



Take notice that the City of Ashland Committee of the Whole will meet in person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI immediately following the adjournment of the City Council Meeting with the availability to attend virtually, to consider and act upon the following agenda.

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/500263957>

Or dial in using your phone. United States (Toll Free): 1-877-309-2073 Access Code: 500-263-957

Please contact the Clerk's office if you require accommodations to attend the meeting.

Tuesday, June 25, 2024 Ashland Committee of the Whole Meeting Agenda

1. **Roll Call**
2. **Approval of Agenda**
3. **Council President's Report**
4. **Administrator's Report**
5. **DISCUSSION ITEMS**
 - A. **Discussion and Possible Action Regarding an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software** *(Police, Fire and EMS Departments)*
 - B. **Discussion and Possible Action Regarding Use and Traffic at the Artesian Well Site** *(Councilor Jackson)*
 - C. **Discussion and Possible Action Regarding Excessively Loud Vehicles Operating in the City** *(Mayor)*
 - D. **Discussion and Possible Action Regarding Proposed Amendments to Chapter 922 Alcohol Beverages Regulation Regarding Class C Wine Licenses and Other Updates** *(Clerk)*
 - E. **Discussion and Possible Action Regarding Property Maintenance Enforcement Issues** *(Mayor)*
6. **Items for Future Discussion**
7. **Adjournment**

Ashland Committee of the Whole Meeting
Tuesday, June 25, 2024 – 6:00 PM
601 Main Street W. Ashland WI 54806



The CITY of
ASHLAND
WISCONSIN

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact the City Clerk's Office at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software (*Police, Fire and EMS Departments*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Police and Fire Departments

CLEARANCES: Mayor

EXHIBITS:

1.	Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software
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COMPLIANCE WITH STRATEGIC PLAN:

SUMMARY STATEMENT:

Currently, the City of Ashland shares a records management system with Bayfield and Ashland Counties. That current system is at its end of life and needs to be replaced.

With the merging of dispatch centers in Ashland and Bayfield Counties, Bayfield County was able to apply for a grant that covers 80% of the initial cost of a new system. There is a 20% match for the grant which is being divided between Ashland County, Bayfield County, and the City of Ashland.

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF ASHLAND, ASHLAND COUNTY AND BAYFIELD COUNTY
FOR LAW ENFORCEMENT SOFTWARE
2024-2033

This understanding is entered into between Ashland County, the City of Ashland, and Bayfield County for the purpose of sharing law enforcement software and hardware. This agreement addresses software/hardware purchase, maintenance, and continuing operations.

This agreement is made in accordance with the Intergovernmental Cooperation Act (66.0301(2)) of Wisconsin State Statutes authorizing cooperation between municipalities for the furnishing of services and the joint exercise of law enforcement services as authorized by law.

1. **TERM:** This agreement shall be for a term of ten years (2024- December 31, 2033) with an automatic renewal for a second ten-year term, (2034- December 31, 2042) unless this agreement is modified or ended at least one year prior to the end of the first term.
2. **CONTRACT:** This agreement follows upon a prior law enforcement software partnership agreement for CODY software, purchased jointly between the parties in 2002.

The three entities agree to the joint ownership and maintenance of Motorola Flex Software for public safety operations software in Ashland and Bayfield Counties beginning in 2024.

3. **COMPONENTS:** There are two main components of this agreement. Software and Maintenance.
 - **SOFTWARE:** In 2023 Bayfield and Ashland Counties received grant funds to pay for new law enforcement software. The grant provides for 80% of funding up to a specific dollar amount. The three parties agree to split the local share of 20% three equal ways or \$64,982.32 each. All costs above this will be paid 100% by Ashland City, Ashland County and Bayfield County divided equally.
 - **Maintenance:** On-going maintenance expenses, billed directly from Motorola to Bayfield or Ashland Counties are estimated initially at \$56,312 per year. These costs and any future increases will be paid equally amongst the three entities.
4. **OVERSIGHT COMMITTEE:** An oversight committee will be established consisting of two representatives from each entity and will meet biannually or as often as needed. Majority rule shall be the basis for decision making of the Oversight committee. The committee will:
 - Be charged with reviewing and approving allocations of all expenses pertaining to this agreement and establishing installation, operation, and maintenance provisions reasonably necessary to advance the objectives of this agreement.
 - Annually, not later than July 15 the Committee shall prepare a proposed budget containing the sources and uses of shared Motorola Operating and Capital Expenses. No later than August 1st annually, the budget shall be submitted to

Ashland-Bayfield PSAP Board of Directors. The Ashland-Bayfield PSAP Board of Directors will act on this and submit to their respective governing bodies by August 15 of each year. It is understood that the annual budget developed by the oversight committee requires the approval of the collaboration's elected governing boards.

5. DISPUTE: In the event of an unresolvable dispute, the parties agree to proceed with mediation followed by arbitration, the result of which will be binding. All three parties shall be responsible for a third of the costs of mediation/arbitration.
6. HOST: Bayfield County agrees to "host" the software and hardware. Computer hardware and software shall be based in Bayfield County for the term of the agreement. One designee from each agency shall be granted access at any time to work on the system as needed.
7. ACCOUNTING: Annually at the Motorola collaboration's budget meeting, the members of the oversight committee will select one of the collaborations partners to be responsible for setting up a Special Revenue Motorola fund and accounting for all group revenues and expenditures for the following budget year. All entities will submit bills and revenues to the accounting entities special revenue Motorola fund. A written statement of revenues, expenditures and fund balances shall be reviewed at each Oversight Committee meeting. The Accounting Entity shall provide a month's financial report to the Oversight Committee and the Ashland-Bayfield PSAP Board of Directors.
8. EXISTING CITY / COUNTY COMMUNICATION CONNECTION: If applicable, connections between Ashland County and the City of Ashland will be maintained with an existing line between the two entities. Maintenance costs will be shared between Ashland County and the City of Ashland.
9. SYSTEM SUPPORT: Each entity will be responsible for providing system support. Bayfield and Ashland Counties will provide primary hands-on support for the system. City of Ashland shall make an agreed financial payment, commensurate with amount of maintenance required of the two counties. Bayfield and Ashland County commit to providing regular support to the system. The City of Ashland shall make a financial payment in the amount of \$12,000 in 2025 with cost of living and other adjustments as justified in future years.
10. MOTOROLA SUPPORT: The three entities agree to pay costs for Motorola support to the accounting entity as billed or negotiated with Motorola. This amount will change annually. This amount will be billed directly to Bayfield County by Motorola.
11. OPERATING AND CAPITAL EXPENSES: All System wide, hardware, software, connectivity costs and electrical costs/cooling costs, will be jointly purchased and shared equally amongst the three parties. Purchases will be of items included in the annual budget.

TERMINATION OF AGREEMENT: This agreement shall be automatically renewed for one successive ten-year term unless otherwise agreed in writing by the Oversight Committee and the Ashland-Bayfield PSAP Board of Directors. In the event there is disagreement and a majority of the Committee and Board decide to disband, an 18 month transition time frame will begin. Assets will continue to be utilized for the original intent, departing members shall be entitled to a fair market value of tangible assets. Departing members will be responsible for any and all data transfer and conversion costs and other related termination expenses incurred.

12. ACKNOWLEDGEMENT AND PRESERVATION OF RIGHTS: The three entities acknowledge that the counties of Ashland and Bayfield have different rights, responsibilities, and obligations for public safety and other governmental functions pursuant to state statute and local ordinances than does the City of Ashland. Nothing in this agreement is intended to abridge or modify these rights or responsibilities in any way, now, or in the future.

The three entities approve this Memorandum this _____ of _____, 2024.

ASHLAND COUNTY

By _____
Ashland County Sheriff

By _____
Ashland County Board Chair

By _____
County Administrator

BAYFIELD COUNTY

By _____
Bayfield County Sheriff

By _____
Bayfield County Board Chair

By _____
County Administrator

CITY OF ASHLAND

By _____
Police Chief

By _____
Mayor

By _____
City Administrator

Ref: 2024-151

**COMMITTEE AGENDA:
5.B. (6/25/2024)**

SUBJECT: Discussion and Possible Action Regarding Use and Traffic at the Artesian Well Site (*Councilor Jackson*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Councilor Jackson

CLEARANCES: Council President

EXHIBITS:

COMPLIANCE WITH STRATEGIC PLAN: NA

SUMMARY STATEMENT:

Councilor Jackson requested discussion regarding the use and traffic at the Artesian well near Maslowski Beach after hearing a citizen's concern of the popular site. The City Administrator reached out to the citizen who spoke, and has an update to share with Council.

Ref: 2024-152

**COMMITTEE AGENDA:
5.C. (6/25/2024)**

SUBJECT: Discussion and Possible Action Regarding Excessively Loud Vehicles
Operating in the City (*Mayor*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Council President

EXHIBITS:

COMPLIANCE WITH STRATEGIC PLAN: NA

SUMMARY STATEMENT:

The Mayor requested a discussion regarding the excessive noise pollution made by some vehicles in the City. He asked for the Chief of Police to offer his thoughts in reference to [Chapter 202](#) Noise Pollution Prevention, Ashland City Ordinances.

SUBJECT: Discussion and Possible Action Regarding Proposed Amendments to Chapter 922 Alcohol Beverages Regulation Regarding Class C Wine Licenses and Other Updates *(Clerk)*

RECOMMENDATION: Approve

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Committee of the Whole, June 11, 2024

EXHIBITS:

1.	Proposed Amendments to Chapter 922
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COMPLIANCE WITH STRATEGIC PLAN: NA

SUMMARY STATEMENT:

On June 11, 2024, the Clerk explained to Council the need to update Chapter 922, Alcohol Beverages Regulation reflective of Wisconsin Act 73, in particular the changes needed for "Class C" (wine) licenses. According to Act 73, a municipality is now able to approve "Class C" licenses for retail establishments other than restaurants. The Clerk is asking to set a standard for the Ordinance before receiving an application for such a license.

While suggesting this amendment, the Clerk is asking Council to also review other sections within Chapter 922 which would bring clarity to the issuance of licenses, complete the revocation section, and make updates according to [State Statutes Ch. 125](#). All changes are noted in red on the attached exhibit.

As Council has final approval of the amendments, the Clerk is asking for further desired restrictions or changes to the proposed amendments before the ordinance comes to Council for formal approval at their July 9, 2024 City Council meeting.

922 (1488) Alcoholic Beverages Regulation

922.10 Adoption Of State Statutes

922.15 Issuance Of Operator Licenses

922.20 License Fees

922.25 Operator Licenses

922.30 Quotas

922.35 "Class C" Wine Retail Licenses

922.40 Local Options

922.41 Drinking In Public Places

922.42 Licensed Premises May Include Public Rights-Of-Way

922.50 Revocation Of Licenses

922.51 Notice Of Hearing

922.52 Non-Renewal of Licenses

922.53 Non-Issuance of Licenses

922.60 Penalty For Violation Of Ordinance

922.611 Severance Clause

922.612 Effective Date

922.10 Adoption Of State Statutes

The provisions of Chapter 125 of the Wisconsin Statutes and all acts amending or supplementing the above cited statutes are adopted, so far as applicable, except as otherwise provided by this ordinance. Any conflict between the provisions of this chapter and Chapter 125 of the Wisconsin Statutes shall be resolved in favor of the statutory provision and the remainder of this chapter shall not be affected thereby.

922.15 Issuance Of Operator Licenses

Pursuant to Wis. Stats., § 125.17, the City Clerk of the City of Ashland shall be designated as the municipal official authorized to issue operator's licenses with the same authority and following the same procedures as required by the City Council for issuing such operators licenses as prescribed in Sections 20-611, of these ordinances.

922.20 License Fees

- (a) Class "A" Fermented Malt Beverage. The fee for a Class "A" fermented malt beverage license shall be one hundred (\$100) dollars per year.
- (b) "Class A" Cider. There is no fee for a "Class A" Cider license.
- (c) "Class A" Intoxicating Liquor. The fee for a "Class A" intoxicating liquor license shall be five hundred (\$500) dollars per year.
- (d) Class "B" Fermented Malt Beverage. The fee for a Class "B" fermented malt beverage license shall be one hundred (\$100) dollars per year.
- (e) "Class B" Intoxicating Liquor. The fee for a "Class B" intoxicating liquor license shall be five hundred (\$500) dollars per year.
- (f) Reserve "Class B" Intoxicating Liquor. The initial issuance fee for a Reserve "Class B" intoxicating liquor license shall be ten thousand (\$10,000) dollars, plus the annual "Class B" intoxicating liquor license fee. The \$10,000 fee is a one-time fee, however, a reissuance of a Reserve Class B intoxicating liquor license to a new licensee shall be subject to the ten thousand (\$10,000) issuance fee. Bona fide clubs and lodges situated and incorporated in the state for at least six

years that apply for Reserve “Class B” licenses are exempt from paying the minimum \$10,000 initial issuance fee.

- (g) “Class C” Wine. The fee for a “Class C” wine license shall be one hundred (\$100) dollars per year.
- (h) Wholesaler’s Licenses for Fermented Malt Beverages. Effective July 1, 2011, the City of Ashland will no longer issue wholesale fermented malt beverage (FMB) licenses. The Wisconsin Department of Revenue will issue wholesale permits as established by 2011 Wisconsin Act 32.
- (i) Special Six-month Licenses. The fee for a Special Six-Month “Class A” intoxicating liquor, “Class B” intoxicating liquor, or Class “B” fermented malt beverage license shall be one-half the annual fee set for said license.
- (j) Provisional Retail Licenses. Individuals who apply for the following licenses may be issued a provisional retail license by the Clerk’s office: provisional Class “A” fermented malt beverage, “Class A” Cider license, “Class A” intoxicating liquor, Class “B” fermented malt beverage, “Class B” intoxicating liquor license or “Class C” wine license. The application will be reviewed and approved by the Police Department. The Clerk’s office ~~shall~~ **may** revoke the provisional license if the Clerk discovers the holder made a false statement on the application.

The City of Ashland will not issue a provisional license for a “Class B” liquor license if the quota has been met. The City of Ashland will not issue a provisional license for a “Class A” cider license if the applicant does not have a Class “A” fermented malt license for the same location.

No person may hold more than one provisional retail license for each type of license applied for by the holder each year.

- (k) Temporary **Retail** Licenses. The fee for a Temporary Class “B” fermented malt beverage (picnic) license shall be ten (\$10) dollars per day. The fee for a Temporary “Class B” wine license shall be ten (\$10) dollars per day. If both a temporary Class “B” fermented malt beverage license and a temporary “Class B” wine license are obtained for the same event, only one ten (\$10) dollar fee shall be charged.
- ~~(l) Operator’s Licenses. Applicants for an operator’s license shall have the option of applying for a one-year license or a two-year license. The fee shall be established in the City of Ashland Comprehensive Fee Schedule. Licenses shall be issued for the fiscal year beginning July 1 and ending June 30 of each year.~~
- ~~(m) Provisional Operator’s License. There shall be no additional fee for a provisional Operator’s License. Individuals who apply for an operator’s license may be issued a provisional operator’s license by the Clerk’s office pending action from the Common Council and pending completion of State-mandated training requirements. The application must be reviewed and approved by the Police Department.~~

~~The provisional license shall expire sixty (60) days after its issuance or when the applicant receives a regular operator’s license, whichever is first.~~

- ~~(n) Temporary Operator’s License. The fee for a temporary license shall be five (\$5) dollars. A temporary operator’s license to serve at a special event may be issued to an individual employed by, or donating their services to, a nonprofit organization. The license shall be valid for any one period from one day to fourteen days. No person may hold more than one temporary license per year.~~

922.25 Operator Licenses

- (a) **Fee.** Applicants for an operator's license shall have the option of applying for a one-year license or a two-year license. The fee shall be established in the City of Ashland Comprehensive Fee Schedule. Licenses shall be issued for the fiscal year beginning July 1 and ending June 30 of each year.
- (b) **Provisional Operator License.** ~~There shall be no additional fee for~~ A Provisional Operator's License shall be no more than fifteen dollars (\$15). Individuals who apply for an operator's license may be issued a provisional operator's license by the Clerk's office ~~pending action from the Common Council and while enrolled and~~ pending completion of State-mandated training requirements. The application must be reviewed and approved by the Police Department.
- (1) The provisional license shall expire sixty (60) days after its issuance or when the applicant receives a regular operator's license, whichever is first.
- (c) **Temporary Operator License.** The fee for a temporary license shall be five dollars (\$5). A temporary operator's license to serve at a special event ~~may~~ **shall only** be issued to an individual employed by, or donating their services to, a nonprofit organization. The license shall be valid for any one period from one day to fourteen days. No person may hold more than ~~one~~ **two** temporary licenses ~~s~~ per year.

922.30 Quotas

- (a) **"Class A" Intoxicating Liquor.** The quota for "Class A" intoxicating liquor licenses in the City shall be five (5) licenses.
- (b) **Class B" Intoxicating Liquor/Reserve "Class B" Intoxicating Liquor.** The quota for "Class B" intoxicating liquor licenses shall be determined by the provisions of Sec. 125.51(4), Wis. Stats., which created a quota of twenty-six (26) regular "Class B" intoxicating liquor licenses and twelve (12) Reserve "Class B" intoxicating liquor licenses. Under the provisions of State Statute 125.51(4)(br)2., one additional Reserve "Class B" intoxicating liquor license may be created for each increase of 500 population or fraction thereof to the population total of 8,797 (eight thousand, seven hundred ninety-seven).
- (1) It is specifically provided that 1 of the 26 licenses described in this section shall be reserved for granting to bona fide clubs, state, county, or local fair associations, or agricultural societies, lodges, or societies that have been in existence for not less than six months prior to the date of application.
- (c) **Unissued "Class B" Licenses.** Should any "Class B" Intoxicating Liquor licenses be allowed to expire without renewal, abandoned, revoked, or otherwise go dormant for any reason, said license shall be returned to the City to hold for reissuing as the City sees fit.
- (d) **Reserve License.** The initial issuance of a Reserve "Class B" intoxicating liquor license shall require an affirmative vote of two-thirds (2/3) of the entire membership of the City Council
- (e) **Exceptions:** Pursuant to Wis. Stat. s. ~~125.51(4)(v)~~ **125.52(4)(v)**, if the City has granted or issued a number of "Class B" Intoxicating Liquor licenses equal or exceeding its quota, the City may issue a license for any of the following:
- (1) A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.

- (2) A hotel that has 50 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.
- (3) An opera house or theater for the performing arts operated by a nonprofit organization, as defined in Wis Stat s. 134.695 (1) (am). Notwithstanding Wis. Stat. 125.51(3) (a) and (b), a "Class B" license issued under this subdivision authorizes the retail sale of intoxicating liquor only for consumption on the premises where sold and only in connection with ticketed performances.

922.35 "Class C" Wine Retail License. The provisions of 2023 Wisconsin Act 73 allow for a "Class C" wine license be issued to a person qualified under Wis Stat. 125.04(5) A "Class C" wine license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

A "Class C" license shall particularly describe the premises for which it is issued. The fee shall be as designated in the Comprehensive Fee Schedule.

Any establishment holding a "Class C" license is required to have a licensed operator on the premises during all designated times of selling, consuming, taste testing, offering, giving away, or otherwise serving alcohol.

- (a) Sales of Wine by the Bottle in Restaurants. Notwithstanding Wis. Stats. 125.51(3)(a) and (b) and (3m)(b), a "Class B" or "Class C" license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:
 - (1) The licensed premises is a restaurant also operated under a "Class B" or "Class C" license and the purchaser of the wine orders food to be consumed on the premises.
 - (2) The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.
 - (3) Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted or the cap is reattached at a time other than during the time period specified in Wis. Stat. 125.68(4)(c)3.
- (b) Wine Bar. For an establishment where the only land use is a drinking establishment or restaurant that only serves wine, the establishment's closing hours may mirror those of a "Class B" or Class "B" license.
- (c) Non-Typical Establishments. For establishments with two land uses, a "Class C" Wine Retail license is only available to the types of uses listed below:
 - (1) Beauty or nail salon
 - (2) Spa or massage salon
 - (3) Art gallery, studio or museum
 - (4) Bed & breakfast or inn
 - (5) Fitness Center
 - (6) Greenhouse or nursery
 - (7) Indoor amusement or recreational facility
 - (8) Cinema or theater

- (9) Meeting or exhibition hall
- (10) Outdoor amusement or area
- (11) Retail business or service

- (d) Hours of Operation. No premises which is designated as more than one land use for which a Class C alcohol beverage license shall have been issued, shall be permitted to remain open for the sale or dispensing of alcohol beverages between the hours of 9:00 p.m. and 8:00 a.m. but shall be permitted to stay open for the conduct of their regular business.
- (e) Regulation of Closed Retail Space. Only the permitted, licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on "Class C" premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 9:00 p.m.
- (f) Restrictions. An establishment where primarily financial decisions are made such as bank, credit union, or cash advance lenders, or where the primary business is to educate or care for children under the age of 18 years, is restricted from applying for or holding a "Class C" license.

922.40 Local Options

- (a) Adoption of Off-Sale Provisions for "Class B" Intoxicating Liquor Licenses. The City of Ashland elects to come under Sec. 125.51(3)(b), Wis. Stats., and provides that a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold ~~or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity in multiples not to exceed four (4) liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.~~
- (b) Licenses for Non-Intoxicating and Soda Water Beverages. Class "B" fermented malt beverage licensees may also sell beverages containing less than one-half of one per centum alcohol by volume without obtaining a special license to sell such beverages pursuant to Section ~~66.0433(1)~~ ~~66.053(1)~~ of the Wisconsin State Statutes.
- (c) Restrictions Related to Other Uses. A Class A intoxicating liquor or fermented malt beverage license shall only be issued for any premise which is primarily used for the sale of gasoline, groceries, bait, as a restaurant, or for the sale of intoxicating liquor, fermented malt beverages or combination, or a combination of those listed uses. If the license is for a new business, the applicant shall submit projected sales for the premises showing sales projections that will satisfy this requirement.
 - (1) "Groceries" is defined by Wis. Admin. Tax § 11.87(3)(d).
 - (2) "Bait" includes the definition of "bait" under Wis. Stat. 29.509 but also any fishing tackle.
 - (3) "Restaurant" is defined by Wis. Stat. 125.02(18).
 - (4) "Primarily" means that the majority of gross revenue generated for the premise for that use on an annual basis.
- (d) Excessive Number of Licenses Not Permitted. No more alcohol-related licenses than are legally necessary to conduct the alcohol-related business shall be issued for a single, contiguous premise.

- (e) Delinquent Taxes and Fees. No license shall be granted or renewed for the operation of any premises upon which real estate taxes, personal property taxes, assessments, or other financial claims or forfeitures are delinquent or unpaid.
- (f) Temporary Expansion of Premises Description. The Chief of Police, or the Chief's designee, **or the City Clerk or Clerk's designee** shall be given authority to grant a temporary change to the licensed premises description to accommodate special events.
- (g) Failure to do Business. Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions.

The 180 days shall not necessarily need to be successive to impose the provisions of this subsection.

This subsection shall not apply to the licenses held for the Bay Area Civic Center premises, Bay Area Cultural Center, or for bona fide clubs, state, county, or local fair associations, or agricultural societies, lodges, or societies that have been in existence for not less than six months prior to the date of application.

922.41 Drinking In Public Places

Except as provided in Sections 922.42 and 501.06(e), it shall be unlawful for any person or persons to sell, serve, or consume, or possess an open container containing any type of intoxicating liquor or fermented malt beverage on any public street or sidewalk or public parking area within the City **unless as approved for a Special Event.**

922.42 Licensed Premises May Include Public Rights-Of-Way

- (a) An applicant for a license under this Chapter who is qualified to obtain a permit under Sec. 508.41(c) may include in the description of the "premises" to be licensed a portion of public right-of-way as described in Sec. 501.06(e).
- (b) No licensee may sell, serve, or allow the consumption of any intoxicating liquor or fermented malt beverage on any public-right-of-way without a permit under Sec. 501.06(e). The issuance of license under this chapter for premises including a public right-of-way does not grant any right to the issuance, renewal, or non-revocation of a permit under Sec. 501.06(e).
- (c) Any licensee who sells, serves, or allows the consumption of any intoxicating liquor or fermented malt beverage on any public-right-of-way under a permit issued pursuant to Sec. 501.06(e), shall clearly demarcate for its customers the limits of the licensed premises, by means such as but not limited to appropriate signage, stanchions or planters, as approved by the Department of Planning and Development under the licensee's permit issued pursuant to Sec. 501.06(e).

922.50 Revocation Of Licenses

Licenses issued under the provisions of this chapter may be revoked by the Council of the City of Ashland after notice and hearing, **as provided in Wisconsin Statutes §125.12**, for any of the following causes :

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for license;

- (b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business;
- (c) Any violation of this ordinance;
- (d) Conviction of any crime or misdemeanor.
- (e) Any of the reasons enumerated in Wisconsin Statutes §125.12(2)(ag)

922.51 Notice Of Hearing

Notice of the hearing for revocation of a license shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepared to the licensee at his/her last known address at least 72 hours prior to the date set for hearing, or shall be delivered by a Police Officer in the same manner as a court summons. The procedure for the hearing shall be as set forth in Wis. Stat. §125.12(2).

922.52 Non-Renewal of Licenses

The City may refuse to renew a license for any of the causes provided in Section 922.50 and Wis. Stat. §125.12(2)(ag). Prior to the time for the renewal of the license, the City shall notify the licensee in writing of the City's intention not to renew the license with an opportunity for a hearing. The notice shall state the reasons for the intended action. The procedure for the hearing shall be as set forth in Wis. Stat. §125.12(2).

922.53 Non-Issuance of Licenses

If the City decides to not issue a new license under this Ordinance, it shall notify the application in writing and state the reasons for the decision.

922.60 Penalty For Violation Of Ordinance

Any person, firm, or corporation that shall violate any of the provisions of this ordinance shall forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, plus the cost of prosecution. Each day's violation of the provisions of this ordinance shall constitute a separate offense.

922.611 Severance Clause

The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

922.612 Effective Date

This ordinance shall be effective upon its passage and publication.

SUBJECT: Discussion and Possible Action Regarding Property Maintenance Enforcement Issues (*Mayor*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Planning Director

EXHIBITS:

COMPLIANCE WITH STRATEGIC PLAN: Property maintenance efforts address several Strategic Plan goals. The Strategic Plan includes the goal of reducing the amount of dilapidated housing within the city. Goals of code enforcement and neighborhood clean up are also included in the plan. The Property Maintenance Specialist in the Planning and Development Department is tasked with ordinance enforcement. The property maintenance ordinance and enforcement are consistent with and further the goals of the City's Strategic Plan.

SUMMARY STATEMENT:

The Mayor has asked for a discussion regarding property maintenance enforcement. The City's current enforcement efforts include a combination of complaint-based and proactive inspections. The Mayor, City Administrator, and Planning Director discussed efforts to increase property maintenance enforcement particularly during the summer months. The City has hired an additional part-time enforcement officer who has law enforcement and property maintenance experience. The Property Maintenance Specialist and seasonal property maintenance officer are both conducting inspections and follow up enforcement efforts where necessary.

City staff have also discussed enforcement with the City Attorney and have obtained information on legal options for situations where property owners have received citations and do not correct violations. The property maintenance process generally consists of the following steps:

- Complaint or initial inspection made by City staff
- For some violations City staff makes an attempt to reach the property owner

- If no owner is present and staff does not have contact information, a door tag is left explaining the violation and compliance date
- A follow-up inspection occurs to verify compliance
- If the violations are corrected the case is closed
- If violations are not corrected, a citation may be issued and/or in the case of lawns the City will hire someone to cut a lawn and place the charge on the property taxes
- If a citation is issued a court date is set and the defendant can appear and enter a plea
- If after issuance of an initial citation the property remains in violation daily citations are issued
- If upon issuance of daily citations the property remains out of compliance the City has to determine whether to pursue a complex forfeiture action through the court. This would involve much more time and expense and would entail the City Attorney drafting a complaint and seeking a court order declaring the property a public nuisance and requiring the owner to correct the violations. If the violation is not corrected at that point the court could hold the defendant in contempt of court. In order to proceed with a complex forfeiture action the City has to budget for this and determine whether it makes sense to address a specific property over other properties given limited funds.

In most cases making contact with property owners and following up are sufficient to bring properties into compliance. In some situations more drastic measures such as daily citations are necessary. The City has sometimes provided a dumpster through the Housing Improvement Program (HIP) to assist owners with a first-time cleanup of a property. Generally this is done with the stipulation that the owners enter into a property maintenance agreement in writing agreeing that the property will remain in compliance. If the property fall back out of compliance within a 26-month period the cost of the dumpster will be billed on the property taxes.

The City has several tools for obtaining compliance. Most of the issues encountered during inspections include lawns and junk/debris and garbage. The Mayor and staff wanted to make Council aware of the current property maintenance efforts. Staff would welcome Council input on the current efforts.