

**CITY OF PORT WASHINGTON, WISCONSIN  
ORDINANCE NO. 2015-1**

**Relating to Granting of Alcohol Beverage Licenses**

The Common Council of the City of Port Washington, Wisconsin do ordain as follows:

**Section 1.** Section 9.04.040 B. of the Municipal Code of the City of Port Washington, relating to applications for licenses, is amended to read as follows:

**B. Plan of Operation.**

- (1) **Plan Required.** Except as provided in subsection (3) hereof, each application for a new retail Class “B” (fermented malt beverage) or “Class B” (intoxicating liquor) license filed with the City Clerk shall include a written Plan of Operation signed by the applicant, verifying the information submitted therein. The Plan shall include the information requested in the plan questionnaire provided by the City Clerk. An applicant may withhold from the Plan information the applicant considers to be a trade secret under sec. 134.90(1), Wis. Stats., or proprietary information that would give competitors an unfair competitive advantage, provided that the applicant shall state in the application the reasons for withholding such information. Applications lacking a Plan of Operation or any other required information or materials shall not be accepted by the City Clerk.
- (2) **Change of Plan.** If after such license is granted or issued, a licensee intends to make a substantial change to the original Plan of Operation, the licensee shall file a written request with the City Clerk detailing such proposed change. As used in this section, “*substantial change*” means any change: (a) by a corporation, limited liability company or partnership in its name, or in its officers, directors, stockholders, members, managers, or partners, unless the remaining or successor agent under sec. 125.04(6), Wis. Stats. or the remaining or successor manager of the premises as defined in secs. 125.32(1)(a) 1. - 3. and 125.68(1)(a) 1. - 3., Wis. Stats. has been actively and continuously involved in the daily operations of the premises for the one-year period immediately preceding the effective date of such change; (b) in the description of the licensed premises; (c) in the identity of the licensee’s agent or manager of the premises; (d) in the days or hours of operation; or (e) in the food service, if less than 50% of the licensed business’s gross receipts are, or are reasonably expected to be, derived from the sale of food. No change in the original Plan of Operation shall occur until the request has been approved by the Common Council, after review and recommendation by the License Committee.
- (3) **Exceptions.** A Plan of Operation shall not be required of an applicant under subsection (1) hereof where such new license is sought due to any of the following events, provided that for the one-year period immediately preceding the date of application the applicant was actively and continuously involved in the daily operations of the premises as the previous licensee’s agent under sec. 125.04(6), Wis. Stats. or as the previous licensee’s manager of the premises as defined in secs. 125.32(1)(a) 1. - 3. and 125.68(1)(a) 1. - 3., Wis. Stats., and provided further that the applicant makes no change in the name or any substantial change in the prior manner of operation of the business on the premises:
  - (a) Retirement, disability or death of the previous licensee, if a sole proprietor.
  - (b) Sale or transfer of assets to applicant by the previous licensee, if a sole proprietor.
  - (c) Dissolution of, or the sale or transfer of assets to applicant by, the previous licensee, if a corporation, limited liability company or partnership.
  - (d) Formation by the previous licensee, if a sole proprietor, of a corporation, limited liability company or partnership to own or operate the business on the premises.

**Section 2.** Section 9.04.050 F. of the Municipal Code of the City of Port Washington is amended to read as follows:

- F. **Security Plan; License Stipulation; Exception.** Prior to the submission of an application for a new retail Class “B” (fermented malt beverage) or “Class B” (intoxicating liquor) license to the License Committee and the Common Council, the applicant or licensee shall meet with the Police Chief to formulate a security plan for the safe operation and use of the licensed premises. If agreed upon, the terms of a security plan shall be attached to and incorporated in the applicant’s Plan of Operation under Section 9.04.040 B.(1) and/or in a written license stipulation between the applicant or licensee and the City. No condition which is part of a security plan or license stipulation may be in conflict with the Wisconsin Statutes, any city ordinances regulating alcohol beverages, or any other condition authorized to be placed upon a license by the Common Council. The Police Chief shall provide a copy of the contents of the security plan and/or license stipulation to the applicant or licensee, and shall include the same in the Chief’s written recommendations to the City Clerk. Notwithstanding the foregoing, a proposed security plan shall be provided by an applicant who is exempt from a Plan of Operation under Section 9.04.040 B.(3), and, prior to such license being issued, said applicant shall meet with the Police Chief to discuss the proposed security plan and business operations and practices to promote the safe operation and use of the licensed premises.

**Section 3.** This ordinance shall become effective upon passage and publication as required by law.

Passed and approved this 3rd day of February, 2015.

ATTEST:

  
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Susan Westerbeke, City Clerk

  
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Thomas Mlada, Mayor