



City of West Allis

Meeting Agenda

License and Health Committee

Aldersperson Vincent Vitale, Chair
Aldersperson Suzzette Grisham, Vice-Chair
Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, December 14, 2021

6:00 PM

City Hall, Room 128
7525 W. Greenfield Ave.

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. MATTERS FOR DISCUSSION/ACTION

1. [2021-1379](#) 2021-2023 New Operator's License (Bartender/Sales Clerk) application for Arianna McCarthy.
2. [2021-1481](#) New Class A Beer License application for B&S Mart, LLC, d/b/a B&S Mart, 7920 W. National Avenue, West Allis, WI 53214; Agent: Tilak KC.
3. [O-2021-0120](#) Ordinance to authorize the issuance of provisional retail alcohol licenses to certain applicants and restrict applicants who have been recently denied.

Sponsors: Aldersperson Grisham

4. [2021-1434](#) Signed Findings & Recommendations, Summons and Complaint in the matter of complaint against JC's Pub & Grub, 8028 W. National Avenue. Agent: Jeffery Clark.
5. [2021-1502](#) November 2021 Police Department tavern violations/calls for service report.

Recommendation: Place on File

D. ADJOURNMENT



All meetings of the License and Health Committee are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NOTICE OF POSSIBLE QUORUM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.



Rebecca Grill
City Administrator/Clerk
rgrill@westalliswi.gov
414.302.8220

SENT VIA EMAIL: ariannanicole2013@gmail.com

Wednesday, November 10, 2021

Arianna McCarthy
2033 S. 77th Street, Unit 2
West Allis, WI 53219

RE: 2021-2023 Operator's License Application Review

Dear Arianna:

Your application for a 2021-2023 Operator's License (bartender/salesclerk) in the City of West Allis has been referred to the License and Health Committee for possible denial based upon:

1. Conviction(s) for a felony, misdemeanor, or other offense
OR
2. Habitual law offenses

The circumstances of the offense(s) substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

Pursuant to Wis. Stat. §111.335(4)(c)1.b. you are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol. If you choose to provide that information, **the Committee will meet on Tuesday, November 16, 2021 in Room 128. Please be at City Hall by 7:00 p.m.** If you fail to appear you will waive your opportunity to be heard to present your evidence of rehabilitation. As a result, your license application could be denied. Please be advised that all meetings, unless otherwise noted, are open to the public viewing and may be televised and recorded through the City's Cable Communications Division.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. If you have any questions or concerns, please contact me Monday through Friday, 8:30 a.m. to 5:00 p.m.

Sincerely,

Gina Gresch, MMC/WPCP
Deputy City Clerk | City Clerk
Direct: 414-302-8201
ggresch@westalliswi.gov
thatswhywestallis.com

Original Alcohol Beverage Retail License Application

For the license period beginning 07/01/2021 ending 06/30/2022

To the governing body of the City of West Allis County of Milwaukee

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Complete A or B. All must complete C.

*All WI residents listed below will have a record check conducted. Please include that in your fees.
 **An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

Applicant's Wisconsin Seller's Permit Number 456-1030846963-04	
FEIN Number 87-3509814	
TYPE OF LICENSE REQUESTED	FEE
Class A beer	\$
Class B beer	\$ 200
Class C wine	\$ 100
Class A liquor	\$ 100
Class A liquor (cider only)	\$ 500
Class B liquor	\$
Reserve Class B liquor	\$ 500
Publication fee	\$
Record Checks (\$16 ea.)	\$
TOTAL LIQUOR FEES	\$ 15

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
RAI, BISWA

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Manager KC</u>	(First) <u>TILAK</u>	(Middle Name) <u>B</u>	Home Address (Street, City or Post Office, & Zip Code) <u>4415 N Sheffield Ave, Milwaukee WI 53221</u>
Date of Birth <u>12/21/1967</u>	Phone Number <u>414-617-3639</u>	Email Address <u>tilakkc@yahoo.com</u>	WIDL#
Vice President / Member Last Name <u>RAI</u>	(First) <u>BISWA</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>5620 N Kenmore Ave #214, Chicago IL 60660</u>
Date of Birth <u>04/30/1980</u>	Phone Number <u>773-699-7204</u>	Email Address <u>biswarai2@gmail.com</u>	WIDL#
Secretary / Member Last Name <u>THAPA</u>	(First) <u>SHANKAR</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>5620 N Kenmore Ave #111, Chicago IL 60660</u>
Date of Birth <u>06/02/1983</u>	Phone Number <u>872-806-9787</u>	Email Address <u>thapa11shankar@gmail.com</u>	WIDL#
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#

- Trade Name B & S MART, LLC Business Phone Number 414-617-3639
- Address of Premises 7920 W National Ave Post Office & Zip Code 53214
STORED:
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
inside the store (cooler, floor & shelves)

RECEIPTS ARE KEPT: in the premises

- Legal description (omit if street address is given above):
- (a) Was this premises licensed for the sale of liquor or beer during the past license year? DEC 1 2021 Yes No
 (b) If yes, under what name was license issued?

RECEIVED
DEC 1 2021
CITY OF WEST ALLIS
CITY CLERK

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
Already have
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11/9/2021 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
If yes, explain.
① 1200 W Rawson Ave, Oak Creek WI 53154
② 743 E Sumner St., Hartford
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>KC, TILAK B</u>	Title/Member <u>Agent</u>	Date <u>11/29/2021</u>
Signature <u>[Signature]</u>	Phone Number <u>414-617-3639</u>	Email Address <u>ti@akxc@yahoo.com</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
KC		TILAK		B	
Home Address (street/route)		Post Office	City	State	Zip Code
4415 N Sheffield Ave			Milwaukee	WI	53211
Home Phone Number		Age	Date of Birth	Place of Birth	
414-617-3639		54	12/21/1967	Nepal	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Agent of B & S MART, LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

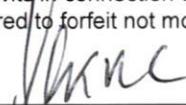
- How long have you continuously resided in Wisconsin prior to this date? 19 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify Dak Creek Mobil, 1200 W Rawson Ave, Oak Creek, A & B Combined
(Name, Location and Type of License/Permit)
743 E Sumner St, Hartford, Combined A & B
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify.

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
<u>Self from long time</u>			
<u>Self</u>			

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

RECEIVED
DEC 1 2021
CITY OF WEST ALLIS
CITY CLERK


(Signature of Named Individual)

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of WEST ALLIS County of MILWAUKEE
 City

The undersigned duly authorized officer/member/manager of B & S MART, LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as West Allis BP
(Trade Name)

located at 7920 W National Ave

appoints TILAK KC
(Name of Appointed Agent)

4415 N Sheffield Ave, Milwaukee, WI 53211
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 19 years

Place of residence last year 4415 N Sheffield Ave, Milwaukee WI 53211

For: B & S MART, LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Biswasen Biswasen
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

RECEIVED
DEC 1 2021

ACCEPTANCE BY AGENT

I, TILAK KC, hereby accept this appointment as agent for the CITY OF WEST ALLIS
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Tilak KC 11/29/2021 Agent's age 54
(Signature of Agent) (Date)

4415 N Sheffield Ave, Milwaukee WI 53211 Date of birth 12/21/1967
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

WI Drivers License # K000-8026-7461-06



APPLICATION

ALCOHOL BEVERAGE LICENSE PLAN OF OPERATION

**FORM
ALPLANOP
09/21**

Applicant Information

Legal Entity Name (If Corporation or LLC)

B & S MART, LLC

Business Address

7920 W National Ave, West Allis WI 53214

Legal Capacity (Occupancy Load of Premises)

What is the legal capacity of your premises?

[Empty box]

Please attach a copy of your Occupancy Load approval letter or a picture of the placard issued by the Fire Department

Parking

List the number of parking spaces on the premises (do not include street parking.) If none, write 0.

20 parking spaces including gasoline pumps.

Proximity

Is the premises less than 300 feet from a school, hospital or church? If yes, list which.

NO

All types of business that are planned or currently conducted on the premises (check all that apply)

- Banquet Hall
- Bowling Alley
- Lounge Tavern/Bar
- Night Club
- Private/Fraternal Veteran's Club
- Café/Coffee Shop
- Deli/Fast Food Restaurant
- Full Service Restaurant
- Convenience Store
- Gas Station
- Liquor Store
- Supermarket
- Other _____

Percentage of sales related to the types of business listed above (must equal 100%)

Alcohol _____% Food 8% Entertainment _____% Gas 75% Cigarettes 10%

Other 7% - Describe Based on the information from old owner

Security Plans

Describe the security provisions for parking and loading areas

Surveillance cameras and regular employees

Number of Security Personnel (list by day if number varies)

RECEIVED

Security Personnel Responsibilities and Equipment Used

DEC 1 2021

Location of inside and outside security cameras

CITY OF WEST ALLIS
CITY CLERK

All area covered



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

FORM
ALPLANOP
09/21

Litter and Noise (attach additional sheets if necessary)

Name of solid waste removal contractor.

Eagle Disposal

How will the exterior trash/littering be addressed?

Sweep, picking up

How will noise issues be addressed?

Sign display and personal request if needed.

Entertainment

A Public Entertainment Premises License is required to provide entertainment. Permitting unauthorized entertainment will subject licensee to citations, and/or suspension, revocation, or non-renewal of the license. This form is included in this packet.

Hours of Operation for Alcohol Beverage Sales

DAY OF THE WEEK	START / END TIME	DAY OF THE WEEK	START / END TIME
Sundays	6 AM TO 9 PM	Thursdays	6 AM TO 9 PM
Mondays	6 AM TO 9 PM	Fridays	6 AM TO 9 PM
Tuesdays	6 AM TO 9 PM	Saturdays	6 AM TO 9 PM
Wednesdays	6 AM TO 9 PM	OR according to the local state law.	

Floor Plan

Please attach a separate sheet showing your floor plan. It must include:

- Detailed description outlining the areas of the building where the public entertainment will be provided. (Stages, rooms, etc. must be labelled.)
- Square feet and dimensions of the premises to be licensed.
- Location of all entrances and exits, seating areas, bars, waiting line, security search areas, stages, rooms, food preparation areas, areas where public entertainment will be provided, etc.
- North Point
- Date



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

FORM
ALPLANOP
09/21

7

Class A Applicants

No "Class A" Liquor license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, unless:

1. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
1. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

If you are applying for a Class A and gasoline or diesel fuel is sold at the premises, do you meet one of the exceptions listed above?

Yes, list which exception you meet: Hard liquor not selling

No, your application may not be approved.

Not Applicable - No gasoline or diesel fuel is sold at the premises.

Class B Applicants

No Class B license may be granted for any premises where any other business is conducted in connection with the premises. This restriction does not apply if the Class B licensed premises is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class B premises. These restrictions do not apply to:

- hotels • restaurants • combination grocery stores & taverns • combination sporting goods stores & taverns in towns, villages & 4th class cities • combination novelty stores & taverns • bowling centers or recreation premises • a club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license • movie theaters • painting studio as defined in sec. 125.02(11m).

If you are applying for a Class B and another business is conducted at the location, do you meet one of the exceptions listed above?

Yes. List the type of business: _____

No, your application may not be approved.

Not applicable - No other business is conducted at the premises.

Class C Wine Applicants

"Class C" wine licenses may only be granted to premises that are a restaurant. A restaurant is defined as a premises where the sale of alcohol beverages accounts for less than 50 percent of gross receipts; and (3) wine is the only intoxicating liquor sold in the barroom. Sec. 125.51(3m), Stats.

If you are applying for a Class C Wine license, do you meet the requirement to be a restaurant?

Yes No, your application may not be approved.

RECEIVED

DEC 1 2021

CITY OF WEST ALLIS
CITY CLERK



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

FORM
ALPLANOP
09/21

Signature and Acknowledgement

You must initial each of the following items confirming your understanding:

TB

I understand that after the license has been issued, a change to the plan of operation or floor plan will require approval from the Common Council and I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

TB

I agree to comply with the approved conditions, plan of operation details, and floor plan.

TB

I understand that if this license is not used for a period of 30 days or more, it is subject to revocation.

TB

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

TB

I understand that the issuance of the license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.

TB

I understand that I may not sell, dispense, or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided, or goods, food or beverages are sold, served, or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle.

TB

I understand that the license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested.

TB

I have knowledge of Wisconsin Statutes and City Ordinances currently regulating alcohol beverage licenses and understand that the license may be subject to suspension, non-renewal, or revocation, if I violate any rule, law, or regulation of the City of West Allis and/or State of Wisconsin.

TB

I understand that the information submitted to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation.

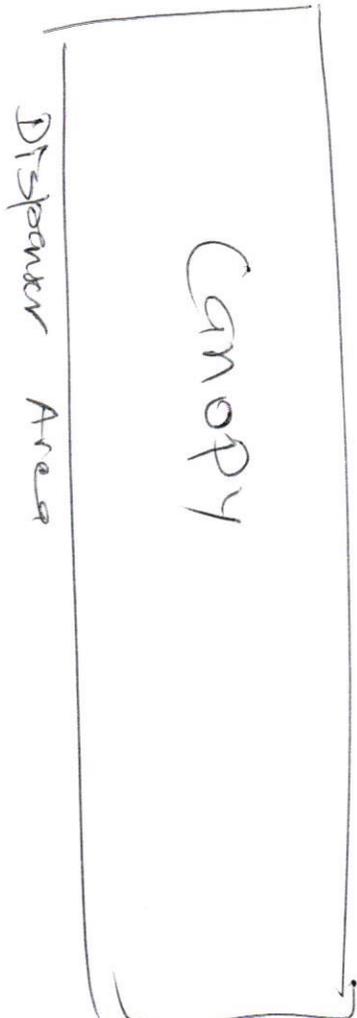
To the best of my knowledge and belief, all statements and answers in this application are complete and true. I understand that if I provide false or fraudulent information on this application, the application will be denied.

Signature (Individual, Partner, Agent or Officer)

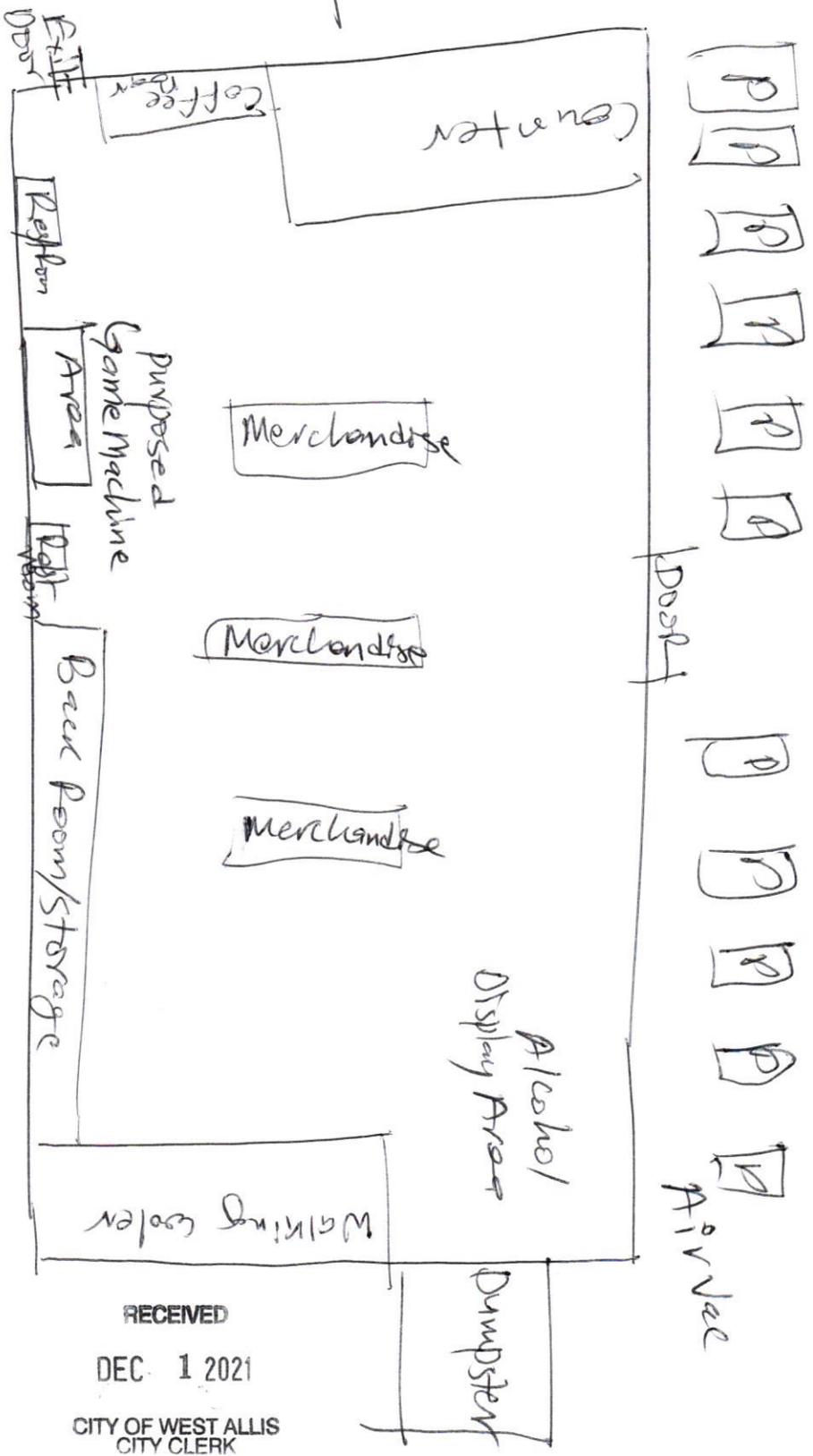
Date

11/29/2021

B & S Mart, LLC, BP Gas Station



ADD:
 7920 W National
 Ave
 West Allis WI 53214



RECEIVED
 DEC 1 2021
 CITY OF WEST ALLIS
 CITY CLERK

CITY OF WEST ALLIS

R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: WALSJMS2 Type: OC Drawer: 1
Date: 12/03/21 01 Receipt no: 72871

Description	Quantity	Amount
DM	CLK PUBLICATION FEES	
	1.00	\$15.00
Trans number:		2484548

G/L account number:
10000004210229
B&S MART

Tender detail		
CK CHECK PAYMEN	8070	\$15.00
Total tendered		\$15.00
Total payment		\$15.00

Trans date: 12/03/21 Time: 15:29:44

*** THANK YOU FOR YOUR PAYMENT ***

CITY OF WEST ALLIS

*** CUSTOMER RECEIPT ***

Oper: WALSGXG Type: OC Drawer: 1
 Date: 12/02/21 01 Receipt no: 72705

Description	Quantity	Amount
CL	CLK CIGARETTE LICENSE	
	1.00	\$100.00
Trans number:		2484282

G/L account number:

10000004210203

B&S MART CIG APP

CM	CLK ELEC SMOKING DEVICE	
	1.00	\$100.00
Trans number:		2484283

G/L account number:

10000004210239

B&S MART ESMOKE APP

C4	RECORD CHECK FEE	
	1.00	\$16.00
Trans number:		2484284

G/L account number:

10000004410800

Tender detail

CK CHECK PAYMEN	2382	\$216.00
Total tendered		\$216.00
Total payment		\$216.00

Trans date: 12/02/21

Time: 15:48:22

*** THANK YOU FOR YOUR PAYMENT ***



State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

- Article 1. **Name of the limited liability company:**
B&S MART, LLC
- Article 2. **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**
- Article 3. **Name of the initial registered agent:**
BISWA RAI
- Article 4. **Street address of the initial registered office:**
4415 N SHEFFIED AVE
SHOREWOOD, WI 53211
United States of America
- Article 5. **Management of the limited liability company shall be vested in:**
A member or members
- Article 6. **Name and complete address of each organizer:**
BISWA RAI
4415 N SHEFFIED AVE
SHOREWOOD, WI 53211
United States of America

SHANKAR THAPA
5620 N. KENMORE AVE # 111
CHICAGO, IL 60660
United States of America
- Other Information. **This document was drafted by:**
AMRIT N PATEL

Organizer Signature:
BISWA RAI

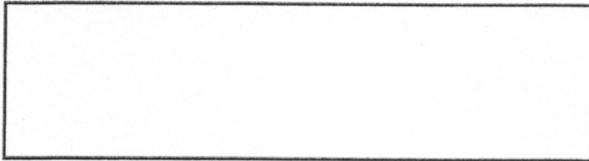
Date & Time of Receipt:

11/9/2021 4:04:34 PM

Order Number:

202111095837178

ARTICLES OF ORGANIZATION - Limited Liability Company(Ch. 183)



Filing Fee: \$130.00
Expedite Fee: \$25.00
Total Fee: \$155.00

ENDORSEMENT

**State of Wisconsin
Department of Financial Institutions**

EFFECTIVE DATE	
11/9/2021	

FILED 11/10/2021	Entity ID Number B105095
----------------------------	-----------------------------

RECEIVED

By Gina C. Gresch, MMC/WCPC at 10:26 am, Dec 06, 2021

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 11-10-2021

Employer Identification Number:
87-3509814

Form: SS-4

Number of this notice: CP 575 A

For assistance you may call us at:
1-800-829-4933

B&S MART LLC
BISWA RAI MBR
4415 N SHEFFIELD AVE
SHOREWOOD, WI 53211

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 87-3509814. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 941	01/31/2022
Form 940	01/31/2022
Form 1065	03/15/2022

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents (payroll service providers) are available to assist you. Visit the IRS Web site at www.irs.gov for a list of companies that offer IRS e-file for business products and services. The list provides addresses, telephone numbers, and links to their Web sites.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is B&SM. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

EIN Assistant

Your Progress: 1. Identify ✓ 2. Authenticate ✓ 3. Addresses ✓ 4. Details ✓ 5. EIN Confirmation

Congratulations! Your EIN has been successfully assigned.

EIN Assigned: **87-3509814**

Legal Name: **B&S MART LLC**

IMPORTANT:

Save and/or print this page and the confirmation letter below for your permanent records.

The confirmation letter below is your official IRS notice and contains important information regarding your EIN.

 [CLICK HERE for Your EIN Confirmation Letter](#) [Help with saving and printing your letter](#)

Once you have saved or printed your letter, click "Continue" to get additional information about using your new EIN.

Help Topics

- [What if I do not have access to a printer at this time?](#)
- [Can I access this letter at a later date?](#)



WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8902
MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
MADISON, WI 53708-8902
ph: 608-266-2776 fax: 608-327-0235
email: DORBusinessTax@wisconsin.gov
website: revenue.wi.gov

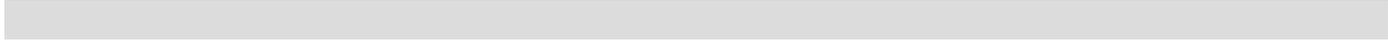


BISWA RAI
B&S MART LLC
7920 W NATIONAL AVE
WEST ALLIS WI 53214-4503

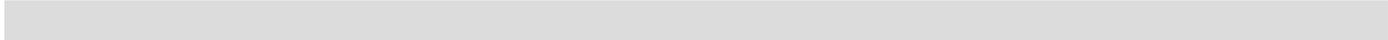
Letter ID L0239162192



Wisconsin Business Tax Registration Certificate



Expiration date: November 30, 2023
Legal/real name: B&S MART LLC



- This certificate confirms that you are registered with the Wisconsin Department of Revenue for the tax types shown below.
- This registration certificate is not a seller's permit, and should not be used as proof that you hold a seller's permit.
- You may not transfer this certificate to any other individual or business.

Tax Type	Account Type	Number
Sales & Use Tax	Sales & Use Tax	456-1030846963-04
Local Exposition Tax	Local Exposition Tax	014-1030846963-05
Withholding Tax	Withholding Tax	036-1030846963-02

The following is a list of the business locations that you have registered with the Department of Revenue.

456-1030846963-04
B&S MART LLC
7920 W NATIONAL AVE
WEST ALLIS WI 53214-4503



WISCONSIN DEPARTMENT OF REVENUE
 PO BOX 8902
 MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
 MADISON, WI 53708-8902
 ph: 608-266-2776 fax: 608-224-5761
 email: DORBusinessTax@wisconsin.gov
 website: revenue.wi.gov

Letter ID L1983992656

BISWA RAI
 B&S MART LLC
 7920 W NATIONAL AVE
 WEST ALLIS WI 53214-4503

RECEIVED

By Gina C. Gresch, MMC/WCPC at 10:26 am, Dec 06, 2021

Wisconsin Department of Revenue Seller's Permit

Legal/real name: B&S MART LLC

Business name: 7920 W NATIONAL AVE
 WEST ALLIS WI 53214-4503

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-1030846963-04

APPLICATION FOR LIQUOR LICENSE

Notice is hereby given pursuant to §125.04(3)(g) Wis. Stat., that the following have filed application in the City of West Allis for the following license:

Class A Beer License for the sale of Fermented Malt Beverages

B&S Mart, LLC, d/b/a B&S Mart, 7920 W. National Avenue, West Allis, WI 53214; Agent: Tilak KC.

Dated this 6th day of December, 2021

Rebecca Grill, City Clerk

Publish as a Class I Legal Notice in the Daily Reporter on Friday, December 10, 2021

**CITY OF WEST ALLIS
ORDINANCE O-2021-0120**

**ORDINANCE TO AUTHORIZE THE ISSUANCE OF PROVISIONAL RETAIL
ALCOHOL LICENSES TO CERTAIN APPLICANTS AND RESTRICT
APPLICANTS WHO HAVE BEEN RECENTLY DENIED**

AMENDING SECTION 9.02

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

SECTION 1: **AMENDMENT** “9.02 Alcoholic Beverages” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.02 Alcoholic Beverages

1. State Regulations. Except as otherwise provided herein, the provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of alcohol beverages, are adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.

1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.
2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
3. Applications for Class "A" and "B" Retail License.
 - a. When and Where Filed. A written application for the licenses required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such license. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

Such application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a

- person acting as an agent for or in the employ of another.
- b. Original Applications. Applicants seeking to establish a new licensed premise shall, upon application, pay a two hundred dollar (\$200) fee to defray a portion of the costs of building, plumbing, electrical, health and fire inspections. The fee shall be nonrefundable, but shall be applied to the license fee.
 - c. Publication. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
 - d. Notice of Change In Application. If a licensee files with the clerk a written description of a change in fact pursuant to Wis. Stat. 125.04(3)(h)(h), the clerk shall update the city's records to reflect that change, unless the change is an extension of premises. No extension of premises is valid unless approved by the common council in accordance with WAMC 9.02(24).
 - e. Late Application. The Common Council may meet to consider and act upon any application for a Combination Class B or Combination Class A license, which has not been timely filed so that the Common Council may act upon the application at its regular meeting prior to the commencement of the license year, provided that any such application has been filed with the City Clerk at least fifteen (15) days prior to the special meeting of the Common Council. A late filing fee of one thousand dollars (\$1,000) shall accompany each such application to defray administrative expenses. The late filing fee shall be nonrefundable unless a quorum of the Common Council is not able to meet and shall be in addition to the license fee. **[Ord. O-2005-0033, 6/21/2005]**
 - f. Provisional Retail License. Pursuant to Wisconsin Statutes Section 125.185, the City Clerk is authorized to issue provisional retail licenses. ~~Licenses may be granted only~~ to applicants who have possessed the same retail license for the sale of alcoholic beverages within the past year. If a new license applicant is approved by the License & Health Committee but pending before the common council, the City Clerk is also authorized to issue a provisional retail license to that applicant only if the applicant has obtained all health, occupancy, or other licenses and permits required by the committee. The fee for such license shall be fifteen dollars (\$15) and shall be paid to the Clerk before issuance.

3m. Class "C" Licenses. **[Ord. 6329, 9/2/1997]**

- i. Filing of Applications. A written application for a Class "C" license shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such licenses. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

The application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept

an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

- ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.
- iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.

(1) In addition to the restrictions on location of a "Class A" and "Class B" premises under Wis. Stat. 125.68(3), no "Class C" license may be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. The prohibition in this subsection does not apply to any premises covered by a "Class C" license on the date this ordinance is published or premises covered by a "Class C" license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

iv. (Reserved)

4. Floor Plan and Plan of Operation.

- a. (Reserved).
- b. In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:
 - i. Area in square feet and dimensions of the licensed premises.
 - ii. all entrances and exits to the premises together with a description of how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur.
 - iii. Locations of all seating areas, bars, and, if applicable, food preparation areas.
 - iv. Locations and dimensions of any alcohol beverage storage and

- display areas.
 - v. Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.
 - vi. North point and date.
 - vii. Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.
- c. Plan of Operation. A completed plan of operation on forms provided therefor by the Clerk. The plan of operation shall require: **[Ord. O-2014-0019, 4/1/2014; Ord. O-2018-0037, 9/18/2018]**
- i. The current or planned hours of operation for the premises.
 - ii. The legal occupancy capacity of the premises.
 - iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of designated or likely outdoor smoking areas, the number and location of exterior and interior trash receptacles.
 - iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
 - v. What other licenses and permits, if any, are planned or currently issued for the premises.
 - vi. For applications for premises in locations that have not been licensed previously or within the past year under Section 9.02, whether the premises is less than three hundred (300) feet from any school, hospital, or church, pursuant to Section 9.02(4)(c)1 and Section 125.68(3) of the Wisconsin Statutes.
 - vii. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
 - viii. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
- d. Renewals. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.
- e. Alterations/Amendments. The floor plan and plan of operation are subject to approval by the License and Health Committee prior to the granting of the license and may be subject to the issuance of any building, zoning, or other permits. Applicants seeking such alterations or amendments shall submit a written notice of such changes to the City Clerk. The Common Council may approve or disapprove the change in the floor plan or plan of operation under the same standard as the review of a new license application. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's

operation. Applicants seeking an alteration or amendment to the floor plan or plan of operation shall pay a fee as specified in the most recent Schedule of Fees resolution and upon application.

4m. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation. **[Ord. O-2013-0014, 4/2/2013]**

5. Outdoor Premises

a. Definitions

- i. "Indoor premises" means any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak).
- ii. "Outdoor premises" means any part of the premises that is not an indoor premises.

b. Regulations. All outdoor premises shall comply with the following regulations:

- i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
- ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those alternate noise limits.
- iii. Bordering. The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
- iv. Lighting. Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
- v. Closing Hours. No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.

6. Investigation. The City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws

applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

7. ~~Approval of Application Qualifications. In determining the suitability of an applicant, consideration shall be given to the criteria set forth~~ In addition to the qualifications under ~~in~~ § 125.04(5) of the Wisconsin Statutes, no license related to alcohol beverages may be issued to any person who has had any licensed denied within the prior 6 months. ~~the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.~~

8. Granting of License

- a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
- b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:
 - i. A person who is not a reviewable applicant.
 - ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction record since the prior license was granted.
- c. Under this paragraph, "reviewable applicant" means any person who has 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.

- d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.
- e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event without approval of the Common Council must be accompanied by a late fee of fifteen dollars (\$15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars (\$25) in addition to the temporary license fee to defray administrative costs.

9. Transfer and Lapse of License.

- a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution.
[Ord. O-2018-0037, 9/18/2018]
- b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

Preference to applicants for a transfer of any license issued under this subsection shall be given to licensee-tenants who are evicted or threatened with eviction for a refusal to pay an increase in rental in excess of ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer. A demand upon the part of the landlord that such tenant improve or cause improvements to be made to the real property or to the personal property appurtenant to the licensed premises at a cost which exceeds ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer shall be construed to be a demand upon the part of the landlord for an increase in rentals in excess of ten percent (10%) of such period.

- c. Whenever any licensee under this section shall not conduct his licensed business at the authorized location for a period of thirty (30) consecutive days, the license shall become subject to revocation, unless such thirty-day period shall, for good cause shown, be extended by the Common Council. **[Ord. 6224, 4/2/1996]**
10. Numbering, Expiration, and Posting of Licenses. **[Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]**
- a. Each license holder shall be assigned a number which shall remain the same for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.
 - b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.
11. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.
12. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:
- a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
 - b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. **[Ord. O-2008-0047, 10/7/2008]**
 - c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
 - d. The licensee shall comply with all other provisions of this section and all other

ordinances of the City of West Allis and the laws of the State of Wisconsin.

12m. Conditions upon Specific Licenses. The common council may impose any of the following conditions specifically upon a new Class A or Class B license at the time the license is granted. The council may impose any of the following conditions specifically upon an existing licensee only with the licensee's consent.

a. The license shall conduct a principal business on the premises particularly described by the common council. Examples include those types of businesses described in Wis. Stat. § 125.32(3m).

b. The licensee shall maintain the property and licensed premises so it is consistent with the landscaping and architectural design plans approved by the common council.

c. The licensee shall video record all activities taking place on the licensed premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.

d. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification scanners.

e. The licensee shall maintain the layout of the licensed premises consistent with the layout plan approved by the common council.

f. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.

13. Restrictions.

- a. In General. The following restrictions shall apply to the granting of licenses:
 - i. A retail Class "B" fermented malt beverage or intoxicating liquor license shall be issued only for that portion of the premises located on the street level, unless specifically extended by the authority of the Council. This subsection shall not apply to a bona fide club, hotel, bowling alley, lodge room, labor union or ex-servicemen's post.
 - ii. No retail Class B fermented malt beverage or intoxicating liquor license or Class C license shall be issued unless the premises is conformed to the sanitary, safety and health requirements of the State Building Code, and the licensee satisfactorily demonstrates

compliance with the rules promulgated by the Department of Agriculture, Trade, and Consumer Protection in regard to restaurant sanitation during a sanitation inspection from the West Allis Health Department as set forth in Wis. Stat. Sec. 125.68(5) and West Allis Revised Municipal Code Section 7.04(6). **[Ord. O-2017-0013, 3/21/2017]**

- iii. No retail alcohol license shall be issued if the premises is not contiguous.
 - b. It shall be unlawful for any person to sell, dispense or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided or goods, food or beverages are sold, served or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle. **[Ord. 6110, 7/19/1994]**
 - c. No "Class A" license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if:
 - i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
 - ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.
14. Health Rules. Each premises shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Health Commissioner of the City may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations and infractions thereof may be punished as a violation of this section.
15. Closing Hours. **[Ord. O-2018-0037, 9/18/2018]**
- a. No premises for which a Class "B," "Class B," or a Class C license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Sec. 175.095(2) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" or "Class B" license are not required to close.
 - b. Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class B or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.
 - c. Class "A" and "Class A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Section 9.02(18)(a) of this Code does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which

the sale of fermented malt beverages or intoxicating liquor is prohibited.

- d. Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph (a) of this subsection.
- e. No person shall enter or remain upon licensed premises while such premises are closed, pursuant to statute or ordinance. This section shall not apply to the license holder or agents and employees of the license holder who are performing bona fide services related to the licensed business.

16. Operator's Licenses. **[Ord. O-2003-0038, 6/3/2003; Ord. O-2013-0014, 4/2/2013]**

- a. Operator's License. An operator's license shall entitle the holder thereof to work as an operator upon premises licensed under a retail Class "A" intoxicating liquor or fermented malt beverage license, a retail Class "B" intoxicating liquor or fermented malt beverage license, or a retail Class "C" wine license. Such licenses will be issued by the Common Council only to persons meeting the requirements set forth in Sections 125.04(5) and 125.17(6) of the Wisconsin Statutes. The license shall be valid for a period of two (2) years, except that it shall be deemed to have been issued July 1 and shall expire on June 30 of the second year.
- b. Provisional Operator's License. **[Ord. O-2018-0037, 9/18/2018]**
 - i. The City Clerk is the official charged with issuing and revoking a provisional operator's license. A provisional license requires an additional fee as specified in the most recent Schedule of Fees resolution.
 - ii. Standards for a provisional license, unless the applicant has a certified copy of a license issued by another municipality, are as follows:
 - (1) The applicant has applied for an operator's license;
 - (2) The applicant for a provisional operator's license shall complete an application attesting he/she has not been convicted of any crime against life and bodily injury, against children, or a violent crime against a child, as set forth in Sec. 111.335 (4) of the Wisconsin Statutes, or crime that substantially relates to the licensing activity. Any false statements made by the licensee on the application may result in revocation of the license by the City Clerk.
 - (3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
 - (4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.
 - iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.

- c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection (a) if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.
 - d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.
 - e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.
17. Loitering by Underage Persons Where Alcohol is Illegally Served. **[Ord. 6188 (repeal & recreate), 9/19/1995]**
- a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.
 - b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.
 - c. No adult may knowingly suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.
18. List of Employees and Performers.
- a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.
 - b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.
 - c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.
19. Entertainment Standards.
- a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,

- ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,
 - iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.
 - b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in subsection (a).
 - c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections (a) and (b).
 - d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the licensed premises any act or conduct described in subsections (a), (b) and (c).
- 20. License Suspension, Revocation or Nonrenewal. **[Ord. O-2013-0014, 4/2/2013]**
 - a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. 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.
 - iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.
 - iv. The violation of any of the applicable provisions of Section 9.02.
 - v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
 - vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).
 - viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the

- Wisconsin Statutes.
- ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
 - xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
 - xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.
- b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.
- c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.
- d. Procedure.
- i. Upon receipt of a sworn complaint, either from the Chief of Police, a resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
 - ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
 - iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
 - iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint

may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.

- v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.

e. Miscellaneous Procedural Matters.

- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.
- ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
- iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
- iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. 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 a majority vote of those members present and voting reverses such ruling.
- v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

f. Findings and Recommendations.

- i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
 - ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.
- g. Common Council Action.
 - i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
 - ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
 - iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.
- h. Surrender of License.
 - i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.
 - ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the

license.

- iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

21. Fees.

See Fee Schedule.

22. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. **[Ord. O-2012-0020, 6/19/2012]**

a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:

i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.

(1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.

ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:

(1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.

(2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.

(3) All alcoholic beverages on tables shall be removed.

(4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.

(5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.

(6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.

- (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
- (8) All underage persons must be off the licensed premises at least thirty (30) minutes prior to the resumption of alcohol beverage sales.

23. Late Fees.

See Fee Schedule.

24. Extension of Premises

a. Temporary Extension

- i. A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
- ii. Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.
- iii. Upon receiving a request under this paragraph, the city clerk shall notify the Planning Department, Building Inspection and Neighborhood Services Department, Health Department, and Police Department of the request, and the departments may provide information regarding the request to the common council.
- iv. The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.

- b. Permanent Extension. A licensee requesting a permanent extension shall pay the fee listed in the Fee Schedule at the time of the request. The request shall determine whether to grant the request for permanent extension of premises under the same standards as a new license application.

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

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
ORDINANCE O-2021-0120**

**ORDINANCE TO AUTHORIZE THE ISSUANCE OF PROVISIONAL RETAIL
ALCOHOL LICENSES TO CERTAIN APPLICANTS AND RESTRICT APPLICANTS
WHO HAVE BEEN RECENTLY DENIED**

AMENDING SECTION 9.02

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

SECTION 1: **AMENDMENT** “9.02 Alcoholic Beverages” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.02 Alcoholic Beverages

1. State Regulations. Except as otherwise provided herein, the provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of alcohol beverages, are adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.

1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.
2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
3. Applications for Class "A" and "B" Retail License.
 - a. When and Where Filed. A written application for the licenses required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such license. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

Such application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

- b. Original Applications. Applicants seeking to establish a new licensed premise

shall, upon application, pay a two hundred dollar (\$200) fee to defray a portion of the costs of building, plumbing, electrical, health and fire inspections. The fee shall be nonrefundable, but shall be applied to the license fee.

- c. Publication. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
- d. Notice of Change In Application. If a licensee files with the clerk a written description of a change in fact pursuant to Wis. Stat. 125.04(3)(h)(h), the clerk shall update the city's records to reflect that change, unless the change is an extension of premises. No extension of premises is valid unless approved by the common council in accordance with WAMC 9.02(24).
- e. Late Application. The Common Council may meet to consider and act upon any application for a Combination Class B or Combination Class A license, which has not been timely filed so that the Common Council may act upon the application at its regular meeting prior to the commencement of the license year, provided that any such application has been filed with the City Clerk at least fifteen (15) days prior to the special meeting of the Common Council. A late filing fee of one thousand dollars (\$1,000) shall accompany each such application to defray administrative expenses. The late filing fee shall be nonrefundable unless a quorum of the Common Council is not able to meet and shall be in addition to the license fee. **[Ord. O-2005-0033, 6/21/2005]**
- f. Provisional Retail License. Pursuant to Wisconsin Statutes Section 125.185, the City Clerk is authorized to issue provisional retail licenses. ~~Licenses may be granted only~~ to applicants who have possessed the same retail license for the sale of alcoholic beverages within the past year. If a new license applicant is approved by the License & Health Committee but pending before the common council, the City Clerk is also authorized to issue a provisional retail license to that applicant only if the applicant has obtained all health, occupancy, or other licenses and permits required by the committee. The fee for such license shall be fifteen dollars (\$15) and shall be paid to the Clerk before issuance.

3m. Class "C" Licenses. **[Ord. 6329, 9/2/1997]**

- i. Filing of Applications. A written application for a Class "C" license shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such licenses. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

The application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

- ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.
- iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.

(1) In addition to the restrictions on location of a "Class A" and "Class B" premises under Wis. Stat. 125.68(3), no "Class C" license may be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. The prohibition in this subsection does not apply to any premises covered by a "Class C" license on the date this ordinance is published or premises covered by a "Class C" license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

iv. (Reserved)

4. Floor Plan and Plan of Operation.

a. (Reserved).

- b. In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:
 - i. Area in square feet and dimensions of the licensed premises.
 - ii. all entrances and exits to the premises together with a description of how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur.
 - iii. Locations of all seating areas, bars, and, if applicable, food preparation areas.
 - iv. Locations and dimensions of any alcohol beverage storage and display areas.
 - v. Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.

- vi. North point and date.
 - vii. Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.
- c. Plan of Operation. A completed plan of operation on forms provided therefor by the Clerk. The plan of operation shall require: **[Ord. O-2014-0019, 4/1/2014; Ord. O-2018-0037, 9/18/2018]**
- i. The current or planned hours of operation for the premises.
 - ii. The legal occupancy capacity of the premises.
 - iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of designated or likely outdoor smoking areas, the number and location of exterior and interior trash receptacles.
 - iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
 - v. What other licenses and permits, if any, are planned or currently issued for the premises.
 - vi. For applications for premises in locations that have not been licensed previously or within the past year under Section 9.02, whether the premises is less than three hundred (300) feet from any school, hospital, or church, pursuant to Section 9.02(4)(c)1 and Section 125.68(3) of the Wisconsin Statutes.
 - vii. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
 - viii. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
- d. Renewals. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.
- e. Alterations/Amendments. The floor plan and plan of operation are subject to approval by the License and Health Committee prior to the granting of the license and may be subject to the issuance of any building, zoning, or other permits. Applicants seeking such alterations or amendments shall submit a written notice of such changes to the City Clerk. The Common Council may approve or disapprove the change in the floor plan or plan of operation under the same standard as the review of a new license application. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation. Applicants seeking an alteration or amendment to the floor plan or plan of operation shall pay a fee as specified in the most recent Schedule of Fees resolution and upon application.

4m. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation. **[Ord. O-2013-0014, 4/2/2013]**

5. Outdoor Premises

a. Definitions

- i. "Indoor premises" means any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak).
- ii. "Outdoor premises" means any part of the premises that is not an indoor premises.

b. Regulations. All outdoor premises shall comply with the following regulations:

- i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
- ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those alternate noise limits.
- iii. Bordering. The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
- iv. Lighting. Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
- v. Closing Hours. No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.

6. Investigation. The City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally

required.

7. ~~Approval of Application~~Qualifications. ~~In determining the suitability of an applicant, consideration shall be given to the criteria set forth~~ In addition to the qualifications under ~~in~~ § 125.04(5) of the Wisconsin Statutes, no license related to alcohol beverages may be issued to any person who has had any licensed denied within the prior 6 months, ~~the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.~~
8. Granting of License
 - a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
 - b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:
 - i. A person who is not a reviewable applicant.
 - ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction record since the prior license was granted.
 - c. Under this paragraph, "reviewable applicant" means any person who has 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.
 - d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.
 - e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event

without approval of the Common Council must be accompanied by a late fee of fifteen dollars (\$15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars (\$25) in addition to the temporary license fee to defray administrative costs.

9. Transfer and Lapse of License.

- a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution. **[Ord. O-2018-0037, 9/18/2018]**
- b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

Preference to applicants for a transfer of any license issued under this subsection shall be given to licensee-tenants who are evicted or threatened with eviction for a refusal to pay an increase in rental in excess of ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer. A demand upon the part of the landlord that such tenant improve or cause improvements to be made to the real property or to the personal property appurtenant to the licensed premises at a cost which exceeds ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer shall be construed to be a demand upon the part of the landlord for an increase in rentals in excess of ten percent (10%) of such period.

- c. Whenever any licensee under this section shall not conduct his licensed business at the authorized location for a period of thirty (30) consecutive days, the license shall become subject to revocation, unless such thirty-day period shall, for good cause shown, be extended by the Common Council. **[Ord. 6224, 4/2/1996]**

10. Numbering, Expiration, and Posting of Licenses. **[Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]**

- a. Each license holder shall be assigned a number which shall remain the same

for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.

- b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.
11. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.
 12. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:
 - a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
 - b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. **[Ord. O-2008-0047, 10/7/2008]**
 - c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
 - d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

12m. Conditions upon Specific Licenses. The common council may impose any of the following conditions specifically upon a new Class A or Class B license at the time the license is granted. The council may impose any of the following conditions specifically upon an existing licensee only with the licensee's consent.

- a. The license shall conduct a principal business on the premises particularly

described by the common council. Examples include those types of businesses described in Wis. Stat. § 125.32(3m).

b. The licensee shall maintain the property and licensed premises so it is consistent with the landscaping and architectural design plans approved by the common council.

c. The licensee shall video record all activities taking place on the licensed premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.

d. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification scanners.

e. The licensee shall maintain the layout of the licensed premises consistent with the layout plan approved by the common council.

f. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.

13. Restrictions.

- a. In General. The following restrictions shall apply to the granting of licenses:
 - i. A retail Class "B" fermented malt beverage or intoxicating liquor license shall be issued only for that portion of the premises located on the street level, unless specifically extended by the authority of the Council. This subsection shall not apply to a bona fide club, hotel, bowling alley, lodge room, labor union or ex-servicemen's post.
 - ii. No retail Class B fermented malt beverage or intoxicating liquor license or Class C license shall be issued unless the premises is conformed to the sanitary, safety and health requirements of the State Building Code, and the licensee satisfactorily demonstrates compliance with the rules promulgated by the Department of Agriculture, Trade, and Consumer Protection in regard to restaurant sanitation during a sanitation inspection from the West Allis Health Department as set forth in Wis. Stat. Sec. 125.68(5) and West Allis Revised Municipal Code Section 7.04(6). **[Ord. O-2017-0013, 3/21/2017]**
 - iii. No retail alcohol license shall be issued if the premises is not contiguous.
- b. It shall be unlawful for any person to sell, dispense or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided

or goods, food or beverages are sold, served or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle. **[Ord. 6110, 7/19/1994]**

- c. No "Class A" license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if:
 - i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
 - ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

14. Health Rules. Each premises shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Health Commissioner of the City may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations and infractions thereof may be punished as a violation of this section.

15. Closing Hours. **[Ord. O-2018-0037, 9/18/2018]**

- a. No premises for which a Class "B," "Class B," or a Class C license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Sec. 175.095(2) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" or "Class B" license are not required to close.
- b. Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class B or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.
- c. Class "A" and "Class A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Section 9.02(18)(a) of this Code does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which the sale of fermented malt beverages or intoxicating liquor is prohibited.
- d. Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph (a) of this subsection.
- e. No person shall enter or remain upon licensed premises while such premises are closed, pursuant to statute or ordinance. This section shall not apply to the license holder or agents and employees of the license holder who are performing bona fide services related to the licensed business.

16. Operator's Licenses. **[Ord. O-2003-0038, 6/3/2003; Ord. O-2013-0014, 4/2/2013]**
- a. Operator's License. An operator's license shall entitle the holder thereof to work as an operator upon premises licensed under a retail Class "A" intoxicating liquor or fermented malt beverage license, a retail Class "B" intoxicating liquor or fermented malt beverage license, or a retail Class "C" wine license. Such licenses will be issued by the Common Council only to persons meeting the requirements set forth in Sections 125.04(5) and 125.17(6) of the Wisconsin Statutes. The license shall be valid for a period of two (2) years, except that it shall be deemed to have been issued July 1 and shall expire on June 30 of the second year.
 - b. Provisional Operator's License. **[Ord. O-2018-0037, 9/18/2018]**
 - i. The City Clerk is the official charged with issuing and revoking a provisional operator's license. A provisional license requires an additional fee as specified in the most recent Schedule of Fees resolution.
 - ii. Standards for a provisional license, unless the applicant has a certified copy of a license issued by another municipality, are as follows:
 - (1) The applicant has applied for an operator's license;
 - (2) The applicant for a provisional operator's license shall complete an application attesting he/she has not been convicted of any crime against life and bodily injury, against children, or a violent crime against a child, as set forth in Sec. 111.335 (4) of the Wisconsin Statutes, or crime that substantially relates to the licensing activity. Any false statements made by the licensee on the application may result in revocation of the license by the City Clerk.
 - (3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
 - (4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.
 - iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.
 - c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection (a) if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.
 - d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.
 - e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.

17. Loitering by Underage Persons Where Alcohol is Illegally Served. [Ord. 6188 (repeal & recreate), 9/19/1995]
- a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.
 - b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.
 - c. No adult may knowingly suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.
18. List of Employees and Performers.
- a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.
 - b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.
 - c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.
19. Entertainment Standards.
- a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,
 - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,
 - iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.
 - b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in subsection (a).
 - c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections (a) and (b).
 - d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the

- licensed premises any act or conduct described in subsections (a), (b) and (c).
20. License Suspension, Revocation or Nonrenewal. **[Ord. O-2013-0014, 4/2/2013]**
- a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
- i. The making of any material false statement in any application for a license.
 - ii. 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.
 - iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.
 - iv. The violation of any of the applicable provisions of Section 9.02.
 - v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
 - vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).
 - viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
 - xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
 - xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.
- b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.
- c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the

Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.

d. Procedure.

- i. Upon receipt of a sworn complaint, either from the Chief of Police, a resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
- ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
- iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
- iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.
- v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair

presentation.

(5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.

(6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.

e. Miscellaneous Procedural Matters.

i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.

ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.

iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.

iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. 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 a majority vote of those members present and voting reverses such ruling.

v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

f. Findings and Recommendations.

i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.

ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

g. Common Council Action.

- i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
- ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
- iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

h. Surrender of License.

- i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.
- ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.
- iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

21. Fees.

See Fee Schedule.

22. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. **[Ord. O-2012-0020, 6/19/2012]**

- a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:

- i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.
 - (1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.
- ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:
 - (1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.
 - (2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.
 - (3) All alcoholic beverages on tables shall be removed.
 - (4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.
 - (5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.
 - (6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.
 - (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
 - (8) All underage persons must be off the licensed premises at least thirty (30) minutes prior to the resumption of alcohol beverage sales.

23. Late Fees.

See Fee Schedule.

24. Extension of Premises

a. Temporary Extension

- i. A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
- ii. Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.
- iii. Upon receiving a request under this paragraph, the city clerk shall

notify the Planning Department, Building Inspection and Neighborhood Services Department, Health Department, and Police Department of the request, and the departments may provide information regarding the request to the common council.

- iv. The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.
- b. Permanent Extension. A licensee requesting a permanent extension shall pay the fee listed in the Fee Schedule at the time of the request. The request shall determine whether to grant the request for permanent extension of premises under the same standards as a new license application.

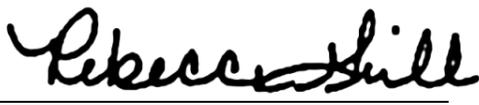
SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL DECEMBER 14, 2021.

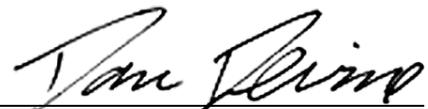
	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis



**WEST ALLIS COMMON COUNCIL
LICENSE AND HEALTH COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

SUMMONS

**JC's Pub Inc
D/B/A JC's Pub & Grub**

**Premises Location:
8028 W. National Avenue
West Allis, WI 53214**

Agent: Jeffery M. Clark

**STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)**

**THE WEST ALLIS COMMON COUNCIL TO JC's Pub Inc by licensing agent Jeffery
M. Clark:**

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on suspension or revocation of the 2021-2022 "Class B" intoxicating liquor license, a Class "B" fermented malt beverage license, and a Public Entertainment Permit, all issued under license number 2021-060, for the premises located at 8028 W. National Avenue in the City of West Allis, State of Wisconsin, for the license period running July 1, 2021, and expiring on June 30, 2022. This sworn complaint requesting a hearing for suspension or revocation of the above referenced licenses or permits is brought pursuant to the provision of Wis. Stat. § 125.12(2) and West Allis Code §§ 9.02(20) and 9.037(8).

NOW THEREFORE, you, JC's Pub Inc by licensing agent Jeffery M. Clark, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council on December 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be heard, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend or revoke your license(s).

You are further notified that if you appear as required by this summons and contest the allegations in the complaint, a hearing will be scheduled at a later date before the License and Health Committee, at which time you may be represented by counsel, cross examine the witnesses who testify adversely against you, and present witnesses in your own behalf. A written transcript of said hearing shall be made and you may obtain a copy of the transcript of this proceeding at your expense.

Dated at West Allis, Wisconsin, this 26th day of November, 2021.

WEST ALLIS COMMON COUNCIL

By: Rebecca N. Grill
Rebecca Grill
City Administrator and City Clerk

**WEST ALLIS COMMON COUNCIL
LICENSE AND HEALTH COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

COMPLAINT

**JC's Pub Inc
D/B/A JC's Pub & Grub**

**Premises Location:
8028 W. National Avenue
West Allis, WI 53214**

Agent: Jeffery M. Clark

**STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)**

Officer Carrie Kielley of the West Allis Police Department, being duly sworn on oath, deposes and states as a complaint under Wis. Stat. § 125.12(2)(ag) against JC's Pub Inc and doing business as "JC's Pub & Grub" as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department that the complainant has used in the past and found to be reliable.
3. That JC's Pub Inc, doing business as "JC's Pub & Grub" has been issued a "Class B" intoxicating liquor license, a Class "B" fermented malt beverage license, and a Public Entertainment Permit, all issued under license number 2021-060, for the premises located at 8028 W. National Avenue in the City of West Allis, State of

Wisconsin, for the license period running July 1, 2021, and expiring on June 30, 2022.

4. That Jeffrey M. Clark is the agent appointed pursuant to Wis. Stat. § 125.04(6)(a) for license number 2021-060.
5. That JC's Pub Inc, d/b/a "JC's Pub & Grub" previously held a Combination Class "B" intoxicating liquor and fermented malt beverage license and instrumental music license during the period running from June 19, 2020, to June 30, 2021, for the same location and business.
6. That on April 18, 2021, West Allis Police Officer Lete Carlson was dispatched to JC's Pub and Grub at 1:20 AM for a noise complaint. Officer Carlson reported that when she arrived, the noise level for the DJ could be heard outside the bar. Staff was contacted and told to turn the music down.
7. That on June 13, 2021, West Allis Police Officer Jeffrey Dufek reported that at about 2:20 AM he was dispatched to JC's Pub and Grub regarding a fight in the parking lot. Officers determined that two females were physically fighting in the parking lot. This fight originated within the bar. All parties involved were highly intoxicated per Officer Dufek's report.
8. That on July 10, 2021, West Allis Police Officers were dispatched to JC'S Pub and Grub at approximately 2:14 AM for a report of a trouble call for a fight. Officer Matthew Jacobson arrived on the scene and saw several vehicles and people presumed to be involved attempting to flee the scene. The scene was chaotic with cars driving away and people yelling. Officers determined that a patron of the bar was struck in the head with a glass beer bottle. This victim was extremely intoxicated

and dazed from his injuries. He had blood smeared on his face and a half inch gash on his nose. Glass from the bottle was scattered on the ground of the bar's parking lot. A witness who had originally fled the scene returned in his car and originally ignored orders from officers. Officers eventually detained this subject and observed him to be highly intoxicated while operating the motor vehicle. Officers also concluded that this individual was under the legal drinking age and had been consuming alcohol at JC's Pub and Grub earlier in the night and before the fight broke out. Officer Jacobson observed surveillance video from the bar that showed the victim and the OWI offender, along with other people, drinking alcohol in the bar. An argument starts in the bar around 1:05 AM between several parties. Eventually a bartender separates the parties and escorts some of the parties outside the bar. The fight then escalates outside the bar again while on camera and eventually moves out of the camera view for the physical altercation. Officers spoke with the bartender, Ciara Jarret, who stated she was one of the bartenders during the incident and she had no knowledge of what was going on as she was working inside. Officers also spoke with bartender/manager Jose Frandsen who said he was unaware of any fights that occurred in the bar and was only told about a fight outside.

9. That on September 12, 2021, at approximately 1:58 AM, West Allis Police Officers were dispatched to the Aurora West Allis Medical Center for a report of an assault that occurred at JC's Pub and Grub. Officer Lete Carlson contacted two females, R.L.S. and K.L. R.L.S. stated that an unknown female bar patron had physically assaulted her and punched R.L.S. in the face and head "quite a few" times. Patrons and bartenders separated the parties and kicked the offender out of the bar. R.L.S.

then went to the patio to get some air and the offender found her and continued to fight her by grabbing her hair and hitting her face again. R.L.S. stated she attempted to have the staff at the bar call police but they refused. Officers observed R.L.S. to have dried blood and bruising on her face. Officers spoke with bartender Ciara Jarrett who stated she remembered some sort of verbal argument in the bar, but the parties went outside and that was all she knew.

10. That on September 17, 2021, at approximately 1:37 PM, West Allis Police Officers were dispatched to JC's Pub and Grub regarding a customer assaulting a bartender. Officer Jordan Cooper stated he spoke with the bartender, identified as Tori Schultz, who stated that she was informed that two patrons were highly intoxicated and needed to be watched. Tori Schultz stated she then served the offending female patron a beer and a shot and then told her she would not be serving them anymore. The female patron finished her drink and was given a glass of water. The female patron slammed the glass down, intentionally breaking the glass and causing a disturbance. Officers contacted the offending patron and stated that she had heavily slurred speech and smelled of intoxicants. Officers determined that the offending bar patrons were highly intoxicated.

11. That on September 25, 2021, at approximately 2:24 AM, West Allis Police Officers were dispatched to JC's Pub and Grub regarding a noise complaint. Officer Lete Carlson arrived on scene and maintained a presence at the location due to the noise. While she was on scene, she observed a vehicle leaving the bar that sideswiped a building next to the bar. Officer Carlson made contact with the occupant of the vehicle. The occupant stated he had been at the bar for

approximately a half hour and consumed two beers and a shot during that time. Officer Carlson had the subject conduct field sobriety tests and determined this subject was impaired and should not be driving a motor vehicle. He was arrested for operating while under the influence of an intoxicant.

12. That on October 24, 2021, at approximately 2:14 AM, West Allis Police Officers were dispatched to JC's Pub and Grub regarding a fight. Officer Anton Best reported that he made contact with the bartender and victim, Ciara Jarrett. Jarrett told Officer Best that there was a fight at the bar between two females and their corresponding groups. Jarrett was able to provide some identifying information to aid in the police investigation. Jarrett stated she attempted to intervene to break up the fight when a male who was part of the fight pushed her away and told her not to get involved. Jarrett continued to try and break up the fight and the male then struck Jarrett in the face with a closed fist. Surveillance video of the incident shows the fight taking place. Video depicts Ciara Jarrett being pushed and then struck by the male. Jarrett then throws a pitcher at the male. Two females then attack Jarrett again before they exit the camera view. The fight between the patrons continues on the video with one female attacking another and throwing her onto the ground and repeatedly striking the female. The offending patrons eventually stop fighting and exit the bar into the community.

13. That pursuant to Wis. Stat. §125.12(2) any license issued under Wis. Stat. Ch. 125 is subject to suspension or revocation for any of the following:

- Keeping or maintaining a disorderly or riotous, indecent or improper house in violation of Wis. Stat. § 125.12(2)(ag)2,

- Violating Wis. Stat. Ch. 125 or any municipal regulations adopted under Wis. Stat. § 125.10, including: Selling, vending, dealing or trafficking in alcohol beverages to or with persons who are intoxicated in violation of Wis. Stat. 125.07(2)(a)2.

14. That pursuant to West Allis Municipal Code (hereafter "WAMC") § 9.037(8) a Public Entertainment Permit is subject to suspension or revocation for violating WAMC § 9.037(7)(d) for permitting disorderly, riotous, or indecent conduct on the premises.

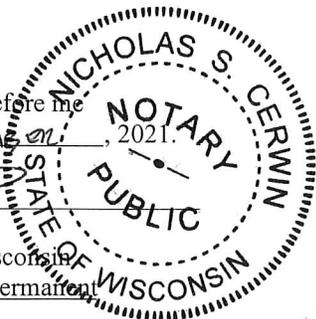
WHEREFORE, Officer Carrie Kielley requests that the licensees named herein, JC's Pub Inc, be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the licenses and permits issued to JC's Pub Inc, should be revoked or suspended.

Dated this 30 day of Nov, 2021.

By: C. Kielley
 Officer Carrie Kielley
 City of West Allis Police Department

Subscribed and sworn to before me
 this 30 day of November, 2021.

Nicholas S. Cerwin
 (Nicholas S. Cerwin)
 Notary Public, State of Wisconsin
 My Commission expires: Permanently



State of Wisconsin
City of West Allis

Affidavit of Process Server

Court/Appearance Date: 12/14/21
City of West Allis

Case Number _____
JC's Pub, Inc.

Vs

I the undersigned am an adult resident of the state of Wisconsin and not a party to the action. I hereby swear that on December 4, 2021 at 10:20 a.m. I duly served/or attempted to serve, (see nonservice section)

NAME JC's Pub, Inc.

DEFENDANT
 GARNISHEE DEFENDANT
 PLAINTIFF
 PETITIONER
 RESPONDENT
 WITNESS
 OTHER ATTEMPTED DATES _____

By serving Jeffrey Clark at _____
Name Jeffrey Clark Registered Agent
Home 6760 S. North Cape Rd. Title/Relationship _____
City of Franklin Wisconsin
Business _____ Wisconsin

Manner of Service:

- Personal Service
- Corporate Service: by leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
- After diligent search and inquiry, having made _____ attempts by leaving true & correct copies of the above documents with a competent occupant of the residence over the age of 14 and informed that person of the contents thereof. (See other Attempt Dates)
- Posting copies in a conspicuous manner to the address of the person/entity being served. (Use only for evictions)
- Copies of the documents were mailed by prepaid, first-class mail on: _____

DATE _____ FROM _____

Nonservice: after due search, careful inquiry and diligent attempts at the address(s) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- Unknown at address
- Address does not exist
- Not home three attempts
- Moved no forwarding
- Evading
- Unable to serve in a timely fashion
- Refuses to cooperate in acceptance
- Service cancelled by litigant
- Search was conducted, whereabouts unknown

Type of Documents:

- SUMMONS AND COMPLAINT
- ELECTRONIC FILING NOTICE
- NOTICE OF MOTION AND MOTION/AFFIDAVIT
- COVER LETTER
- NOTICE OF HEARING
- ORDER TO SHOW CAUSE & AFFIDAVIT
- BLANK FINANCIAL DISCLOSURE STATEMENT
- NOTICE OF HEARING/ADMINISTRATIVE DISMISSAL DATE
- SUMMONS AND PETITION-DIVORCE
- CONFIDENTIAL PETITION ADDENDUM
- SUBPOENA DUCES TECUM

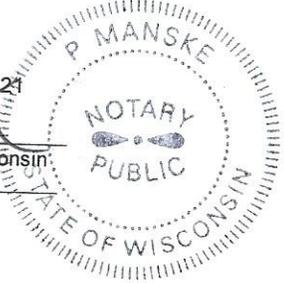
At the time of service, I did place upon it the date, time, and my name, leaving a true and correct copy thereof, and that the server knew the person so served to be the defendant (or other) mentioned and named therein.

NUMBER OF ATTEMPTS _____ NUMBER OF ADDRESSES ATTEMPTED (if more than one) _____
SERVICE FEE \$ 40.00 WITNESS FEE \$ _____
FILING FEE \$ _____ SEARCH FEE \$ _____
TOTAL FEE \$ 40.00 MILEAGE \$ _____

Server's Name Carlton W. Manske Server's Signature Carlton Manske
(Print)

Subscribed and sworn to before me
This 5 day of December, 2021

Notary Public Waukesha Co., State of Wisconsin
My Commission expires 01/27/2022





WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

December 8, 2021

To: Mayor Dan Devine

License and Health Committee:

- Aldersperson Vincent Vitale (Chair)
- Aldersperson Suzzette Grisham (Vice-Chair)
- Aldersperson Rosalie Reinke
- Aldersperson Daniel J. Roadt
- Aldersperson Tracy Stefanski
- Assistant City Attorney Nicholas Cerwin

The following is a summary of reported incidents involving licensed businesses, including reported tavern violations and calls for police service during the month of November 2021:

INCIDENT REPORTS:

CASE#21-038901 – 11/08/21 – 2342hrs. – Spot Lite – 6426 W. Greenfield Ave.

CALLER: Alisa L. Carroll

Officer Seghers Reports...

On 11/08/2021 I was dispatched to 8901 W. Lincoln Ave. for a patient reporting an assault that occurred at Spot Lite 6426 W. Greenfield Ave. I made contact with Alisa L. Carroll, who stated she was preparing for her shift in the changing room when she was attacked by another dancer named Roxanne. Alisa had minor injuries to her leg, wrist, face, and forehead. Alisa also stated Spot Lite managers told her to not call the police, as they were fearful they would be shut down. Unable to identify or locate a suspect at this time.

CASE#21-039062 – 11/10/2021 – 0215hrs. – Heartbreakers – 9442 W. National Ave.

CALLER: Paul W. Poenitsch

Officer Hoff Reports...

On 11/10/2021 at approximately 0217 hours I, Officer Hoff, was dispatched to Heartbreakers, located at 9442 W. National Avenue, for a report of an assault. At the business I spoke with Paul W. Poenitsch who stated he was assaulted by an employee, Joel R. Briones. Poenitsch stated while outside the business he was attempting to intervene with an altercation between a dancer and an unknown individual. While attempting to stop the altercation he was thrown to the ground and struck, with a fist, seven times by Briones. Briones



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

stated there was an altercation between two individuals outside the business, which Poenitsch had informed him of. However, Poenitsch became aggressive with Briones, refused to step back, and was ultimately decentralized by him. Poenitsch was later turned over to the City of West Allis Fire Department (WAFD) for medical treatment. Further follow-up to obtain video footage to be conducted.

CASE#21-039410 – 11/12/2021 – 1643hrs. – Brass Monkey – 11904 W. Greenfield Ave.

CALLER: Joseph M. Sonnenburg

Cpl. Schultz Reports...

On 11/12/21 at approximately 1643 hours, Joseph M. Sonnenburg came into the station to report an incident that occurred the night before on 11/11/21. Investigation revealed Luke J. Straszewski struck an unsuspecting Joseph while at a tavern in the City of West Allis causing pain and injury to Joseph. Joseph and Luke are cousins and lived together for several months in 2020. Charges will be referred to the DA office.

CASE#21-039417 – 11/12/2021 – 1721hrs. – Slurp N Burp – 1454 S. 92 St.

CALLER: N/A

Officer Schrandt Reports...

On 11/11/21 at approx. 2242hrs, officers responded to the 1400blk of S. 92 St. for a multiple vehicle crash. While speaking with two witnesses regarding the crash, Gregg A. Pawelski and James T. Letizia, both said that they were inside Slurp and Burp at 1454 S. 92 St. drinking alcohol and playing in a "Thursday Darts League," prior to the crash. It was later determined again via Gina Gresch at City Hall that Slurp and Burp does not hold a valid class B liquor license. As such, a report was generated and a citation was mailed to Lucas.

CASE#21-040960 – 11/24/2021 – 2351hrs. – Bug N Out – 5630 W. Lincoln Ave.

CALLER: Unknown

Officer Brockmann Reports...

On 11/24/21 at 2351hrs., Officers responded to Bug N Out, 5630 W Lincoln Ave for a report of an assault and possible shots fired. Upon my arrival, Mark A. Schutten, exited the bar and ran eastbound through the alley. Mark was apprehended after a short foot pursuit. Investigation revealed that there were no shots fired and only an altercation between two patrons



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

who are believed to be Chaka S. Gilson and Mark A. Schutten. Mark was arrested, issued a citation for Hindering and released.

CASE#21-041614 – 11/30/2021 – 1358hrs. – Stally Cats – 6201 W. Mitchell St

CALLER: Benjamin Buss

Officer Blunt Reports...

Bartender is accused of stealing monies and hasn't been seen since. Suspect is a Michael D. Nichols Investigation to follow.

TAVERN RELATED INCIDENTS NOT REQUIRING INCIDENT REPORT:

CALL#21-039663 – 11/14/2021 – 1832hrs. – Cocktails & Dreams – 2201 S. 55 St.

CALLER: Jody Orchel

Officer Budish Reports...

On 11/14/21 at 1832hrs, squads responded to Cocktails and Dreams, 2201 S 55 St, for a suspicious activity complaint. I spoke with Jody Orchel who stated her ex-boyfriend, Daniel Kuchinski came into the bar wanting to speak with her. The bar did not want him in there and asked him to leave. Jody stated Daniel circled the area for a little and left. Jody did not want anything done.

TOBACCO AND ALCOHOL/TAVERN COMPLIANCE CHECKS:

Tobacco compliance checks:

No compliance checks were conducted during this reporting period.

Alcohol compliance checks:

No compliance checks were conducted during this reporting period.

Tavern compliance checks:

Tavern compliance squads check randomly selected taverns in the City of West Allis for miscellaneous tavern violations such as license violations.



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

Officers trained in Class B tavern compliance checks performed 48 tavern checks at randomly selected taverns in the month of November 2021.

Violation of Wisconsin Clean Air Act Smoking Ban:

No violations reported during this reporting period.

Respectfully submitted,

Sgt. Timothy Gold