

**CITY OF WEST ALLIS
ORDINANCE O-2024-0021**

**ORDINANCE TO AMEND PROVISIONAL RETAIL ALCOHOL LICENSE PROCESS
FOR NEW AND RENEWAL LICENSEE APPLICANTS**

AMENDING SECTION 9.47

WHEREAS, Wis. Stat. 125.185(1) says the council may by ordinance establish standards under which provisional retail licenses shall be issued and shall by ordinance designate the municipal official having authority to issue provisional retail licenses;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “9.47 General Provisions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.47 General Provisions

1. Vicarious Liability. A licensee is liable for any violations of any provision of this chapter committed in the course of conducting the licensed activity by the licensee's employee, agent, or contractor. Each licensee has the affirmative duty to see that every regulation is obeyed by employees, agents, and contractors. The licensee may be convicted for a violation committed by an employee, agent, or contractor only in a civil forfeiture action. None of the following are defenses to the liability imposed under this section:
 - a. The licensee was deceived about or ignorant of the violation.
 - b. The licensee was absent at the time of the violation.
 - c. The licensee had prohibited employees, agents, and contractors from doing the act that resulted in a violation.
2. State Law Applicable. Any duty or authority assigned by state law to a City body, officer, or department shall be in effect unless explicitly declined or rejected in this code. Nothing in this chapter may be construed to implicitly preclude, decline, or reject any authority or duty in state law.
3. License List. The table below indicates by type of license which city officer issues the license, whether the issuing officer may grant the license without council approval, whether a record check is required, the term of the license, and which city departments receive notification of an application for that license.

I.O. Issuing may Expir	Departments Notified						

Wine (regular)	Clerk	No	June 30	X	X		X	X		X	
Extension of Premises	Clerk	No	As stated on license	X	X			X	X	(d)	
Operator's (provisional)	Clerk	Yes(c)	60 days		X					X	
Operator's (regular)	Clerk	Yes(f)	Every other June 30		X					X	
Operator's (temporary)	Clerk	Yes	1-14 days		X					X	
Animal Sales and Service	Health Commissioner	Yes	June 30					X			
Bed and Breakfast Establishment	Health Commissioner	Yes	June 30 (e)					X			
Body Piercing	Health Commissioner	Yes	June 30					X			
Campground and Camping Resort	Health Commissioner	Yes	June 30(e)					X			
Cigarette, Electronic Vaping Devices, and Tobacco Products	Clerk	Yes	June 30		X					X	

Retailer											
Concrete Contractor	Engineer	Yes	June 30		X						
Escort Service	Clerk	No	June 30		X					X	
Fitness Center	Health Commissioner	Yes	June 30					X			
Hotel or Motel	Health Commissioner	Yes	June 30(e)					X			
Junk Picker	Clerk	Yes	4 months		X					X	X
Lodging House	Health Commissioner	Yes	June 30	X				X			
Manufactured and Mobile Home Community	Clerk	Yes	June 30	X	X					X	
Nicotine Products Retailer	Clerk	Yes	June 30	X	X			X		X	
Pawnbroker	Clerk	No	Dec. 31		X					X	
Public Entertainment											
Regular	Clerk	No	June 30	X	X		X	X	X	X	
Temporary	Clerk	No	As stated on license		X					(d)	

Public Swimming Pool	Health Commissioner	Yes	June 30(e)					X			
Recreational and Educational Camp	Health Commissioner	Yes	June 30(e)					X			
Retail Food Establishment	Health Commissioner	Yes	June 30(e)					X			
Secondhand Article Dealer	Clerk	No	Dec. 31		X					X	
Secondhand Jewelry Dealer	Clerk	No	Dec. 31		X					X	
Tattoo	Health Commissioner	Yes	June 30					X			
Tourist Rooming House	Health Commissioner	Yes	June 30(e)	X				X			
Transient Merchant	Clerk	Yes	4 months		X			X		X	

- a. The issuing officer may only grant a license to an applicant who is clearly qualified.
- b. The issuing officer shall grant a provisional retail license under [Wis. Stat. 125.185](#) only to [clearly qualified](#) applicants whose applications are pending before the common council and [one of all](#) the following applies:
 - i. [For a pending new application, the Public Safety Committee has recommended granting the license, the applicant has obtained all required licenses and permits, and the applicant has passed all required inspections.](#)
 - ii. [For a pending renewal application, the clerk has not received a notice](#)

- of disapproval from a department head.
- c. The issuing officer shall grant a provisional operator's license to any applicant who meets the qualifications under [Wis. Stat. 125.17\(5\)](#).
 - d. No record check is required.
 - e. Licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.
 - f. The issuing officer may grant and issue a regular operator's license only if the applicant does not have any of the following:
 - i. A pending criminal charge for any offense under [Wis. Stat. 111.335\(4\)\(a\)](#)
 - ii. A conviction for an offense counted under [Wis. Stat. 343.307](#) within two years of the application date
 - iii. A second or subsequent conviction for an offense counted under [Wis. Stat. 343.307](#) within five years of the application date
 - iv. Convictions for three or more violations of [Wis. Stat. 343.44](#) within two years of the application date
 - v. A conviction for any offense under [Wis. Stat. Ch. 125](#) or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of [Wis. Stat. 125.07](#) may be considered unless the applicant has committed two or more violations within one year;
 - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
4. Fees. An applicant for a license shall pay any applicable fees listed in the [Fee Schedule](#).

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL JUNE 11, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	<u>X</u>	_____	_____	_____
Ald. Kimberlee Grob	<u>X</u>	_____	_____	_____
Ald. Chad Halvorsen	<u>X</u>	_____	_____	_____
Ald. Marissa Nowling	<u>X</u>	_____	_____	_____
Ald. Suzzette Grisham	<u>X</u>	_____	_____	_____
Ald. Danna Kuehn	<u>X</u>	_____	_____	_____
Ald. Dan Roadt	<u>X</u>	_____	_____	_____
Ald. Patty Novak	<u>X</u>	_____	_____	_____
Ald. Kevin Haass	<u>X</u>	_____	_____	_____
Ald. Marty Weigel	<u>X</u>	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis

