

(6) Qualifications of Applicants and Premises.

- (a) **Statutory Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" licenses shall be granted only to persons who are citizens of the United States and who have been residents of the state of Wisconsin continuously for at least 90 days prior to the date of the application. See Sections 125.04 and 125.33(5), Wis. Stats.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons as allowed by Wisconsin law.
- (e) **Corporate Restrictions.**
  - 1. No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sections 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Section 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of Sections 125.04(a)1 and 3 and (b), Wis. Stats., and unless the agent of the corporation appointed under Section 125.04(6), Wis. Stats., meets the qualifications under Section 125.04(3)(a)2, Wis. Stats. The requirement that the corporation meet the qualifications under Sections 125.04(a)1 and (b), Wis. Stats., does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - 2. No license shall be granted to any corporation when more than 50% of the voting shares of stock, or legal or beneficial interest therein is held by any person or persons not eligible for a license under this section and under the procedure established in Section 125.12, Wis. Stats.
  - 3. Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the City Clerk a statement of transfers of stock within 48 hours after such transfer of stock.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Section 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both license and permit are issued simultaneously, both are void.
- (h) **Issuance for Sales in Dwellings Prohibited.** No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.
- (i) **Licensed Premises.** All sales of intoxicating liquor and fermented malt beverages within the City of Elkhorn shall be limited to and shall be made upon the premises described within the license granted by the Common Council.
- (j) **License Quota.** The number of persons and places that may be granted a "Class B" intoxicating liquor license under this section is limited as provided in Section 125.51(4), Wis. Stats.
- (k) **Removed by Ord. No. 17-13.**
- (l) **Visibility.** No premises licensed for the sale or consumption of alcoholic beverages shall during the times they are required to close or during the hours in which the sale of liquor or malt beverages is prohibited, obstruct by the use of curtains, blinds, screens or any other manner, a full and complete view of the interior from the outside. The premises shall be

properly and adequately lighted during the hours in which the sale of alcohol beverages is permitted.

(7) Investigation.

- (a) The City Clerk, on behalf of the Common Council's Legislative and Regulatory Committee, shall notify the Chief of Police, Fire Inspector, Building Inspector and Zoning Administrator of each new and renewal application, and these officials shall inspect or cause to be inspected each application and the premises, 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. The Police Department shall conduct an investigation of the applicant, including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. These officials shall furnish to the City Clerk in writing, who shall forward to the Legislative and Regulatory Committee, the information derived from such investigation. The Legislative and Regulatory Committee will make a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.
- (b) If the Legislative and Regulatory Committee recommends the denial of the application, the applicant shall be notified by the City Clerk at not less than 3 nor more than 10 days prior to the Council meeting at which the application is to be considered. The notice shall set forth the basis for such recommendation and inform the applicant of the opportunity to appear before the Common Council.
- (c) In determining whether to grant such license, consideration shall be given to the arrest and conviction record of the applicant, subject to Sections 125.12(3) and 125.12(3m), Wis. Stats.