

ORDINANCE NO. 693-041023

Amending and Recreating Chapter 148 of the Village of Waterford's Code of Ordinances. Intoxicating Liquor.

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

Section 148-5(k) of the Village of Waterford Code of Ordinances is hereby amended and recreated as follows:

§ 148-5 License restrictions.

[Amended 12-16-1998 by Ord. No. 370; 1-23-2006 by Ord. No. 489; 2-28-2011 by Ord. No. 569; 7-28-2014 by Ord. No. 619; 12-12-2016 by Ord. No. 641]

- A. Statutory requirements. Licenses required under this chapter shall be issued only to persons eligible therefor under Wis. Stats. § 125.04.
- B. Location.
 - (1) No retail Class "A," Class "B," "Class A," "Class B" or "Class C" license, including any provisional license, shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, tribal school, hospital or church, except this prohibition may be waived by a majority vote of the Village Board. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the main entrance to such premises.
 - (2) This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building. This subsection shall not apply to a restaurant located within 300 feet of a church or school if the sale of alcohol beverages accounts for less than 50% of the restaurant's gross receipts.
- C. Criminal offenders. No license or permit related to alcohol beverages may, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.
- D. Health and sanitation requirements. No retail Class "B," "Class B" or "Class C" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state pertaining to building, plumbing, health, restaurants and restaurant sanitation and to all such ordinances and regulations adopted by the Village.
- E. License quota. The number of persons and places that may be granted retail "Class B" liquor licenses or Reserve "Class B" liquor licenses under this chapter is limited as provided in Wis. Stats. § 125.51(4). See § **148-3F**.
- F. Corporations, limited-liability companies and other legal entities. No corporation, limited-liability company or other legal entity organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation or limited-liability company meets the requirements of Wis. Stats. § 125.04(6).
- G. Age requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.
- H. Effect of revocation of license. Whenever any license is revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.
- I. Delinquent taxes, assessments, forfeitures and other claims. No license shall be granted to any person who or premises for which taxes, assessments, forfeitures or other claims of the Village are delinquent and unpaid. In the event that the applicant is applying for a new license, the applicant shall be given notice and the opportunity to rebut the charge of a delinquent payment due. In the event that the applicant is applying for a renewal license, the provisions of § **148-11** shall apply. This subsection does not apply if the applicant is appealing the imposition of the amount due.
- J. Issuance for sales in dwellings prohibited. No license shall be issued to any person for the purpose of possessing, selling or

offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

Introduced: April 10, 2023

Passed and Adopted: April 10, 2023

BY ORDER OF THE VILLAGE BOARD

Don Houston, President

ATTEST:

Rachel Ladewig, Clerk

Drafted: Zeke Jackson