of the City limits, S. Whitnall Ave. at S. Clement Ave., E. Howard Ave., S. Chase Ave., E Morgan Ave., W. Morgan Ave., S. 4th St., W. Holt Ave., W. Morgan Ave., S. 15th St., railroad right of way, S. 14th St., W. Cleveland Ave., S. 10th St., W. Hayes Ave., S. 6th St., and exempted from alternate side parking by sub. 3-b-1.

a-2-f. N. 16th St., Menomonee River, Milwaukee River, Kinnickinnic River, W. Becher St., S. 6th St., W. Hayes St., S. 10th St., W. Cleveland Ave., S. 14th St., railroad right of way, S. 20th St., W. Rogers St., S. 19th St., W. Mitchell St., S. 20th St., W. Pierce St., S. 16th St.

a-2-g. E. Wells St. from the eastern city limits, Milwaukee River, W. Juneau Ave., W. Winnebago St., W. Vliet St., N. 31st St., W. Cherry St., railroad right of way, W Vliet St., N. 35th St., I-94, N. 27th St., W. St. Paul Ave., I-94, N. 16th St., Menomonee River, Milwaukee River east to the city limits, and exempted from alternate side parking by sub. 3-b-1.

a-2-h. I-43 from the city limits, W. Capitol Dr., N. 24th Pl., W. Nash St., N. 26th St., W. Hopkins St., N. 25th St., W. Townsend St., W. Hopkins St., N. 20th St., W. Locust St., I-43, W. Fond Du Lac Ave., N. 12th St., W. Winnebago St., W. Juneau Ave., Milwaukee River, N. Holton St., E. Keefe Ave., east to the Milwaukee River, and exempted from alternate side parking by sub. 3-b-1.

a-2-i. N. 44th St. from its south terminus, including a line south to the city limits, Interstate 94, N. 35th St., W. Wisconsin Ave., Menomonee River northwest to the railroad right-of-way, W. Highland Blvd., W. Vliet St., Wisconsin Hwy 175, W. Washington Blvd., N. 47th St., W. Lloyd St., N. 51st St., W. Burleigh St., N. 53rd St., W. Concordia Ave., N. 54th St., W. Keefe Ave., N. 60th St., W. Melvina St., N. 67th St., W. Capitol Dr., N. 76th St. south to the city limits and continuing along the city limits to the point of beginning, and exempted from alternate side parking by sub. 3-b-1.

b. No vehicle of any kind or description shall be parked on any highway between:

b-1. The hours of 2 a.m. and 6 a.m., except as otherwise restricted or permitted in this section.

b-2. The hours of 11 p.m. and 6 a.m. the following day when the department of public works announces snow-plowing operations or other public works operations are underway, except as otherwise restricted or permitted in this section.

2. SPECIAL PERMIT**.** a. A vehicle may be parked between the hours of 2 a.m. and 6 a.m., or between the hours of 10 p.m. and 6 a.m. during a declared snow emergency, provided a special privilege permit for the vehicle is first obtained online or from any facility the city may designate for the sale of such permit, after filing an application and paying a permit fee, all as required under this section, and shall be parked as authorized by such permit, as provided in sub.5.

b. The owner of any motor truck with valid license plates issued by the Wisconsin department of transportation, division of motor vehicles, but not used for commercial purposes, and which is not larger than 21 feet in length, 7 feet in width, and 7 feet in height and which has no more than 2 single-tired wheels on the front axle and no more than 2 single-tired or double-tired wheels on the rear axle, shall be eligible to purchase a special privilege permit for said vehicle as provided in this section.

c. Any vehicle for which a person is applying for a special privilege permit may be inspected for purposes of determining eligibility for the permit as provided in this section.

d. Vehicles displaying special privilege permits must also display while parked valid motor vehicle license plates.

3. ALTERNATE SIDE PARKING.

a. On odd and even numbered days. Except as provided in par. b, any vehicle parked pursuant to this section shall be parked only on the even numbered side of the street on those nights bearing an even calendar date during the portion thereof before midnight, and on the odd numbered side of the street on those nights bearing an odd calendar date during the portion thereof before midnight, except that where parking is normally permitted only on one side of the street, vehicles parked pursuant to the aforesaid provisions may be parked on that side of the street only, on every night of the week.

b. Exceptions to alternate side parking.

b-1. Except when parking is prohibited on one side, vehicles may be parked on both sides of designated streets from March 1 to November 30. These streets shall be designated when an overnight survey conducted by the commissioner of public works indicates that the demand for curb space for parked vehicles meets certain criteria determined by the commissioner to warrant 2-side parking, the commissioner of public works recommends the area to the common council and the common council approves the recommendation of the commissioner.

b-2. Designated streets are to be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

b-3. Except when parking is prohibited on one side, vehicles may be parked on both sides of streets in designated parking areas described in sub. 1-a-2 on any night, except when the department of public works announces snow plowing operations or other public works operations are underway.

4. CERTAIN VEHICLES NOT ELIGIBLE. Motor trucks, except as provided elsewhere in the code, luxury limousines, as defined in s. 100-3-11, motor buses, motor delivery wagons, trailers, semitrailers, camping trailers, motor homes, mobile homes and tractors shall not be eligible for such special privilege parking permits.

5. APPLICATION AND PERMIT.

a. Application Listing. The application listing shall contain the name and city of Milwaukee address of the permit applicant, the license number and state of issuance of valid motor vehicle license plates, the expiration date of the permit applied for and any other reasonable and pertinent information the department may from time to time require. A statement shall be included in the application that the vehicle for which application is made does not violate subs. 2-b and d, and 4.

b. Permits. The permits shall be numbered and contain the expiration date.

c. Display. While the motor vehicle is in a parked position between the hours of 2 a.m. to 6 a.m., the permit shall be displayed in the manner designated by the police department.

6. PARKING FUND. All revenues derived by the city from said permit fees shall be entered into account in accordance with the code.

7. EXCEPTIONS. When Night Parking Permitted. Except as provided in ss. 101-26 and 101-31, this section shall not be effective and in force for the following:

a. Holidays. On the morning of the 1st day of each week, Sunday; and on the morning of, and the morning following, the 1st day of January, New Year's Day; 3rd Monday in January, Dr. Martin Luther King, Jr. Day; last Monday in May, Memorial Day; July 4, Independence Day; 1st Monday in September, Labor Day; 4th Thursday in November, Thanksgiving Day; December 25, Christmas Day, in any year.

b. Shift Worker's Parking Permit. Provided further, that in the case of night workers who are not provided with off-street parking facilities by their employers, such condition shall constitute an emergency, and the chief of police shall, subject to the approval of the common council, designate suitable locations where, notwithstanding the provisions of this section, such night workers shall be permitted to park their automobiles during the period of their employment, and on permit of the chief of police which permit shall be displayed in the lower left hand corner of the windshield pursuant to sub. 5-c. The chief of police, under this authority, may also issue the shift workers permit to car-pooling

f-2. The committee may make a recommendation immediately following the hearing or on a later date. In making the recommendation, committee members may consider the factors set forth in par. c.

f-3. Written notice of the committee's recommendation shall be provided if the decision is made at a later date or if the applicant was not present. The recommendation of the licensing committee shall be final, and the applicant shall have no right to be heard before the common council.

g. Limit. No more than 4 temporary public entertainment premises permits shall be issued for the same premises in any calendar month. No more than 20 temporary public entertainment premises permits shall be issued for the same premises in any license year.

h. New Year's Holiday. No permit shall be required for entertainment, exhibitions or dancing on New Year's Eve or New Year's Day.

i. Display of Permit. i-1. Every person issued a temporary public entertainment premises permit pursuant to this subsection shall post the permit in a conspicuous place in the premises during those times when entertainment, exhibitions or dancing is taking place.

i-2. It shall be unlawful for any person to post a permit or certificate or to be permitted to post a permit or certificate upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

i-3. Failure to appropriately post a permit or certificate shall be treated in the same manner as operating without a permit.

6. FEE. All applications shall be accompanied by the fee specified in s. 81-101.2.

7. QUALIFICATION. No public entertainment premises license shall be granted to any person who is not a resident of the state of Wisconsin.

108-7. Issuance of License. 1. COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE. An application for a new public entertainment premises license shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

2. DISQUALIFICATION. Whenever any application is denied, or license non-renewed, revoked or surrendered, or renewal application withdrawn, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall govern.

3. AUTHORIZED OCCUPANCY. Every premises authorized for a public entertainment premises license shall, notwithstanding the legal occupancy limit of the premises specified on the plan of operation under s. 108-5-3-b-7-c, be authorized by the common council to serve a specified occupancy. In determining the specified occupancy, the council shall consider the legal occupancy limit set forth on the plan of operation, other information provided in the plan of operation, evidence concerning the character of the surrounding neighborhood and evidence concerning traffic and parking patterns. The council shall authorize one of the following occupancies for each licensed premises:

a. 25 or fewer persons, or a premises without a specified capacity.
b. 26-79 persons.
c. 80-99 persons.
d. 100-149 persons.
e. 150-179 persons.
f. 180-299 persons.
g. 300-499 persons.
h. 500 or more persons.

4. TRANSFER OF LICENSE OR CHANGE OF NAME. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

108-9. Renewal Of Licenses.

1. PROCEDURE FOR RENEWAL. Applications for the renewal of a public entertainment premises license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police and the commissioner of neighborhood services for review. If the chief of police and the commissioner of neighborhood services indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city

clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

108-11. Nonrenewal, Revocation or Suspension of Licenses.

1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances specified in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.

108-15. Alteration of Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy

shall be obtained in accordance with s. 200-42. In addition to the campground permit, and the temporary public entertainment premises permit required by this section, other permits and licenses, including but not limited to an alcohol beverage license or a food dealer license, may be required for campground operations.

2. All roads and parking areas in the campground shall be paved with concrete, asphalt macadam, tar macadam, crushed stone, paving blocks, traffic bond or other paving material.

3. The campground shall be located not less than 600 feet from the nearest residential use.

4. The campground operator shall prepare an emergency evacuation plan and provide copies of the plan to all campers. A copy of the plan shall also be provided to the city at the time of application for the temporary public entertainment premises permit.

5. No open-air fires shall be permitted at the campground except fires in substantial burners built of metal, concrete or brick that are well-covered or screened to prevent the escape of sparks and burning embers.

6. No cooking shall be permitted at indoor campsites except cooking that is explicitly permitted by a food dealer license or license for temporary operation of a food establishment issued by the health department.

7. The campground operator shall provide on-site, 24-hour security service on the campground premises. The name of the business or organization providing security, and the cellular telephone number used by the business or organization, shall be provided to the department of neighborhood services at the time of campground permit application.

8. The campground shall contain fire department access lanes at least 20 feet wide.

9. All parts of the campground shall be located within 400 feet of the nearest fire hydrant.

10. The campground premises shall be restored to its original condition at the termination of campground operation.

108-17. Public Entertainment Premises License; Posting. Each public entertainment premises license or permit shall be posted in a conspicuous place on the premises on which the public entertainment is held.

108-18. Minors; Billiards. It shall be unlawful for any person who has not attained the age of 16 years to play billiards in a licensed premises unless accompanied by a parent or guardian. It shall further be unlawful to permit any person who has not attained the age of 16 years to play billiards in a licensed premises unless that person is accompanied by a parent or guardian.

108-19. Supervision of Public Entertainment Premises. On any licensed public entertainment premises with an authorized occupancy of 150 or more persons under s. 108-7-3, the licensee shall be responsible for the adequate supervision of the premises, and the supervision shall consist of persons 21 years of age or older.

108-20. Gambling Prohibited. No dice shall be thrown for money, and no cards, raffles or other games of chance involving money, or gambling in any form, shall be permitted, in any licensed public entertainment premises.

108-21. Announcement of Curfew Hours. An announcement shall be made 20 minutes prior to the beginning of curfew hours specified in s. 106-23 to provide for the exit of those persons subject to s. 106-23. All entertainment shall cease for the 20-minute period prior to curfew.

108-22. Costume Regulations.

1. CERTAIN COSTUMES PROHIBITED. No licensee, either personally or through his or her agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether the dancers, performers or entertainers are employed by the licensee or through his or her agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless the dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

a. That portion of every costume to be worn by dancers, performers or entertainers covered by this subsection and which relates to the breast or chest area, or to the area of the sex organs and buttocks, shall be of nontransparent material.

b. The top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola and the nipple of the breast completely covered at all times.

c. The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.

d. The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

108-23. Hours for Public Entertainment

1. INDOOR PUBLIC ENTERTAINMENT. Indoor public entertainment shall be permitted as established by the common council in its approval of the licensee's plan of operation.

2. OUTDOOR PUBLIC ENTERTAINMENT. Outdoor public entertainment shall be discontinued no later than 10:00 p.m. Sunday through Thursday nights and no later than 12:00 a.m. on Friday and Saturday nights, unless a different time of discontinuation, either earlier or later, is established by the common council in its approval of the licensee's plan of operation.

108-25. Penalty. Any person convicted of violating this chapter shall forfeit not less than $500 nor more than $2,000 for each violation, plus costs of prosecution, and, in default thereof, be imprisoned for a period not to exceed 80 days, or until forfeiture costs are paid.

2. EXEMPTIONS. The provisions of sub. 1 do not apply to a licensed public entertainment premises that offers live dance, ballet, music or dramatic performances of serious artistic merit on a regular basis, provided:

a. The predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to the customers.

b. The public entertainment offered on the premises is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

3. DISORDERLY CONDUCT BY PATRONS PROHIBITED. No licensee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance in violation of this section.

4. REVOCATION FOR NON-COMPLIANCE. The common council may revoke any license issued under this chapter at any time for any violation of this section. Notice and hearing on such revocation shall be conducted in accordance with s. 108-11.

For the legislative history of chapter 108, contact the Municipal Research Library.