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Port officials start fine-tuning regulations that will require new applicants to submit detailed business plans

Port Washington officials on Tuesday took the first step in tightening up the process to issue and revoke a liquor license.

Most of the proposed changes affect applicants for new liquor licenses who, if the new ordinance is approved, must submit significantly more information to the city before their application can be approved.

For example, liquor license applicants will be required to provide a detailed business plan to the city for approval and, in subsequent years, to obtain city approval for any substantive changes to that plan.

“Essentially this will tell you what a new operation would look like,” City Attorney Eric Eberhardt told the Common Council.

Among the information to be included in the business plan is whether the applicant is buying or leasing the facility, any anticipated building improvements, the names and training of the manager, bar staff and security staff, business hours, types of music, food and entertainment offered, the targeted clientele, the potential impact on the neighborhood and police services and how it will meet city ordinances

Applicants would also be required to meet with the police chief to negotiate a security plan that could include video monitoring of the inside and outside of the premises on equipment compatible with the police department’s. The plan would become part of a license stipulation that would be incorporated into the license agreement.

The stipulation could also include prohibitions on the sale of unlimited beverages for a fixed price, among other things.

New and renewing license applicants would be required to have their premises inspected by the police and fire chiefs and the building inspector, who can then make recommendations to the Common Council.

The proposed licensing changes were largely modeled on Green Bay’s licensing procedures, Eberhardt said.

The city would not require business or security plans for current license holders who want to renew their licenses, Eberhardt said.

“A liquor license is a privilege, not a right, so conditions can be placed on a new license,” he said.

But existing holders of the licenses have vested rights and, unless they violate the law, there is a presumption the license will be renewed, Eberhardt said.

However, if there are problems with an existing tavern, the city could ticket the business and then negotiate reasonable conditions with the owner, he said.

The ordinance changes would also replace the existing demerit point system for violations — a process Eberhardt said he can't recall being used in the 14 years he's been city attorney.

The new ordinance incorporates state law, which he said prohibits such things as keeping a "riotous house" and selling liquor to a habitual drunk, with 10 additional conditions that could be used to revoke, suspend or non-renew a license.

These include making false statements on a license application, interfering with police officers, violations involving alcohol and juveniles, creating a public or private nuisance and allowing conduct, including loud noise, that has a substantial adverse affect on the neighborhood.

City Administrator Mark Grams said current liquor license holders will be notified of the proposed changes before the council's Feb. 5 meeting, when a public hearing on the new ordinance will be held.

Aldermen will not act on the ordinance at that meeting, he stressed, but will instead vote on it during their Feb. 19 meeting.

The impetus for the changes is the controversy over the denial of a liquor license for the former Foxy's tavern late last year, Grams said, noting that several aldermen said at the time they wanted to see the city's licensing regulations tightened.

But not all aldermen agreed with the changes proposed.

Ald. Dave Larson, chairman of the Finance and License Committee, which recommends granting or denying liquor licenses, said he is concerned that the city is getting too involved with private business.

"I think people should be allowed to run a business the way they want to," he said, adding that such items as cameras in taverns could be recommended by the city but perhaps not mandated.

"I don't think it's up to us to mandate that," he said.

But Ald. Paul Neumyer said he does not believe it's unreasonable, noting the footage won't be viewed or requested by police unless there's a need.

"It's a great tool for law enforcement," said Neumyer, a retired police officer.