CHAPTER 399 REGULATING ALCOHOLIC BEVERAGES

[History: Ords 1999-4, 2000-6, 2003-4, 2007-2. 2007-7, 2011-8, 2011-14, 2012-9]

TABLE OF CONTENTS

399.01 STATE STATUTES ADOPTED.	399-1
399.02 DEFINITIONS	399-1
399.03 LICENSE REQUIRED.(1) When Required.(2) Separate License Required for Each Place of Sale.	399-3
399.04 CLASSES OF LICENSES; ISSUANCE AND EXPIRATION.(1) Classes.(2) Issuance and Expiration Of Licenses.	399-3
 399.05 LICENSE FEES. (1) Fees. (2) Proration. (3) Waiver of Fees in the Event of Annexation of Premises. (4) Cancellation for Failure to Pay Fee. (5) Economic Development Grants to Grantees of New Reserve "Class B" Intoxicating Liquor Licenses. [Created by Ord 2007-2] 	399-5
399.06 LICENSE APPLICATION.(1) Contents.(2) Publication.(3) Publication Fees; Investigation Fee.(4) Amending Application.	399-7
 399.07 QUALIFICATION OF APPLICATIONS AND PREMISES. (1) Residence Requirements. (2) Applicant to have Fermented Malt Beverage License. (3) Right to Premises. (4) Issuance For Sales in Dwellings Prohibited. (5) Age of Applicant. (6) Completion of Training Course. (7) Corporation and Limited Liability Company Restrictions. (8) Sales Tax Qualifications. (9) Connecting Premises. (10) Limitation on Other Business; Class "B" Premises. (11) Further Restrictions on Class "B" Premises. 	399-7
399.08 INVESTIGATION.	399-10
399.09 PROCESSING OF APPLICATION.(1) No Outstanding Indebtedness to City.	399-10

 (2) Premises to Conform to Code. (3) Initial Review and Recommendation by Committee. (4) Consideration of Applicant's Previous Arrest and Conviction Record. (5) Denial Based Upon Applicant's Previous Arrest and Conviction Record. (6) Procedure. (7) Denial of License Application. (8) Previously Denied Application. (9) License Review Upon Renewal Application. (10) Conditions Precedent for Issuance or Renewal. (11) Numbering of License. 	
 399.10 GRANT OF A LICENSE CONDITIONAL UPON COMPLETION OF CONSTRUCTION. (1) Common Council May Grant License Conditionally. (2) Time Allotment. (3) Failure to Complete Within Time Allotted. (4) License Fee Non-Refundable. 	399-12
 399.11 TRANSFER AND LAPSE OF LICENSES. (1) As to Place. (2) As to Person. (3) Transfers Where Revocation or Suspension Proceedings Threatened or Commenced. 	399-12
399.12 POSTING LICENSES; DEFACEMENT.(1) License to be Posted in Conspicuous Place.(2) Defacement Prohibited.	399-14
 399.13 GENERAL CONDITIONS AND RESTRICTIONS. (1) License Subject to Conditions. (2) Consent to Entry; Search Warrants. (3) Minors. (4) Disorderly Conduct Prohibited. (5) Licensed Operator Required on Premises. (6) Health and Sanitation Regulations. (7) Restrictions Near Schools and Churches. (8) Clubs. (9) Parking Lots. 	399-14
 399.14 HOURS OF OPERATION FOR THE SALE OF ALCOHOLIC BEVERAGES (1) In General. (2) Sales for On-Premise Consumption. (3) Sales for Off-Premise Consumption (Carryout) (4) Limitations on Conducting Other Business. (5) Business to be Open Within 90 Days. (6) Revocation for Discontinuation of Business. (7) Prohibition on Carrying Out and Consumption in Certain Areas. 	399-16
399.15 LICENSE QUOTAS	399-18

- (1) Number of Licenses Allowed.
- (2) Convenience Store Limitation.

399.16 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.

399-18

- (1) License Required.
- (2) Compliance with eligibility standards.
- (3) Posting of signs and licenses.
- (4) Fencing.
- (5) Underage Persons Prohibited.
- (6) Licensed Operators Requirement.
- (7) Waiver.
- (8) Indemnification/Insurance.
- (9) Intoxicating Liquor, Fermented Malt Beverages and Wine Not to be Carried In or Out.
- (10) Regulation of Types of Containers Allowed on Public Grounds.
- (11) Application.
- (12) Action by Common Council.

399.17 POLICY AND PROCEDURE FOR DISCIPLINARY ACTION, REVOCATION, SUSPENSION, OR NON-RENEWAL OF LICENSE. 399-20

- (1) Complaints for License Investigations.
- (2) Requirements of Complaint; Summons.
- (3) Procedure on Hearing.
- (4) Effect of Revocation.
- (5) Judicial Review.
- (6) Non-renewal of License.
- (7) Demerit Point Criteria for License Revocation, Suspension, or Non-renewal.
- (8) Survival of Dismissed Matters.
- (9) Delay in License Issuance.
- (10) New Licenses Granted Subject to Demerit Points.
- (11) Time for Action.
- (12) Judgment of Conviction, as Prima Facie Proof of Violation.
- (13) Application for Determination of Demerit Points.
- (14) Violations by agents or employees.
- (15) Commencement of Penalties.
- (16) Periodic Reports by Police Chief.
- (17) Applicability to Operator's License.
- (18) State Preemption.
- (19) Number of Violations.
- (20) Uncorroborated Testimony by Minor.

399.18 OPERATOR'S LICENSE REQUIRED.

399-25

- (1) Operator's Licenses.
- (2) Use by Another Prohibited.

399.19 PROCEDURE UPON APPLICATION.

399-26

- (1) Committee To Issue.
- (2) Time of Application; Investigation.

399.20 DURATION OF OPERATOR'S LICENSE.	399-26
399.21 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSES. (1) Fee.	399-27
(2) Provisional Operator's License.	
 399.22 ISSUANCE OR DENIAL OF OPERATOR'S LICENSE. (1) Common Council Grant of Authority to Police, Fire, Liquor Review, and Transportation Committee. (2) Committee To Act Upon License Application; Personal Appearance Mandated. (3) Waiver of Appearance. (4) Approval of License. (5) Denial of License and Appeal to Common Council. (6) Common Council Action. (7) Consideration of Applicant's Arrest and Conviction Record. (8) Denial Based Upon Applicant's Arrest and Conviction Record. (9) Application Must Be Complete and Truthful. 	399-27
399.23 TRAINING COURSE.(1) Requirement.(2) Provisional License.(3) Limitations; Additional Materials.	399-29
399.24 DISPLAY OF LICENSE	399-29
399.25 REVOCATION OR NON-RENEWAL OF OPERATOR'S LICENSE	399-29
 399.26 REGULATION OF UNDERAGE PERSONS. (1) State Statutes Adopted and Incorporated. (2) Underage Persons; Prohibitions; Penalties. (3) Certain Possession and Consumption Prohibited. (4) Penalties applying to underage persons. 	399-30
 399.265 ALCOHOLIC BEVERAGE RESTRICTIONS RELATING TO UNDERAGE PERSONS (1) Restrictions. (2) Penalties and License Suspension for Violation. 	399-32
 399.27 POSSESSION OR CONSUMPTION OF INTOXICATING LIQUOR, WINE, OR FERMENTED MALT BEVERAGES IN PUBLIC PLACES AND SCHOOL GROUNDS PROHIBITED. (1) Selling and Serving Alcoholic Beverages on Streets Prohibited. (2) Consumption or Possession of Alcoholic Beverages Prohibited in Certain Places. (3) Permitting Alcoholic Beverages In Certain Places Prohibited. (4) Possession of Alcohol Beverages on School Grounds Prohibited. (5) Penalties. (6) Exceptions. 	399-33
399.28 PENALTIES.	399-34

(1) Conform	ity
-------------	-----

- (1) Conformity.(2) General Penalty Forfeiture.
- (3) Penalties Cumulative.
- (4) Additional Court Authority.

399.29 SAVINGS CLAUSE. 399.35 399.30 SEVERABILITY 399.35