

ORDINANCE NO.: 5081

AN ORDINANCE to create Sec. 4-19 and to amend Secs. 4-43 and 4-44 of the Code of Ordinances of the City of La Crosse regarding active use of an alcohol license and commencing and discontinuing operations involving an alcohol license.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 4-19 is hereby created to read as follows:

Sec. 4-19. Active Use of License.

Except for Temporary Class "B"/"Class B" (picnic) license, all licenses issued under this chapter shall be actively utilized. Actively utilized shall mean open for business with regular and consistent operating hours. If a license is not actively used throughout any 90-day period, the license shall be subject to revocation or suspension pursuant to section 4-82. Periodic or sporadic use of the license during any 90-day period shall not be considered active use.

Upon citizen complaint or reliable evidence obtained by the City Clerk of inactivity or inconsistent use, the City Clerk shall issue written notice of potential violations to the license holder. The license holder shall have 30 days to provide any and all evidence of active and consistent utilization for the current license period. Failure to provide such evidence will be considered proof of violation of the above condition of license and grounds for revocation and subject the license to revocation or suspension pursuant to section. 4-82.

SECTION II: Section 4-43 is hereby amended to read as follows:

Sec. 4-43. - Commencing operations.

Within 90 days from the granting of a retail "Class A" or "Class B" intoxicating liquor license or "Class C" wine license, the licensee shall be open for business with stock and equipment. In the event of the licensee's failure to do business within such time, such license shall be subject to revocation by the Common Council after an opportunity for a hearing has been given to such licensee.

SECTION III: Section 4-44 is hereby amended to read as follows:

Sec. 4-44. - Discontinuing operations.

No retail "Class A", "Class B" or "Class C" licensee shall discontinue the sale of intoxicating liquor for a period exceeding 90 days during the license year ~~without the express consent of the Common Council~~ without first providing with its application for the license year the specific dates of proposed discontinuance of intoxicating liquor sales. The Common Council shall approve or deny any request to discontinue the sale of intoxicating liquor for a period exceeding 90 days at the time of granting said license.

SECTION IV: Section 4-83 to 4-107 will be unused and marked Reserved.

SECTION V: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

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

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 3/14/19
Approved: 3/18/19
Published: 3/23/19