

ORDINANCE 2008-08

–To Amend §5.08.040 A. and to Create  
§§5.08.045, 5.08.047 and 5.08.200 of the City Code;  
Liquor License Applications and Approval Criteria–

THE COMMON COUNCIL OF THE CITY OF RIVER FALLS DOES HEREBY ORDAIN AS  
FOLLOWS:

Section One: That §5.08.040 A. of the City Code be amended to read:

A. Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the city clerk. Each application shall contain all information required of the applicant under Ch. 125, Wis. Stats., and shall be supplemented with such additional and further information as is required under §5.08.045.

Section Two: That §§5.08.045 5.08.047 and 5.08.200 be created to read:

5.08.045 Information Requirements: License Applications

A. This section is adopted in accord with the powers reserved to the City pursuant to §125.10, Wis. Stats., which authorizes the City to adopt additional regulations for the sale of alcohol beverages not in conflict with Ch. 125, Wis. Stats.

B. Each applicant shall fill out the form application prescribed by the State Department of Revenue but shall, in addition to the information required thereunder, supply the following information on the prescribed form to the City Clerk.

1. A diagram or sketch plan showing the approximate dimensions and physical layout of the premises proposed to be licensed, including but not limited to all interior space proposed to be licensed, as well as exterior space situated on the same legally described lot or parcel of real estate as that of the interior space, which shall be specifically identified to facilitate Common Council analysis of the nature and extent of the proposed licensed premises.

2. The number of employees anticipated to be hired or retained for purposes of operating the licensed facility, including but not limited to staff and security personnel.
3. Security information outlining the following components thereof:
  - a. The location of entrances and exits to and from the licensed premises.
  - b. A stated commitment to provided initial and on-going training to employees to include, alcohol consumption by employees while on-duty, use of force, gambling laws, dealing with customers who are disorderly, intoxicated or incapacitated by alcohol and procedures to be implemented to deter underage drinking of alcohol and loitering on the premises, together with procedures pertaining to control of the sale of tobacco products.
  - c. Proposed occupancy limits, if different from limits established by City Code.
  - d. Statement regarding ability and willingness of license holder to work cooperatively with City to deal with potential community and law enforcement issues, such as neighborhood complaints, littering, disorderly conduct and related community issues related to the alcohol license requested or issued.
4. Statement identifying likely types of promotional events or entertainment as a means of attracting business.
5. Statement identifying the projected market, whether by age or other category, which the applicant is seeking to attract to the licensed establishment.
6. Food sales plan, including the anticipated ratio of gross value of sales of food versus that of sales of alcohol.
7. Statement the applicant will carry insurance liability coverage appropriate for their business.
8. Such other and further information as may be required of it by the Common Council.

C. With the express exception of the requirements of B. 1., above, which shall apply to all applicants for licenses, the provisions of this section shall apply initially to those persons who on or after the effective date apply for the first time

for a license under Ch. 5.08. However, it is the intent of the City that for each licensee who is required to comply with the information submittal requirements of this section at the time of initial application, said licensee may be required by the City to update information required in B above prior to renewal if so directed.

#### 5.08.047 Analysis of License Applications; Criteria for Approval

Each application for a license submitted containing the information required under §§5.08.040 and 5.08.045 shall be considered upon the basis of the following criteria, it being the further position of the City that such analysis is warranted so as to assist in protecting and promoting the health, safety and welfare of the citizens of River Falls. In addition and in accord with Wisconsin law, obtaining a license is deemed to be a privilege and the control of the sale of alcohol beverages is deserving of special regulation, thus occasioning the ability of the Common Council to review information submitted in accord with the following criteria in determining whether or not to issue a new license. Scott v. Village of Kewaskum, 786 F.2d 338 (7 Circ., 1986). Accordingly, the Common Council is advised in the premises that no person who applies for a license is automatically entitled to be approved for licensure and that even a nominally qualified applicant does not have the right to a license. Marquette Sav. & Loan Asso. v. Village of Twin Lakes, 38 Wis.2d 310 (1968). The Common Council also reserves the right to modify the designation of proposed licensed premises where it deems it to be in the interests of the public health, safety and welfare.

In the course of its review of applications for both new and renewal licenses, the City shall take into consideration these criteria:

- A. The applicant's application materials submitted under §§5.08.040 and 5.08.045.
- B. Consistency between the proposed use of the described premises for the sale of alcohol beverages with existing zoning and other police power regulations of the City.
- C. Concerns of the City pertaining to issues of operating motor vehicles while intoxicated or incapacitated by the consumption of alcohol beverages.
- D. Neighborhood circumstances, including but not limited to:
  - (1) The location in close proximity to the proposed licensed premises of other licensed premises.
  - (2) The relative concentration of other licensed premises in the immediate vicinity of the premises proposed for licensing.

(3) Considerations of community concerns in relationship to the licensure of additional premises for the sale of alcohol beverages, either locally or on a city-wide basis.

E. An examination of the history of the proposed licensed premises as pertaining to its prior use for or in relationship to the sale of alcohol beverages and incidences of police and other emergency calls to said premises, if previously licensed in the name of another person.

F. Consideration of the types of business enterprises which may have use for a license and which the Common Council desires to attract to the City, given the limited number of available licenses and the relationship of the proposed licensee to said type of enterprise.

G. The impact of the granting of the license upon other licensed premises within a reasonable proximity of the proposed licensed premises.

H. The impact of the proposed licensed premises upon vehicular and pedestrian traffic patterns and frequency.

I. The impact of the operation of the licensed premises upon the peace and cleanliness of the neighborhood in which it is situated.

J. Availability of adequate on or off street parking to serve the needs of its projected customers.

K. The proximity of the proposed licensed premises to residentially zoned properties, and existing schools, hospitals and places of worship.

L. The ability of the Police Department to enforce City Code and state laws as pertaining to the operation of the proposed premises given the nature of the proposed alcohol related business and demands for its services, generally, in the City at the time of proposed licensure.

M. Examination of the personal history of the person applying for the license as said history pertains to eligibility for licensure.

N. Fire and safety issues as pertaining to the proposed licensed premises.

O. Such other and further criteria as will in the opinion of the Common Council on a case by case basis advance and promote the public interest in its health, safety and welfare in the process of determining whether or not to issue a given license.

P. The provisions of Ch. 125, Wis. Stats., as well as provisions of Ch. 5.08 and other ordinances of the City.

5.08.200 Definitions. The following definitions shall be applied to terms in this Chapter.

“Alcohol beverages” means fermented malt beverages and intoxicating liquor.

“Application” means the written request filed by an applicant for either a new or renewal alcohol beverages license.

“License” means a license, granted under this Chapter and Ch. 125, Wis. Stats., as authorization to sell alcohol beverages.

Section Three: That this Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 22nd day of April, 2008.

**CITY OF RIVER FALLS**

By: Don Richards  
Don Richards, Mayor

ATTEST:

By: Lu Ann Hecht  
Lu Ann Hecht, City Clerk

Approved: April 22, 2008  
Published: May 1, 2008