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Licensing Guidelines

These Guidelines are created to advise applicants of the licensing procedures under Chapter 5 of the Sun Prairie Municipal Code. A complete copy of Chapter 5 is available through the City's website. Generally, the duties of city staff are as follows:

1. To receive applications and collect all fees associated with the license/permit.
2. To investigate all license applications required by Chapter 5 of the Municipal Code and the Wisconsin Statutes.
 - a. The city clerk provides copies of each application for a license, including renewal of existing licenses, to the chief of police or his/her designee and other departments as necessary.
 - b. The city departments review each application and conduct any other appropriate investigation for the purpose of determining whether the department has any objection to the issuance of the requested license.
 - c. The city departments will submit its recommendation in writing to the city clerk stating whether the department has any objection to the issuance of the license or permit and, if it does, the basis for the objection.
3. The city clerk will prepare a report with the department's recommendation to the City Council or the Alcohol License Review Board whenever required. If application is recommended for denial, the city clerk shall notify the applicant and give notification of the appeal process. The Common Council shall receive a copy of the denial letter.
4. If the recommendation is for approval, the city clerk will issue the license and/or permit in accordance with Chapter 5 of the Municipal Code and State Statutes.

Applicants are reminded that possession of a city-issued license is a privilege, not a right. The City of Sun Prairie retains broad discretionary authority in denying or recommending the granting of license applications based on the guidelines contained herein, and each case will be considered on an individual basis.

If a decision is made to deny a license for which an individual has applied, staff is required to provide that individual with a written notification and reason for the denial. Denial of a license is considered final action unless the applicant appeals the decision.

FALSIFICATION OF APPLICATIONS

Any applicant(s) who materially falsifies an application for a license, including the omission of information, will not be eligible for a license and may not reapply for a license for a period of one (1) year from the date of denial of such application.

GUIDELINES:

The following guidelines were established by the City of Sun Prairie to help determine the circumstances under which applicants may be eligible for the issuance of certain licenses. Deviation from these guidelines may be allowed if mitigating circumstances are documented and explained by the applicant.

In addition to the qualifications below, each applicant must comply with, and be eligible to hold the license applied for under the applicable state statute or local ordinance.

A. Alcohol Related Licenses

Individuals who hold an alcohol related license (premises, regular, provisional or temporary) hold a position of trust with the city and, consequently, must act in cooperation with law enforcement to insure that alcohol-related laws are enforced. Applications from individuals with a past history of negative or uncooperative contacts with police agencies will be given heightened scrutiny.

CATEGORY I.

Any applicant who has been convicted of, released from incarceration in a federal or state prison system or a county jail, or released from parole or probation status for an offense substantially related to the license sought within the last five (5) years will not be eligible for a license. Such offenses include, but are not limited to the following:

- a. Violent offenses against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- b. Offenses involving cooperation with law enforcement officials including but not limited to, any offense of false alarms, obstructing a police officer, harassment of a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, perjury, false swearing, assault by prisoner, escape from custody, bail jumping or bomb scares.
- c. Offenses involving dishonesty, theft or misappropriation of funds, including but not limited to, burglary, entry into a locked vehicle, theft, fraud on hotel or restaurant keeper, issue of more than one worthless check, receiving or transferring stolen property, loan sharking, robbery, forgery and retail theft.
- d. Offenses involving children, including but not limited to, any abuse of children, sexual assault to a child, contributing to the delinquency of a minor, receiving stolen property from children, selling drugs to children, or any crime involving child pornography.
- e. Drug-related felony offenses, including but not limited to, any offense involving the sale of narcotics or other controlled substances, whether to adults or juveniles.

CATEGORY II.

Any applicant who has been convicted of, released from incarceration in a federal or state prison system or county jail, or released from parole or probation status for any of the following offenses within the last three (3) years will not be eligible for a beverage operator's license:

- a. Alcohol beverage offenses, including but not limited to, sale of alcohol beverages without a license or permit, furnishing alcoholic beverages to underage persons, furnishing alcoholic beverages to intoxicated persons, or any other violation of Chapter 125 of the Wisconsin Statutes or a local

ordinance enacted in conformity therewith.

- b. Drug related misdemeanor or municipal ordinance offenses.

However, the furnishing of alcoholic beverages to an underage individual, unless the licensee has committed two (2) such violations within one (1) year, shall not be a reason for a denial of a license.

CATEGORY III.

Any applicant who has had two or more convictions within the last three (3) years for any offense in the following subcategories will not be eligible for a license:

- a. Operating a motor vehicle while under the influence of intoxicating beverages or drugs.
- b. Operating a motor vehicle with a Prohibited Alcoholic Content (PAC) in excess of .08% by weight.
- c. Open intoxicants in public places or in a motor vehicle.

CATEGORY IV.

Applicants who have a pending outstanding arrest warrant for a related offense, are not eligible for a license, or a renewal of a license, if a conviction for the offense would place the applicant in any other category. An applicant may re-apply when the underlying matter is concluded.

CATEGORY V

Applicants who have pending matter for any related charge as of the date of application, are not eligible for a license or a renewal of a license, if a conviction of the offense would place the applicant in any other category. The applicant may re-apply when the underlying matter is concluded.

CATEGORY VI.

Any applicant who has a history of violations/convictions not specifically identified above that would lead a reasonable person to believe or conclude that the applicant is a habitual law offender, shall not be eligible for a license. The police department shall consult with the city attorney prior to a recommended denial reference this paragraph.

For the purposes of these Guidelines, a habitual law offender includes, but is not limited to a person who has committed:

1. Two (2) or more offenses, each a separate incident, within the immediately preceding six (6) months.
2. Three (3) or more offenses, each a separate incident, within the immediately preceding two (2) years.
3. Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.

B. Other Chapter 5 Licenses (taxis, solicitors, vending, etc...)

CATEGORY I. Any applicant who has been convicted of, released from incarceration in a federal or state prison system or a county jail, or released from parole or probation status for any offense with the last five (5) years in the following subcategories will not be eligible for a license:

- a. Violent offenses against the person of another, including but not limited to homicide, aggravated

battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.

- b. Offenses involving cooperation with law enforcement officials including but not limited to, any offense of false alarms, obstructing a police officer, harassment of a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, perjury, false swearing, assault by prisoner, escape from custody, bail jumping or bomb scares.
- c. Offenses involving dishonesty, theft or misappropriation of funds, including but not limited to, any felony, misdemeanor, or ordinance violation for burglary, entry into a locked vehicle, theft, fraud on hotel or restaurant keeper, issue of more than one worthless check, receiving or transferring stolen property, loan sharking, robbery, forgery and retail theft.
- d. Offenses involving children, including but not limited to, any abuse of children, sexual assault to a child, contributing to the delinquency of a minor, receiving stolen property from children, selling drugs to children, or any crime involving child pornography.
- e. Drug-related felony offenses, including but not limited to, any offense involving the sale of narcotics or other controlled substances, whether to adults or juveniles.

CATEGORY II.

Any applicant will not be eligible for a license that has a drug related misdemeanor or municipal ordinance offenses within the last three (3) years.

CATEGORY III.

Any applicant will not be eligible for a license that has a pending outstanding arrest warrant for any offense and will not be eligible to reapply for a period of one (1) year as of the date of the application.

CATEGORY IV

Any applicant will not be eligible for a license that has a pending disposition for any charges whether or not filed in any court of law as of the date of application. This paragraph will only apply if the pending charge would result in possible denial of the application.

CATEGORY V.

Any applicant who has a history of violations/convictions not specifically identified above that would lead a reasonable person to believe that the applicant is a habitual law offender as defined above, shall not be eligible for a license. The police department shall consult the city attorney prior to a recommended denial in reference to this paragraph.

QUESTIONS.

Questions regarding this process may be directed to either the City Clerk or the City Attorney's office.

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