

Chapter 22

LIQUOR AND BEER LICENSES

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22.01 LICENSING AND REGULATION OF SALE AND CONSUMPTION OF ALCOHOL BEVERAGES.

(a) State Statutes Adopted. The provisions under Wisconsin Statutes Chapter 125, as may be amended or renumbered from time to time, defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to minors, are adopted and made a part of this section by reference. A violation of any such provisions shall constitute a violation of this section.

(b) Licenses, Permits, Authorization Required.

(1) When required. Except as provided by Wisconsin Statute 125.06, as may be renumbered or amended, no person shall within the Village of Paddock Lake, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Wisconsin Statutes Chapter 125, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter.

(2) Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale.

(c) Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the Village Clerk/Treasurer under the authority of the Village Board of Trustees upon compliance with law and payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced state statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(1) Class "A" fermented malt beverage retailer's license. \$500.00 per year.

(2) Class "B" fermented malt beverage retailer's license. \$100.00 per year.

(a) A six (6) month period Class "B" license may be issued at any time for six (6) months in any calendar year, for three-fourths (3/4) of the applicable license fee. Such license shall not be renewable during the calendar

year in which issued.

(b) Picnic. \$10.00 per day.

(3) Wholesaler's fermented malt beverage license. \$25.00 per year, or fraction thereof.

(4) Retail "Class A" liquor license. \$500.00 per year.

(5) Retail "Class B" liquor license. \$400.00 per year. A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed four (4) liters to be consumed off the licensed premises.

(a) A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.

(6) Pharmacist license. \$10.00 per year.

(7) Combination license. A combination fermented malt beverage and intoxicating liquor license shall be \$400.00 per year and shall permit the holder to deal and sell intoxicating liquors and malt beverages to be consumed at any time on the premises and in original packages not to exceed four (4) liters at any time to be consumed off the premises. Licenses expire on June 30 of each year.

(8) Operator's license. The fee for an operator's license shall be Twenty-five (\$25.00) Dollars per year plus any fees incurred by the Village for providing a background check on the applicant. Fees associated with the background check shall be paid at the time of application. No operator's license shall be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is conducted by an accredited vocational, technical or adult education district, and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education.

(a) Operator's licenses may be granted to individuals by the Village Board for the purposes of complying with Wisconsin Statutes 125.32(2) and 125.68(2).

(b) Operator's licenses shall be valid for one (1) year and shall expire on June 30 each year.

(9) Provisional operator's license. Provisional operator's licenses shall be issued pursuant to §22.02 of these ordinances.

(10) Reserve "Class B" liquor license. Except as may be specifically exempted by state statute, any available reserve "Class B" liquor license applicant shall pay a one (1) time fee to the Village in the sum of Ten Thousand (\$10,000.00) Dollars in addition to those annual fees established under §22.01(5), above.

(d) License Application.

(1) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the Village Clerk/Treasurer at least fifteen (15) days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a separate wall.

(2) Application to be notarized. The application shall be signed and sworn to by the applicant as provided by Wisconsin Statute 887.01.

(3) Publication. Prior to the issuance of a license under this section, the Village Clerk/Treasurer shall publish notice of the application in a newspaper of general publication.

(4) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk/Treasurer to the Wisconsin Department of Revenue.

(e) License Restrictions.

(1) Statutory requirements. Licenses shall be issued only to persons eligible therefore under Wisconsin Statutes 125.04 and 125.33(3)(b).

(2) Location. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school or church to the main entrance to the premises covered by the license.

(3) Violators of liquor or beer laws or ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under Wisconsin Statute 125.12 during a one (1) year period prior to such application.

(4) Health and sanitation requirements. No retail Class A or B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor & Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village Board of Trustees of the Village of Paddock Lake.

(5) License quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Wisconsin Statute 125.51(4).

(6) Corporations. No license shall be granted to any corporation when more than fifty (50%) percent of the voting stock, legal or beneficial interest is held by any person or persons not eligible for a license under this section.

(7) Age requirement. No license shall be granted to any person who has not attained the legal drinking age as provided in Chapter 125 of the Wisconsin Statutes, as may be amended from time to

time.

(8) Effect of revocation of license. Twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

(9) Delinquent taxes, assessments and claims. No license shall be granted or renewed for any premises for which any real or personal property taxes, assessments, forfeitures, fines, utility bills or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments to the Village.

(10) Timely filing of application. Pursuant to §125.04(3)(f) of the Wisconsin Statutes, no license shall be granted or renewed unless a fully executed application is filed with the Clerk/Treasurer of the Village at least fifteen (15) days prior to the granting of the license. All applications for the issuance or renewal of licenses shall be reviewed by the Village Board at its regular meeting on the third Wednesday of June of each year. In the event that an application is not timely filed such that it cannot be reviewed by the Board of Trustees at its regular meeting in June and if the license applicant files its request, in writing, with the Village Board that the application be reviewed prior to the Board's next regularly scheduled meeting, together with a fee of Two Hundred (\$200.00) Dollars, to cover the costs of conducting a special meeting for the issuance of the license, then the Board may, in its discretion, hold a special meeting to review the license application. Nothing in this section shall require the Board of Trustees to hold a special meeting prior to the expiration of a license for which a timely application has not been filed.

(f) Transfer of Licenses.

(1) As to person. No license shall be transferable as to the licensee except as is provided by Wisconsin Statute 125.04(2).

(2) As to place. Licenses issued pursuant to this section may be transferred to another

premises once during any licensed year as provided in Wisconsin Statute 125.04(12). Application for such transfer shall be made on forms furnished by the Village Clerk/Treasurer. The fee for such transfer shall be Ten (\$10.00) Dollars.

(g) Posting and Care of Licenses. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wisconsin Statute 125.04(10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(h) Regulation of Licensed Premises and Licenses.

(1) Gambling and disorderly conduct prohibited. Each licensed and permitted premises shall at all times be conducted in any orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(2) Employment of persons who have not attained 18 years of age. No licensee shall employ any person who has not attained 18 years of age as defined by Chapter 125 of the Wisconsin Statutes as may be amended from time to time to serve, sell, dispense or give away any alcohol beverage.

(i) Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(1) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hours shall be 9 p.m.

(2) If a retail Class "A" license, between midnight and 8 a.m.

(3) If a retail "Class A" license, between 9 p.m. and 8 a.m.

(4) If a retail Class "B" or Class "B" license, between 2 a.m. and 6 a.m., Monday through Friday, and 2:30 a.m. and 6 a.m. on Saturday and Sunday, except on January 1, when there shall be no closing hours. No package, container or bottle sales may be made after midnight.

(j) Revocation and Suspension of Licenses. If the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wisconsin Statute 125.12, and the provisions therein relating to granting a new liquor license shall likewise be applicable.

(k) Non-renewal of Licenses. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Village Board.

(l) Violations by Agents and Employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(m) License Investigation.

(1) Review committee. The Village Clerk/Treasurer shall notify the sheriff, the Fire Chief, and the Building Inspector of each application for any alcohol license provided in this chapter, and these officials shall inspect each application and the premises as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and whether the applicant is a proper recipient of a license. A report of such investigation shall be made to the Village Board of Trustees, at the time the application is presented to the Village Board, with a recommendation to grant or deny the license, and the reasons therefore. Applications for an operator's license shall be investigated by the Sheriff, who shall report to the Village Board as to whether the applicant is a fit and proper person to have such a license. This section shall apply to applications for license renewals as well as to applications for original licenses.

(2) Inspection and Search. Every license consents upon issuance of the license to the inspection and search by the Sheriff of the licensed premises during business hours, and further consents to the removal of all articles found in violation of law or ordinance.

(n) Penalty. Any person who has violated subsection (f) hereof shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, plus the costs of prosecution, and in default of the timely payment thereof, shall be committed to the county jail until such forfeiture has been paid, but for a period not to exceed fifteen (15) days.

22.02 PROVISIONAL OPERATOR'S LICENSE.

Pursuant to Section 125.17(5) of the Wisconsin Statutes, the Village Board may issue provisional operator's licenses to qualified applicants subject to the following:

(a) Issuing Official. A provisional operator's license shall be issued by the Village Clerk/Treasurer to any applicant satisfying the conditions herein.

(b) Conditions of Issuance. A provisional operator's license shall be issued to applicants who meet the following requirements:

(1) The applicant must have applied for, been granted, and be eligible for issuance of an operator's license, except for the requirement of the completion of a responsible beverage server training course in accordance with §22.01(c)(8) and relevant portions of Chapter 125 of the Wisconsin Statutes.

(2) The applicant must show proof of enrollment in a responsible beverage server training course as required by §125.17(6) of the Wisconsin Statutes, and §22.01(c)(8) of these ordinances; further, such proof of enrollment must show the course commencement date.

(3) The applicant must have paid the provisional operator's license fee and any fee imposed by the Kenosha County Sheriff for a records check.

(4) Deposit with the Clerk/Treasurer a bond in the sum of One Hundred (\$100.00) Dollars, in cash, which bond shall be refunded to the applicant upon the issuance of a regular license to the applicant.

(5) Issuance of the provisional operator's license shall be subject to a preliminary records

check conducted by the Kenosha County Sheriff's Department and the Clerk/Treasurer shall issue such license subject to the records check.

(c) Fees. The fee for provisional operator's license shall be Fifteen (\$15.00) Dollars, plus Five (\$5.00) Dollars for a records search fee to be paid to the Kenosha County Sheriff.

(d) Expiration. Provisional operator's licenses shall have the expiration date conspicuously placed thereon. The expiration date of provisional operator's license shall be sixty (60) days from the date of issuance.

(e) Blanket Bond. In lieu of the provisional operator's license bond required by subsection (b)(4), above, any business may post a blanket bond in the sum of One Hundred (\$100.00) Dollars, in cash, for the purpose of providing a bond fund for any applicant who is either currently or anticipated to be an employee of such business. This blanket bond shall be subject to forfeiture upon revocation of a provisional operator's license and the Village Clerk/Treasurer may require written verification from the business posting such bond authorizing the blanket bond to be subject to the application of a proposed licensee. In the event that circumstances exist which would otherwise give rise to the possibility of a forfeiture of an applicant's bond, the blanket bond shall not be forfeited in the event (1) if the provisional operator's license is immediately surrendered to the Village Clerk/Treasurer and (2) if there are discovered no instant facts and circumstances which are inconsistent with the continued issuance of the provisional operator's license in question.

(f) Revocation. Provisional operator's licenses shall expire and be null and void on the date inserted on the face of such license, upon issuance of a regular operator's license or upon revocation for cause, should such event occur. Material misrepresentation on an applicant's written application shall be grounds for the immediate revocation of a provisional operator's license which is issued. In addition, any other ground upon which a regular operator's license may be revoked shall be grounds for revocation of a provisional operator's license. Any revocation of a provisional operator's license may occur by a majority vote of a duly-convened meeting of the Village Board Judiciary and License Committee where proof of notice of such meeting has been first given by first class mail to the applicant.

(g) Renewal. One (1) provisional operator's license may be granted subject to one (1) renewal in the event that the

applicant, for good cause, is unable to timely complete the responsible beverage server training course in which he or she is enrolled. Any determination of good cause shall be first made by a review of the Judiciary and License Committee of the Village Board of Trustees, with any renewal being subject to a majority vote of the full Board of Trustees.

22.03 RESERVED FOR FUTURE USE.

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22.06 RESTRICTIONS ON SALE AND CONSUMPTION.

(a) Restrictions on Keeper. Except as provided in paragraph (d) of this section, no keeper of any place for the sale of any intoxicating liquor may either directly or indirectly suffer or permit an underaged person, unaccompanied by his or her parent, guardian, or spouse, of whom at least one has attained the legal drinking age, who is not a resident employee or bona fide lodger or boarder on the premises of the licensed person, to enter or be on the licensed premises for any purpose, except as provided by Paragraph (b) of this section. A person who violates this Paragraph is subject to a forfeiture of not more than \$500.00.

(b) Restrictions on Underaged Persons. Except as provided by Paragraph (d) of this section, a person who is an underaged person as defined by Chapter 125 of the Statutes of the State of Wisconsin may not enter or remain on the premises of a place which sells intoxicating liquor for other than a valid purpose under Paragraph (d) unless the person is a resident, accompanied by his or her parent, guardian or spouse, at least one of whom has attained the legal drinking age. A person who violates this paragraph is subject to the forfeiture and proceedings as provided by the Wisconsin Statutes, as may be amended from time to time.

(c) Restrictions on Off Premises Consumption. Intoxicating liquor and ferment malt beverages or any open containers thereof may not be consumed or possessed by patrons or others outside of licensed retail Class "B" premises, as those premises are described in the relevant license application, and it shall be unlawful for a license holder to permit said consumption contrary to the terms of this Ordinance.

(d) Exemptions. This section does not apply to hotels, drugstores, grocery stores, bowling alleys, ski chalets, golf clubhouses, cars operated on any railroad, public facilities which are owned by a county or municipality, regularly established athletic fields or stadiums, nor to premises operated under both a Class "B" license and a restaurant permit where the principal business conducted on the premises is that of a restaurant. It is presumed, however, where the premises are so operated under both Class "B" license and a restaurant permit, that the principal business conducted on the premises is that of the sale of intoxicating liquor, until the presumption is rebutted by competent evidence.

(e) Inactive Licenses Prohibited. Within ninety (90) days from the issuance of a "Class A" Intoxicating Liquor License, "Class B" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, Class "B", Fermented Malt Beverage License, or a Class "C" License, the licensee shall be open for business with adequate stock and equipment. In the event of said licensee's failure to commence business within such time, said license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, upon application of the licensee and for good cause shown by the licensee, extend the time for an additional period of time. Any premises which shall be issued a "Class A" Intoxicating Liquor or Class "A" Fermented Malt Beverage License or a "Class B" Intoxicating Liquor or Class "B" Fermented Malt Beverage License, or a Class "C" License, who, after being issued a license, shall cease doing business or fail to remain active in said licensed business for a period of ninety (90) days, shall be subject to revocation as set forth in this section.

(f) Outside Activity Area. An alcohol beverage license granted by this ordinance shall not include sales or activities outside of the principal building unless such outside area is specifically included as part of the license or unless a special permit extension is issued by the Village Board. Any such special permit shall be restricted to such terms and conditions as the Village Board shall determine after considering the particular location of the outdoor premises in relation to neighboring residences, buildings or structures. This section shall be applicable to gardens, decks and patios. Any special permits shall include the hours during which the outdoor activity will be permitted, and any other conditions including fencing, insurance and quantity and type of artificial lighting. There shall be no music or entertaining performances to be held on the outside premises unless specifically permitted as provided herein. Each permit for outside activity shall be determined on a case by case basis and with rules, regulations and conditions as determined by the Village Board for the particular location.

22.07 PENALTIES.

(a) Violation of Wisconsin Statutes. For the violation of any of the provisions of this Chapter, which are in conformity with the Wisconsin Statutes, the persons convicted of such violation shall be subject to a forfeiture equivalent to the fine provided by such statute, and to imprisonment only in case the forfeiture is not paid.

(b) Violation of Other Statutes. For the violation of any other provision of this Chapter, the person so convicted thereof shall pay a forfeiture of not more than \$500 together with costs of prosecution. If such forfeiture and costs are not paid, he shall be imprisoned in the County Jail for not more than 90 days.