

ORDINANCE NO. 76

ORDINANCE #76: AN ORDINANCE PRESCRIBING AND REGULATING EJECTION, EXCLUSION, AND DISORDERLY CONDUCT AT THE MUNICIPAL LIQUOR DISPENSARY, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The manager of the liquor store or any person who is in effective charge of the store may require persons who have been excluded from the municipal liquor store pursuant to ordinance #76, or who are engaging in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people on the premises to leave the store. If necessary, the liquor store manager or any person in effective charge may request the assistance of local law enforcement officers.

PROCEDURE FOR EXCLUSION OF PERSONS FROM STORE.

(a) If in the opinion of the liquor store manager, a person has demonstrated the propensity to engage in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people in the liquor store, the manager may file a written complaint with the City Council briefly reciting the facts which support that opinion.

(b) In addition to the procedure provided in (a), the council may on its own motion begin proceedings to exclude any person from the municipal liquor store. Such motion shall state the complaint against the individual.

(c) Upon such filing of a complaint by the manager pursuant to (a), or passage of a council motion pursuant to (b) above, that persons privilege to enter the store or to buy or be served intoxicants in the municipal liquor store shall be provisionally terminated. The City Council shall give written notice to the individual named in the complaint, and that notice shall describe the complaint and state that the individual may request a hearing concerning the complaint as provided for in Sub. (d). of ordinance #76.

(d) Any individual named in exclusion proceedings begun under (a) or (b) above, may request a hearing before the City Council by filing a written request for such a hearing within 10 days after the day of service of the notice of exclusion from the municipal liquor store. The clerk shall then set a time and place for the hearing and shall notify the City Council members and the individual of the hearing in whatever manner the clerk deems practicable. The hearing shall be held not less than 3 days and not more than 15 days after the request is filed. Such hearing shall be held at the time and place designated before a quorum of the City Council. The liquor store manager and the individual named in the complaint may call any person to testify at the hearing under oath. The Council shall determine if the individual named in the complaint has demonstrated the propensity to engage in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people in the liquor store.

(e) If the Council determines after the hearing that the individual named in the complaint has demonstrated the propensity to engage in such conduct or if the individual fails to request a hearing, the Council may order the individual to be excluded from the liquor store for an indefinite period or for a set period of time. The Council may upon its own motion or upon application of any interested party, modify, amend, or revoke its order.

PENALTY

Any person violating the provisions set forth by the City Council in this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed 90 days, or both, plus the costs of prosecution.

EFFECT

This ordinance shall take effect and be in force from and after its passage and publication.

Passed by this City Council this 9th day of August 1989.

Approved,

Herbert A. ...  
MAYOR

First reading August 29, 1989

Second reading September 5, 1989

Published \_\_\_\_\_

(Seal) Third reading September 13, 1989 (adopted)

Attest:

Christa Kumpke  
CITY CLERK