

Ordinance 0013-18; Most recently edited 9.21.18

An Ordinance to amend parts of Chapter 6. – Alcoholic Beverages of the City of Racine Code of Ordinances.

NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To appeal and recreate subsection (a)2. of Sec. 6-20 to read:

“A Class "B" fermented malt beverage license shall authorize the retail sale of fermented malt beverages to be consumed either on the premises where sold or off the premises, provided that only fermented malt beverages in original packages or containers and fermented malt beverages in hand-capped or sealed containers may be removed from the premises where sold. The fee for a retail Class "B" license is \$100.00 per year or fraction thereof.”

Part 2: To amend subsection (b)2. of Sec. 6-20 to delete the second instance of the word “otherwise” and substitute it with the word “container”.

Part 3: To amend subsection (b)3. of Sec. 6-20 by deleting the number “12” after the word Class and before the letter C.

Part 4: To amend subsection (a) of Sec. 6-22 to delete the words, “and sworn to” in the first line of that paragraph after the words “under this chapter shall be filed.”

Part 5: To amend subsection (e) of Sec. 6-22 by deleting the words “that may form the basis for the denial” after the words arrest and conviction record” in the first sentence.

Part 6: To amend the state law reference in Sec. 6-22 by adding the following after the last reference:

“qualifications for licenses and permits, Wis. Stat. § 125.04(5); discrimination in licensing, Wis. Stat. § 111.335(4).”

Part 7: To amend subsection (b) of Sec. 6-22 by deleting the following sentences in the first paragraph:

“If the applicant is an individual, the application shall contain the name, home residence and age of the applicant. If the applicant is a corporation or company, the application shall contain the names of the principal officers and the holders, whether legal or equitable, of ten percent or more of the stock along with their residences and ages, state of incorporation, and the name of one or more persons whom such corporation shall designate as manager or persons in charge and address of such person.”

Part 8: To amend subsection (c) of Sec. 6-22 by deleting the following sentence:

“A statement by the applicant that he or she misunderstood the question or was unable to recall a conviction does not constitute good cause for purposes of this section.”

Part 9: To amend subsection (b)(1) of Sec. 6-23 by deleting the following sentence:

“If there is a possibility that the license may be denied, the chair shall ask the applicant to affirm that he or she has received notice and is aware of the possibility that the license application may be denied.”

Part 10: To amend subsection (e) through (g) of Sec. 6-23 to restructuring it to read as follows:

- “(e) *Appeal.* Once the committee recommends the grant or denial of an alcohol beverage license under this section, the item shall be referred to the common council for its final decision. Prior to the date of the common council hearing, the applicant may submit written arguments to the common council in favor of the granting of the license and/or rebutting evidence as to why the license should be denied. At the discretion of the common council, the applicant may supplement his written arguments with oral statements at the common council hearing in favor of the license. No additional evidence shall be received at the hearing of the common council. The decision of the common council shall be final, except that within 30 days of the common council’s decision, any applicant aggrieved by such decision may request judicial review of the common council’s decision by filing an action with the circuit court pursuant to Wis. Stat. § 125.12(2)(d).
- (f) *Approval.* Upon approval of such application by the common council, proof of payment of the required license fee to the city treasurer, and satisfaction of relevant all inspections, the city clerk shall issue to the applicant a license. In the case of a conditional grant of a license under section 6-41 of this code, the city clerk shall not issue a license to the applicant until all conditions for the license has been fulfilled. Each license issued shall be signed by the mayor, attested to by the city clerk, and shall specifically state the premises for which issued, the date of issuance, the date of expiration, the fee paid, the name of the licensee, and any conditions of the license. The license shall remain in effect through June 30 of the license year for which issued, unless sooner revoked in the manner provided by this chapter.
- (g) *Denial.* Upon denial of such application by the common council, the city clerk shall provide written notice to the applicant stating reasons for the denial.”

Part 11: To amending subsection (c) of Sec. 6-23 to delete the words, “the common council shall consider the following factors giving to each whatever weight is appropriate in the particular factual circumstances:” and replacing it with the words, “or denied, the common council may consider factors including but not limited to:”

Part 12: To amend subsection (a)(1) of Sec. 6-24 by deleting the numbers “30” after the word June, and replacing it with the number “15”.

Part 13: To amend subsection (b)(1) of Sec. 6-24 by deleting the word “any”, and adding the phrase “, provided that a hearing is requested” after the words “whether there is cause for nonrenewal”.

Part 14: To amend Sec. 6-35 by adding the words, “,unless otherwise permitted by the committee” at the end of the first sentence.

Part 15: To amend Sec. 6-106 by adding a comma in between the words “any real estate taxes” and “owed to the city”.

Part 16: To amend subsection (b) of Sec. 6-133 by deleting the words, “and the person’s arrest and conviction record” in the first sentence, and deleting the last sentence of subsection (b).

Part 17: To amend subsection (a) of Sec. 6-193 by adding the word “officer” after the word “police”, and deleting the words “and search” in the first sentence.

Part 18: To delete Sec. 6-198. – Off-licensed premises of conduct of patrons and persons as a basis for disciplinary actions.

Part 19: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A