

1-24

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

INSTALL STOP SIGN ON:

Vine Street at Tonka Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

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AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

INSTALL STOP SIGN ON:

Fountain Avenue at Plaza Drive

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

3-24

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 12-20-2023)**

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ordinance 73-15: “Parking be restricted to two hours from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays and holidays, on the south side of Prospect Avenue from a point 145 feet west of Oneida Street to a point 590 feet west of Oneida Street.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

4-24

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 1-17-2024)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands located at the southwest corner of East Wisconsin Avenue and North Lawe Street (Tax Id #31-1-0017-00), 1212 North Union Street (Tax Id #31-1-0024-00), and 605 East Wisconsin Avenue (Tax Id #31-1-0025-00), including to the center line of the adjacent street right-of-way from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. (Rezoning #9-23 – Stephen Zei, owner and Tom Klister of Fore Investment Group, applicant)

LEGAL DESCRIPTION:

North Lawe Street – 31-1-0017-00

Herman Erbs Addn IWD Lots 1 & 2 Blk 1 less Doc #1863193 for R/W, including to the centerline of the adjacent road right-of-way, City of Appleton, Outagamie County, Wisconsin.

1212 North Union Street – 31-1-0024-00

Herman Erbs Addn IWD S1/2 of Lot 7 and S1/2 of Lot 8 Blk 1, including to the centerline of the adjacent road right-of-way, City of Appleton, Outagamie County, Wisconsin.

605 East Wisconsin Avenue – 31-1-0025-00

Herman Erbs Addn IWD N1/2 of Lot 7 and N1/2 of Lot 8 Blk 1 less Doc #1863193 for R/W, including to the centerline of the adjacent road right-of-way, City of Appleton, Outagamie County, Wisconsin.

COMMON DESCRIPTION:

The parcel on the southwest corner of East Wisconsin Avenue and North Lawe Street (Tax Id #31-1-0017-00), 1212 North Union Street (Tax Id #31-1-0024-00), and 605 East Wisconsin Avenue (Tax Id #31-1-0025-00), including to the center line of the adjacent street right-of-way

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

AN ORDINANCE AMENDING SECTION 9-52 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OPERATION OF PREMISES LICENSED FOR RETAIL SALES.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-52 of Chapter 9 of the Municipal Code of the City of Appleton, relating to operation of premises licensed for retail sales, is hereby amended to read as follows:

Sec. 9-52. Operation of premises licensed for retail sales.

All retail alcohol licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (1) Every applicant procuring a license thereby consents to the entry of police or other authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (2) No retail licensee shall employ persons under twenty-one (21) years of age to handle alcohol, except as modified by W.S.A. §125.07(4)(bm).
- (3) No gambling or games of chance shall be permitted upon the licensed premises. Dice, slot machines, or any other devices of chance are prohibited and shall not be kept upon the premises, except those permitted by law.
- (4) No premises for which a Class “B” Fermented Malt Beverage license, “Class B” Intoxicating Liquor license, or “Class C” Wine retail license has been issued shall be permitted to remain open during the closing hours required by W.S.A. §125.32(3) or W.S.A. §125.68(4), and the premises shall be vacated during such hours.
- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to Sec. 9-190. Additionally, the Board of Health may make additional reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be

punished as a violation of this article.

- (6) A violation of this article by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- (7) Class “A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages for consumption off the premises between 12 midnight and 8:00 a.m., Central Standard Time. “Class A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, intoxicating liquors including wine for consumption off the premises between 9:01 p.m. and 8:00 a.m., Central Standard Time.
- (8) Class “B”, “Class B” or “Class C” retail licensees shall not sell, dispense, give away or furnish directly or indirectly fermented malt beverages or intoxicating liquors for consumption off the premises between 12:01 a.m. and 8:00 a.m., Central Standard Time.
- (9) ***Abandonment or non-use.*** Any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license. In this section “abandon” and “abandonment” shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of one (1) year. The Common Council may, for good cause shown, extend such period.
- (10) A retail fermented malt beverage, intoxicating liquor, or wine license shall not be granted to any applicant whereby the applicant had been convicted of selling alcoholic beverages without the proper retail license within the last eighteen (18) months.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

6-24

AN ORDINANCE AMENDING SECTION 9-74 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICATION.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-74 of Chapter 9 of the Municipal Code of the City of Appleton,

relating to application, is hereby amended to read as follows:

Sec. 9-74. Application.

Application for license to sell or deal in fermented malt beverages or intoxicating liquors shall be made in writing on the forms prescribed by law, shall be sworn to by the applicant as provided in W.S.A. §887.01 through §887.04, and shall be filed with the City Clerk pursuant to W.S.A. §125.51(1)(c). Application for an operator's license shall be made pursuant to W.S.A. §125.04.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

7-24

AN ORDINANCE AMENDING SECTION 9-75 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CLASSES OF LICENSES; FEES.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-75 of Chapter 9 of the Municipal Code of the City of Appleton, relating to classes of licenses; fees, is hereby amended to read as follows:

Sec. 9-75. Classes of licenses; fees.

(a) There shall be the following classes of licenses, which, when issued by the City Clerk under the authority of the Common Council, after payment of the fee, the amount of which is on file in the City Clerk's Office, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in W.S.A. §125.25, §125.26, §125.27, §125.28 and §125.51.

- (1) Class "A" fermented malt beverage retail license.
- (2) Class "B" fermented malt beverage retail license.
- (3) "Class A" intoxicating liquor retail license.
- (4) "Class B" intoxicating liquor retail license.

- a. If the City has granted or issued a number of licenses equal to or exceeding the quota established under W.S.A. §125.51, the City may still issue a license for any of the following:

1. A full service restaurant that has seating for three hundred (300) or more persons.
 - a. The principal business during all hours of operation must be that of a restaurant which serve meals that are primarily prepared individually and served to customers at their table by waitstaff.
 - b. At any given time, three hundred (300) or more persons must be able to be seated for meal service.
 - c. The seating area shall not include outdoor seating, any bar area or any area regularly used for entertainment.
 - d. The business shall only be held out and advertised to the public as a restaurant.
 - e. Any establishment representing itself as a full service restaurant under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is a full service restaurant that has seating for three hundred (300) or more persons.

2. A hotel that has fifty (50) or more rooms of sleeping accommodations and that has either an attached restaurant with seating for one hundred fifty (150) or more persons or a banquet room in which banquets attended by four hundred (400) or more persons may be held.
 - a. At any given time, one hundred fifty (150) or more persons must be able to be seated for meal service in any attached restaurant.
 - b. The seating area for a restaurant shall not include outdoor seating, any bar area or any area regularly used for entertainment.
 - c. Any establishment representing itself under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is a hotel that has

fifty (50) or more rooms of sleeping accommodations and that the hotel has either an attached restaurant with seating for one hundred fifty (150) or more persons or a banquet room in which banquets attended by four hundred (400) or more persons may be held.

3. An opera house or theater for the performance arts operated by a nonprofit organization as defined in W.S.A. §134.695(1)(am).
 - a. The sale of intoxicating beverages shall only be for consumption on the premises and only in connection with ticketed performances.
 - b. Any establishment representing itself under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is an opera house or theater for the performance of arts operated by a nonprofit organization.
- (5) Reserve “Class B” intoxicating liquor retail license.
 - a. The number of Reserve “Class B” intoxicating liquor licenses shall be determined pursuant to W.S.A. §125.51(4)(br).
 - b. A Reserve “Class B” license cannot be transferred to another place or premises.
- (6) “Class C” wine retail license.
- (7) Provisional retail license.
 - a. A provisional retail license may be issued by the City Clerk to a person who has applied for a Class “A”, Class “B” or “Class C” license and authorizes only the activities that the type of retail license applied for authorizes.
 - b. A provisional license may not be issued to any person who has been denied a retail license.
 - c. The provisional license expires sixty (60) days after its issuance, when a license under subsection a. is issued to the applicant or upon written notice that the Common Council denied the applicant a

license, whichever is sooner.

- d. Persons are limited to one (1) provisional license for each type of license applied for by the holder per year.

(8) Wholesaler's fermented malt beverage license.

(9) Temporary Class "B" fermented malt beverage or Temporary "Class B" wine license. A single meeting license may be issued to eligible organizations pursuant to W.S.A. §125.26(6) for a fee of ten dollars (\$10.00). Said license may be issued by the City Clerk upon approval of the appropriate departments and the Safety and Licensing Committee, and after the application has been on file in the City Clerk's office for ten (10) days.

(10) Wine/Beer Walks

- a. A "wine walk" or "beer walk" is a single-day event at which participants are served a glass of wine or beer at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores) during their shopping visits.

- b. A qualified organization as specified in ch. 181, Wis. Stats. may be issued a Temporary "Class B" (wine only) or Temporary Class "B" (beer) license to sponsor a wine/beer walk for a specific date and time.

- c. The license includes up to 20 Temporary "Class B" wine or Class "B" beer licenses issued to participating locations for the same date and time.

- d. No more than two (2) "wine walk" Temporary "Class B" licenses may be issued during a 12-month period.

- e. No person may serve wine after 9 p.m. on premises for which Temporary "Class B" licenses for a wine walk are issued.

- f. No person may serve beer after 12 midnight on premises for which Temporary Class "B" beer licenses are issued for a beer walk.

(11) Operator's license.

- a. An operator's license shall be valid for a two- (2-) year period and shall expire on June 30.

- b. The Clerk shall issue an identification card for operator's licenses. Lost or stolen licenses may be replaced for a fee, the amount of which

is on file in the City Clerk's Office.

- c. Each new applicant or each applicant who failed to renew the license shall successfully complete an approved responsible beverage server program prior to the issuance of an operator's license, unless the applicant meets one of the requirements listed on W.S.A. §125.185(6).

(12) Provisional operator's license.

- a. A provisional operator's license may be issued by the City Clerk to a person who has applied for a beverage operator's license under subsection (10) above.
- b. A provisional license may not be issued to any person who has been denied an operator's license.
- c. The provisional license expires sixty (60) days after its issuance, when a license under subsection a. is issued to the applicant or upon written notice that the Common Council denied the applicant a license, whichever is sooner.
- d. Persons are limited to one (1) provisional license per year.

(13) Temporary operator licenses.

- a. A temporary operator's license may be issued only to operators employed by, or donating their services to, a qualified organization for an event. This license may be issued by the City Clerk to a person who has applied for a temporary beverage operator's license.
- b. A temporary operator's license shall be valid for any period of one (1) day to fourteen (14) days and the period for which it is valid shall be stated on the license.
- c. No person may hold more than two (2) kinds of this license per year.

(14) Clubs as defined in W.S.A. §125.27.

(b) ***Deposit of fee; refunds.*** License fees required under this section shall be deposited with the Director of Finance at the time of application and shall be nonrefundable; except that, in the case of a Class "A" fermented malt beverage, "Class A" liquor, Class "B" fermented malt beverage, "Class B" liquor and "Class C" wine license applications, nonrefundable fees, the amount of which is on file in the office of the City Clerk, for processing and the applicable rate for publication of the application as provided in W.S.A. §125.04(3)(g) shall be required at the time of application, the remainder of the applicable license fee to be required no sooner than fifteen (15) days before

issuance.

(c) All license fees for the sale of intoxicating liquor shall be deposited with the Director or Finance at least fifteen (15) days prior to the date the license is to be issued, except for those applicants seeking licenses effective July 1 of any year may make payment of such license fees in cash or by money order if such payment is made and received by the City Clerk's Office on or before June 30 or last business day, whichever is sooner, and such applicant pays a late renewal filing fee per day in an amount on file with the City Clerk for each day such license fee is not paid within said fifteen (15) days prior to issuance.

(d) *Proration of fee.* Licenses may be granted which shall expire on June 30 of each year upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30 of each year bears to twelve (12). This section only applies to licenses with an annual cost in excess of one hundred dollars (\$100.00).

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

8-24

AN ORDINANCE AMENDING SECTION 9-76 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESTRICTIONS ON ISSUANCE.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-76 of Chapter 9 of the Municipal Code of the City of Appleton, relating to restrictions on issuance, is hereby amended to read as follows:

Sec. 9-76. Restrictions on issuance.

(a) No license shall be granted to any person who does not meet the requirements of W.S.A. §125.04(5).

(b) No Class "B" retail license shall be granted for any premises where any other business is to be conducted in connection with the premises, except that such restriction shall not apply to a hotel, to a restaurant not a part of or located in any mercantile establishment, to a combination grocery store and tavern, to a novelty store and tavern, to a bowling alley or recreation premises, or to a bona fide club, society or lodge that has been in existence for not less than six (6) months prior to the date of filing application for such license.

(c) No retail alcohol license shall be issued to any person acting as agent for or in the employ

of another, except that for Class “B”/ “Class B” retail licenses this restriction shall not apply to a hotel nor to a restaurant not a part of or located in or upon the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for not less than six (6) months prior to the date of application. Such license for a hotel, restaurant, club, society or lodge may be taken in the name of an officer or manager, who shall be personally responsible for compliance with all of the terms and provisions of this article.

(d) W.S.A. §125.04(6), relating to the issuance of licenses to domestic or foreign corporations shall apply to the issuance of Class “B” fermented malt beverage and “Class B” intoxicating liquor retail licenses.

(e) No license shall be granted to any person under twenty-one (21) years of age, except as modified by W.S.A. §125.04(5)(d)2.

(f) No license shall be issued for operation on any premises upon which taxes or assessments or other financial claims of the City are delinquent or unpaid. It shall be the duty of the City Clerk to enforce this provision, in accordance with §9-23(b) of this code.

(g) No license shall be granted to or for any premises in the City wherein for a second time any of the provisions of this article or other provisions of any ordinance relating to the sale, manufacture or possession of fermented malt beverages or intoxicating liquors are violated and the violator convicted therefore, for a period of one (1) year from and after the date of such second violation.

(h) Each premises for which a Class “B”/“Class B” retail license is granted shall be connected with City water and sewage facilities and shall be properly lighted and ventilated and supplied for each sex with separate sanitary toilet and lavatory facilities equipped with running water.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

9-24

AN ORDINANCE AMENDING SECTION 9-77 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO INVESTIGATION OF APPLICANT FOR ALCOHOL LICENSES.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-77 of Chapter 9 of the Municipal Code of the City of Appleton, relating to investigation of applicant for alcohol licenses, is hereby amended to read as follows:

Sec. 9-77. Investigation of applicant for alcohol licenses.

(a) **Generally.** The City Clerk shall notify a designee of the Chief of Police, Health Officer, Fire Chief, Director of Community Development, Inspection Supervisor and the Director of Finance of each application for a retail alcohol license. These officers shall inspect or cause to be inspected each application for a retail alcohol license and the premises, insofar as the application relates to their respective departments, 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 each furnish the City Clerk in writing the information derived from each investigation, accompanied by approval or disapproval as to whether a license should be granted or refused. The City Clerk shall submit this information to the Safety and Licensing Committee of the Common Council for a recommendation to the Common Council for approval or disapproval.

(b) **Renewals.**

- (1) Renewal applications must be received 15 (fifteen) days prior to the third Wednesday in June in order to be considered a renewal. Applications for renewal will not be accepted after this date.
- (2) No license shall be renewed without a reinspection of the premises and a report as originally required.
- (3) Reinspection of the premises considers the application as it relates to their respective departments, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed complies 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 each furnish the City Clerk in writing the information derived from each investigation, accompanied by a recommendation as to whether a license should be granted or refused based upon the results of that investigation.
- (4) Refusals to renew licenses shall comply with Wis. Stat. Ch. 125.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

10-24

AN ORDINANCE AMENDING SECTION 9-79 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPEAL OF DENIAL.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-79 of Chapter 9 of the Municipal Code of the City of Appleton, relating to appeal of denial, is hereby amended to read as follows:

Sec. 9-79. Appeal of denial.

If the investigating authority denies an application for a license under this division, the City Clerk shall forthwith notify the applicant of the recommendation for denial and the reason therefor. The notice shall indicate that the applicant has the right to appeal the decision but must contact the City Clerk's Office within thirty (30) days of receipt of the letter to schedule the appeal before the Safety and Licensing Committee. The Safety and Licensing Committee shall hear any person for or against the granting of the license and shall report its recommendation to the Common Council, which shall grant or deny the license.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

11-24

AN ORDINANCE AMENDING SECTION 9-82(b) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO IMPROPER EXHIBITIONS.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-82(b) of Chapter 9 of the Municipal Code of the City of Appleton, relating to improper exhibitions, is hereby amended to read as follows:

Sec. 9-82. Improper exhibitions.

(b) For the purposes of this ordinance, the term "licensed premises" means any establishment licensed by the Common Council of the City of Appleton to sell alcohol beverages pursuant to Ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", Class "A", "Class B", Class "B", "Class C" license granted by the Common Council of the City of Appleton pursuant to Ch. 125, Stats.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

AN ORDINANCE CREATING DIVISION 4 OF ARTICLE X OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MISCELLANEOUS SALES; FIREWORKS SALES.

(Safety and Licensing Committee – 12-20-2023)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Division 4 of Article X of Chapter 9 of the Municipal Code of the City of Appleton, relating to miscellaneous sales; fireworks sales, is hereby created to read as follows:

ARTICLE X. MISCELLANEOUS SALES

DIVISION 4. FIREWORKS SALES

Sec. 9-569. License generally.

(a) **License required.** No person shall engage in the business of selling fireworks without a license obtained from the City Clerk pursuant to §9-21 et seq., and payment of the fee, the amount of which is on file in the office of the City Clerk. The license shall in no way be construed to affect existing or future zoning or land use.

(b) **Application.** Every person requiring a fireworks sales license shall make application in writing on a form prescribed by the City Clerk. The application shall contain the legal name of the company, street address and contact information. The specific location where the sales will occur and detailed types of merchandise must be provided.

(c) **Fee; term; limitation on issuance.** The amount of the fee for such license shall be on file in the office of the City Clerk. The fee shall be submitted by applicant at the time of application. Licenses shall include two employees and shall be issued for a period of sixty (60) consecutive days and no sale may exceed sixty (60) days. No more than one (1) license per year may be issued to any applicant.

Sec. 9-570. License investigation.

Upon receipt of an application for a license under this division, the Chief of Police, Fire Chief, Sealer of Weights and Measures and Community & Economic Development Director shall institute such investigation of the applicant as they deem necessary for the protection of the public good, including compliance with state and local health, safety, and zoning requirements, and the possession of any applicable special or temporary use permits. The City Clerk shall issue approved licenses in accordance with such findings after presentation by the applicant of a receipt of the Director of Finance showing payment of the required fee.

Sec. 9-571. Appeal of denial of license.

If the investigating authority denies an application for a license under this division, the City Clerk shall forthwith notify the applicant by certified mail return receipt requested of the denial and the reason, therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the committee. The Safety and Licensing Committee shall hear any person for or against granting the permit and shall report its recommendation to the Common Council, which shall grant or deny the license.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.