

1983 Assembly Bill 896

Date of enactment: **May 10, 1984**

Date of publication: **May 18, 1984**

1983 Wisconsin Act 516

AN ACT to renumber and amend 125.04 (11) (a) and (b) and 125.51 (1) (c); to amend 125.04 (11) (a) (title) and (b) (title) and 125.12 (2) (a) and (b) and (3); and to create 125.04 (11) (b) 1 and 2 and 125.51 (1) (c) 2 of the statutes, relating to alcohol beverage license revocations, suspensions, nonrenewals and expiration dates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.04 (11) (a) (title) and (b) (title) of the statutes are amended to read:

125.04 (11) (a) (title) *Permits.*

(b) (title) *Licenses.*

SECTION 2. 125.04 (11) (a) and (b) of the statutes are renumbered 125.04 (11) (a) 1 and 2 and amended to read:

125.04 (11) (a) 1. ~~Licenses and retail~~ Retail permits to sell alcohol beverages shall expire on June 30 of each year.

2. All permits, other than those under ~~par. (a)~~ subd. 1, shall expire on December 31 of each year.

SECTION 3. 125.04 (11) (b) 1 and 2 of the statutes are created to read:

125.04 (11) (b) 1. The municipal governing body of a 1st class city may issue a retail license for the sale of alcohol beverages at any time during a year. Each license shall be valid for one year and shall specify its date of expiration.

2. All licenses other than those specified under subd. 1 shall expire on June 30 of each year.

SECTION 4. 125.12 (2) (a) and (b) and (3) of the statutes are amended to read:

125.12 (2) (a) *Complaint; summons.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging that a person holding a license issued under this chapter by the municipality has violated this chapter or municipal regulations adopted under s. 125.10, keeps or maintains a disorderly or riotous, indecent or improper house, has sold or given away alcohol beverages to known habitual drunkards or does not possess the qualifications required under this chapter to hold the license. Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b) *Procedure on hearing.* 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. ~~If, upon the hearing, is held before the municipal governing body finds and the complaint is found~~ to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of ~~the~~ each suspension or revocation to the person whose license is suspended or revoked.

5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (a).

(3) REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES. A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (a). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of ~~its~~ the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3 and the city council shall follow the procedure specified under that subdivision in making its determination.

SECTION 5. 125.51 (1) (c) of the statutes is renumbered 125.51 (1) (c) 1 and amended to read:

125.51 (1) (c) 1. ~~The~~ Except as provided in subd. 2, the municipal governing body, or the duly authorized committee of a city council, shall meet not later than May 15 of each year, and be in session from day to day thereafter so long as may be necessary, for the purpose of acting upon license applications filed with it on or before April 15. The governing body or committee shall grant, issue or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The governing body or committee may accept and act upon any application filed at any other time. As soon as a license is granted, a copy of the application for the license shall be forwarded to the department. The governing body or committee may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in its clerk's minutes.

SECTION 6. 125.51 (1) (c) 2 of the statutes is created to read:

125.51 (1) (c) 2. The governing body of a 1st class city shall establish and publish notice of the dates on which it, or its duly authorized committee, will meet and act on license applications.

SECTION 7. Nonstatutory provisions. Notwithstanding sections 125.26 (4) and 125.51 (2) (d) and (3) (e) of the statutes, and section 125.04 (11) (b) 1 of the statutes, as created by this act, the governing body of a 1st class city, in order to establish a schedule of varying expiration dates for retail alcohol beverage licenses, may, for a one-year period beginning on the July 1 following the effective date of this section, issue retail alcohol beverage licenses valid for periods of more or less than one year. The governing body shall prorate the fees for licenses issued under this section according to the length of time for which each license is valid.

SECTION 8. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
125.56 (2) (d)	125.04 (11)	125.04 (11)(a)
125.61 (4)	125.04 (11)	125.04 (11)(a)
