

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

SUMMONS

The Licenses Committee of the Common Council of the City of Milwaukee

TO: Mary Kay Brown
7809 W Hadley St
Milwaukee, WI 53222

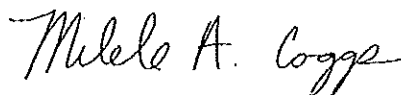
Via US Mail and personal service

Pursuant to sections 101-23.7 and 85-3 to 85-5, of the Code of Ordinances of the City of Milwaukee, you are hereby commanded to appear before the Licenses Committee of the Common Council of the City of Milwaukee at its meeting in Room 301-B, City Hall, 200 East Wells Street, in the City and County of Milwaukee, State of Wisconsin at 1:30 pm on Tuesday, March 26, 2024 or virtually at <https://meet.goto.com/913368045>. You can also dial in using your phone at 408-650-3123 access code 913-368-045. The hearing is being initiated because of the City of Milwaukee's receipt of a signed and sworn complaint filed by Richard Yehl and Sandra Yehl. A copy of the above-referenced complaint is attached hereto, as well as of sections 101-23.7 and 85-3 to 85-5, of the Code of Ordinances of the City of Milwaukee.

On March 26, 2024 at 1:30 pm, or as soon as practical thereafter, you will be given an opportunity to speak on your own behalf, and to respond to and challenge any charges or reasons given by witnesses at the aforementioned hearing in support of a revocation or suspension of your licenses. You may present your own supporting witnesses, under oath, at this hearing, and you may also confront and cross-examine opposing witnesses. If you wish to do so, and at your own expense, you may be accompanied by an attorney or interpreter of your own choosing to represent you at this hearing.

If you, Mary Kay Brown, fail to appear before the committee, as required by the summons, the committee may proceed to consider the allegations of the complaint which shall be taken as true. Upon conclusion of the hearing, the committee will prepare a written report and recommendation to the Common Council and shall provide you with a copy of the report and recommendation. If the committee determines that the allegations are sufficient and the circumstances warrant it, the law permits your loading zone permit to be revoked or suspended.

Dated as of the 14th day of March, 2024



ALDERWOMAN MILELE A. COGGS
CHAIR, LICENSES COMMITTEE



JAMES R. OWCZARSKI
CITY CLERK

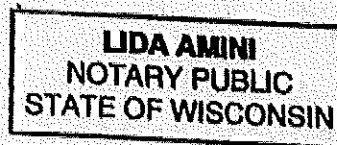
Objections to the loading zone sign in front of 3536 N. 93rd. St. Milwaukee, Wisconsin 53222

- 1. NO One has lived in this house since it was bought by the present owner over 10 years Ago.**
- 2. The driveway on the property is being used for unloading from a car.**
- 3. The designated zone between driveways is not being used.**
- 4. Richard Yehl has been handicapped with Char Cot foot and diabetes for over 10 years and has a handicapped sticker. He is limited to amount of full weight walking.**
- 5. Diabetes Dr. is Jeffrey Reichel DO 414-771-8228**
- 6. Foot Dr. is Sean E. Wilson DPM 262-395-4141**
- 7. A fire hydrant is in front of our house (3600 N. 93rd. St.) If that spot is used its not easy to get to the hydrant if there was a fire in the neighborhood.**
- 8. It is for these reasons we'd like the load zone sign removed – so we have a close place to park and have a safer neighborhood.**

9.

Lida Amini

Lida Amini



Richard J. Yehl 1-21-2024
Sandra Reichel 3-27-2024

February 1 on the opposite side at certain locations within the City of Milwaukee.

Specific locations to be found in common council File #85-968, on file in the office of the city clerk; and the code on file in the legislative reference bureau.

d. Extensions. The parking regulations in pars. a and c may be extended by emergency order of the commissioner of public works.

11. HEAVY TRUCK PARKING PROHIBITED. a. No semitrailer or truck tractor as defined in s. 340.01(57) and (73), Wis. Stats., or any vehicle in excess of 3 tons may park on any through highway which permits heavy traffic. Specific locations shall be designated by the common council. A list of locations may be found in the common council's proceedings, the official record on file in the city clerk's office and in the code on file in the legislative reference bureau.

b. This subsection does not prohibit the temporary parking of such vehicles while they are being used to perform a service or make a delivery.

101-23.2. Vehicles Prohibited from Parking or Standing. 1. DEFINITIONS. a. "Vehicle" means a motor vehicle, motor truck, motor bus, wagon, trailer, or another means of conveyance, but does not include a dumpster or other container permitted pursuant to ss. 115-10 to 115-11.5.

b. "Junk" has the meaning provided in s. 92-3-10.

c. "Valuable metal" has the meaning provided in s. 93-3-30.

d. "Waste tire" has the meaning provided in s. 93-3-31.

2. PROHIBITED. Vehicles used in activities subject to licensure under ch. 93 and in which junk, valuable metal, waste tires or other material regulated under ch. 93 is collected or stored shall not be parked or left standing on the highways of the city.

3. EXCEPTIONS. To the extent that a vehicle is otherwise in compliance with the code, such vehicle may be parked or left standing on the highways of the city while actively engaged in loading or unloading and such vehicle is not left unattended for a period greater than 10 minutes.

101-23.5. Parking on Private Property. No person shall, without the permission of the owner or lessee of any private property, leave or park any motor vehicle thereon, contrary to a posted sign thereon, if there is in plain view on such property a No Parking sign, or a sign indicating

limited or restricted parking. Owners or lessees of such property may prohibit parking, may restrict or limit parking and may permit parking by certain persons and prohibit it or limit it as to other persons. All signs installed shall comply with applicable provisions of the code.

101-23.7. Loading and Unloading Zone Permits.

1. DEFINITIONS. In this section:

a. "Commercial vehicle" means a motor vehicle used primarily for the movement of property or special-purpose equipment as opposed to persons, or a motor vehicle that is designed to carry 10 or more persons. Such vehicles shall display permanently painted or sealed/adhered and plainly marked, the name of the business owning or utilizing the vehicles. Commercial vehicles include vehicles commonly called delivery vans, buses and other similar vehicles.

b. "Disabled person" means an individual who submits, at the time an original or renewal loading zone permit is applied for, a statement from a physician or chiropractor licensed to practice in any state or a Christian Science practitioner residing in the state of Wisconsin certifying the individual meets any of the following, though specifically omitting any descriptions, list of symptoms, diagnosis or any other details of the exact nature of the individual's physical or mental ailment:

b-1. The individual is a person with a disability that limits or impairs the ability to walk. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end.

b-2. The individual is blind, meaning the individual has central visual acuity that does not exceed 20/200 in the better eye with correcting lenses or a visual field that subtends an angle no greater than 20 degrees. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end.

b-3. The individual is visually impaired, meaning the individual has a loss of vision that can reasonably be expected to lead to blindness or a loss of vision that represents a handicap to employment or other major life activity. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end.

b-4. The individual has a disability, such as, but not limited to, Alzheimer's disease, delayed mental development or brain injury, which compromises the individual's problem-

101-23.7-2 Traffic Code

solving or reasoning skills and which makes it necessary for the individual to receive assistance in moving safely between the individual's residence and any vehicle that transports the individual. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end.

c. "Nonprofit organization" means a federal, state or local unit of government or agency thereof, a public or private elementary, secondary or post-secondary school, or an organization that is described in s. 501(c)(3) of the internal revenue code of the United States of America and is exempt from taxation under s. 501(a) of this code.

2. POLICY. a. Loading and unloading zones are for the use of the general public and are not restricted solely for the use of the permit holders or their patrons.

b. Loading and unloading zones are to be used for the purpose of, and while actively engaged in, loading or unloading property or passengers. Loading zones are not considered parking spaces.

3. LOADING-UNLOADING PRIVILEGE. Permits setting aside curb space for loading and unloading zones in front of commercial establishments may be granted only to the owners of such property and only upon application therefore and the decision of the common council. Residential loading zone permits may only be granted to households containing disabled persons and shall be for 30-foot loading zones only and only upon application therefore and the decision of the common council.

4. APPLICATION. a. Any person, firm, corporation or organization desiring a loading and unloading zone shall, before an original or renewal permit is issued, file a written application with the city clerk on a form provided therefor. The application shall require:

a-1. The name of the person, firm, corporation or organization seeking the loading and unloading zone permit. If the applicant is a corporation or limited liability company, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation.

a-2. The exact location and extent of the building in front of which the loading and unloading zone is to be located as well as the proposed length and hours of operation of the loading and unloading zone.

a-3. The reason or reasons for which the loading and unloading zone permit is being sought.

a-4. The name, address and phone number of a contact person. The contact person shall be the applicant, if an individual; a partner, if a partnership; a duly authorized agent or officer, if a corporation; or a duly authorized agent or member, if a limited liability company. The application shall be signed by the contact person.

b. Copy for Council Member. The city clerk shall, upon receipt of a written application for a loading and unloading zone permit, serve a copy of the application upon the common council member in whose district the permit is sought. If a disabled person is applying for the transfer of a loading and unloading zone permit to a new location pursuant to s. 81-70-6, the city clerk shall serve a copy of the application upon the common council member in whose district the new loading and unloading zone would be located.

5. ISSUANCE. a. Applications shall be referred to the commissioner of public works who shall cause an investigation to be made and prepare a recommendation to the common council as to whether the requested permit should be granted. In addition, the common council member in whose district the permit is sought shall file his or her recommendation with respect to the requested permit with the city clerk. In all cases, the standard for determining the appropriateness, location and size of any regulated loading and unloading zone shall be the public welfare.

b. In preparing their recommendations regarding loading and unloading zones, the commissioner of public works and the common council member may consider any of the following:

b-1. The nature of land use in the block in which the loading and unloading zone is requested.

b-2. The availability of parking in the block in which the loading and unloading zone is requested.

b-3. The roadway geometrics in the block in which the loading and unloading zone is requested.

b-4. The hours of the day or night when use of the loading and unloading zone is necessary or most convenient.

b-5. The likely impact of the requested loading and unloading zone on the surrounding neighborhood.

b-6. In the case of residential loading and unloading zones for disabled persons, the validity of the disability claimed.

c. If both the common council member and the commissioner recommend in favor of an application, the application shall be forwarded to the common council for approval. If either the common council member or the commissioner recommends against an application, no permit shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the commissioner and the common council member. Appeals shall be forwarded to the licensing committee for its recommendation as to whether each permit should be granted. The committee shall hold a hearing on whether to grant each permit for which an appeal has been requested. No hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of denial of the permit application exists and the reasons or possible denial.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

d. At the hearing, the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

e. A due process hearing shall be conducted in the following manner:

e-1. All witnesses will be sworn in.

e-2. The chair shall ask those opposed to the granting of the permit to proceed first.

e-3. The applicant shall be permitted an opportunity to cross-examine.

e-4. After the conclusion of the opponents' testimony, the applicant shall be

permitted to present the applicant's own witnesses, subject to cross-examination.

e-5. Committee members may ask questions of witnesses.

e-6. Both proponents and opponents shall be permitted a brief summary statement.

f. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether the permit should be granted may be presented on the following subjects:

f-1. Whether the applicant meets the municipal requirements.

f-2. Any of the factors enumerated in par. b.

g. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

6. FEES. See s. 81-70 for the required permit fees, terms and refunds.

7. RENEWAL OF PERMITS.

a. Procedure for Renewal. Applications for renewal of loading and unloading zone permits shall be made to the city clerk. The application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 30 days prior to the date on which the permit expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made by either the city clerk or the commissioner that the applicant no longer meets the permitting qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 9 shall govern.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 9.

d. Disqualification. Whenever any permit is denied renewal, it shall be entered on the record by the city clerk and no loading and unloading permit shall be granted to the same person for that location for a period of 12 months following the date of non-renewal.

101-24 Traffic Code

e. Surrender. When any permit is surrendered in lieu of a pending non-renewal proceeding, no other loading and unloading permit shall be granted to the same person for that location for a period of 12 months following the date of its surrender.

8. REVOCATION OF PERMITS.

Any permit issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

9. DUE PROCESS HEARING AND COMMON COUNCIL REVIEW.

a. Committee Hearing and Review. If there is a possibility that the permitting committee will not recommend renewal of the permit, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

b. Grounds for Non-renewal. The recommendation of the committee regarding the permit shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

b-1. Failure of the permittee to meet the municipal qualifications.

b-2. Permitting the loading and unloading zone to be used as a parking space by vehicles not actually engaged in loading or unloading.

b-3. The death of the disabled person for whom the loading and unloading zone permit was issued.

b-4. Evidence related by the department of public works that the circumstances for which the permit was first issued no longer pertain.

b-5. Any other factor which reasonably relates to the public health, safety and welfare.

10. REQUEST TO SURRENDER A PERMIT. If a permittee wishes to surrender his or her permit after receiving a notice for a hearing on non-renewal or revocation, the permittee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

11. CHANGE OF CIRCUMSTANCE.

a. When a disabled person for whom a loading and unloading zone permit is issued dies or is no longer disabled as defined by this section, the loading and unloading zone permit issued for this person shall be surrendered to the city clerk within 30 days of the change of circumstance, unless the permit is transferred under s. 85-19.

b. Any permittee wishing to alter the length of an existing loading and unloading zone or alter the hours during which an existing loading and unloading zone is in effect, shall file a new application and pay the appropriate fee as required by sub. 4.

12. TRANSFER OF LICENSE OR CHANGE OF NAME.

a. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

b. Except for permits issued to disabled persons, permits issued under this section shall not be transferred from one premises to another under s. 85-19-2. The common council may approve the transfer of a loading zone permit issued to a disabled person to another location in the city at no charge if the permittee moves to a different residence during the period for which the permit was issued and the permittee submits a new loading zone permit application to the city clerk.

c. A loading zone permit issued to a disabled person may be transferred to another member of the person's household at no charge. Such transfer may occur only if the permittee or the person to whom the permit is being transferred submits to the common council evidence that the person to whom the permit is being transferred is a disabled person as defined in s. 101-23.7-1-b.

101-24. Creation and Marking Tow-away Zones.

1. LOCATIONS. There shall be no stopping or standing of vehicles in the following locations which shall be defined as "tow-away zones" which shall be in effect during the times indicated and as "snow emergency tow-away zones" which shall be in effect during a snow emergency declared under s. 101-26. The provisions of s. 101-27-3-a relating to alternate side parking do not apply to these locations. Specific locations are to be found in the common council proceedings; the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

4. **RECOMMENDATION.** The recommendation of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

a. Whether or not the applicant meets the municipal requirements.

b. The appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application.

c. The fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought, whether the proposal is consistent with any pertinent neighborhood business or development plans, or proximity to areas where children are typically present.

d. The applicant's record in operating similarly licensed premises.

e. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for.

f. Any other factors which reasonably relate to the public health, safety and welfare.

5. **FACTORS NOT CONSIDERED FOR RECOMMENDATION.** The recommendations of the committee regarding the applicant shall not be based on evidence presented at the hearing related to the type or content of any music, or the actual or likely financial or non-financial effects on actual or potential competitors.

6. **Committee Decision.** The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later

date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. **DOCUMENT.** If the common council grants the application for a license, the city clerk, or other city official or department authorized by the code to issue licenses, shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

85-3. Notice and Service. 1. **NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION.** a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council's intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

85-4 License and Permit Procedures

2. SERVICE OF DOCUMENTS.

Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the same in the United States first class mail, postage prepaid. Hearing notices shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing.

3. OBJECTIONS. a. How Made.

Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 90-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. Exception. If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

85-4. Hearing Procedure; Non-Renewal, Suspension or Revocation. 1. **AUTHORITY OF COMMITTEE.** The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

1.5. MULTIPLE LICENSE TYPES.

When the committee conducts a hearing relating to the possible denial, non-renewal, suspension or revocation of a business type license and the licensee holds one or more other types of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

2. **COMMITTEE HEARING PROCEDURE.** a. The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. Unless expressly provided elsewhere in this code, the chair shall advise the licensee and parties seeking nonrenewal, suspension or revocation of the license that each side will be limited to 30 minutes for testimony and oral argument. This time may be extended by the chair, subject to approval by the committee, if additional time is necessary for a full and fair presentation of the facts and arguments. When permitted by the chair, questioning by committee members and relevant responses shall not count against the time limitation. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

3. RECORD. An electronic or stenographic record shall be made of all licensing proceedings before the licensing committee and the common council. An electronic record shall audibly, accurately and completely reflect the testimony and statements made by participants in the proceedings. Recordings shall be maintained in a manner prescribed by the city clerk. An electronic record shall be made available for stenographic transcription or for transcription by other means at the expense of the person or party seeking the transcription of all or any portion of the record.

4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION. The recommendations of the committee regarding the applicant shall be based on the preponderance of evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

- a. Failure of the applicant to meet municipal qualifications.
- b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant.
- c. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following:
 - c-1. Disturbance of the peace.
 - c-2. Illegal drug activity.
 - c-3. Public drunkenness.
 - c-4. Drinking in public.
 - c-5. Harassment of passers-by.
 - c-6. Gambling.
 - c-7. Prostitution.
 - c-8. Sale of stolen goods.
 - c-9. Public urination.
 - c-10. Theft.
 - c-11. Assaults.
 - c-12. Battery.
 - c-13. Acts of vandalism including graffiti.
 - c-14. Excessive littering.
 - c-15. Loitering.
 - c-16. Illegal parking.
 - c-17. Loud noise at times when the licensed premise is open for business.

- c-18. Traffic violations.
- c-19. Curfew violations.
- c-20. Lewd conduct.
- c-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- c-22. Any other factor which reasonably relates to the public health, safety and welfare.
- c-23. Failure to comply with the approved plan of operation.

5. HEARING OFFICER. Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employee of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the common council for action as provided in sub. 6.

6. COMMITTEE REPORT. The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no more than 90 days.

85-5 License and Permit Procedures

85-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the council have not read the recommendation and

report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date the common council takes action to suspend the license or permit, or on the date of the expiration of the license or permit, whichever is later. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

g. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.