

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

(Safety and Licensing Committee – 8-17-16)

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

Section 1: That Section 9-75(a) 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) Picnic 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) business days. Any application requesting an open concept license must be approved by the Common Council.
- (10) 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 a photo 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 bartender’s

awareness 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).

(11) 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.

(12) Temporary operator licenses.

- a. A temporary operator's license may be issued only to operators employed by, or donating their services to, nonprofit corporations. This license may be issued by the City Clerk to a person who has applied for a temporary beverage operator's license and conforms to the requirements under subsection (10)(c) above.
- 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.

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

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