

Ordinance 08-02-2024

An Ordinance amending Chapter 171 “Alcoholic Beverages” of the Village Code of the Village of Slinger to document and clarify alcohol beverage licensing and permitting standards and criteria

THE VILLAGE BOARD OF THE VILLAGE OF SLINGER, WASHINGTON COUNTY, does hereby ordain as follows:

SECTION I. Chapter 171 “Alcoholic Beverages” is hereby amended to read as follows:

§171-1. STATE STATUTES ADOPTED.

The current and future provisions of Chapter 125, Wis. Stats., defining and regulating the types, sale, procurement, consumption, dispensing, and transfer of alcohol beverages, as well as provisions dealing with the suspension and revocation of alcohol beverage licenses and permits and including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this Section by reference. A violation of any such provision shall constitute a violation of this Section. Any future amendments, revisions, modifications, or additions of the statutes incorporated herein, are intended to be made part of this Chapter in order to secure uniform statewide regulations of alcohol beverages in this State.

§171-2. BASIC REQUIREMENTS.

A. Occupancy Permit Required. No person on any licensed premises shall conduct any transactions regulated by this Chapter unless a licensee holds a valid Occupancy Permit issued by the Municipality. Failure to hold any required Occupancy Permit or any violation of any required Occupancy Permit are grounds for suspension or revocation of any license or permit issued under this Chapter.

B. Wisconsin Seller's Permit Required. No person on any licensed premises shall conduct any transactions regulated under this Chapter unless a licensee holds and maintains a valid Wisconsin Seller's Permit as required under §77.52 Wis. Stats., issued to the premises and licensee described in the license during the period of licensing. Failure to hold a valid Wisconsin Seller's Permit or any violation of a Wisconsin Seller's Permit are grounds for suspension or revocation of any license issued under this Chapter.

C. Wisconsin Business Tax Registration Certificate Required. No person on any licensed premises shall conduct any transactions regulated under this Chapter unless a licensee holds and maintains a valid Wisconsin Business Tax Registration Certificate as required by Wisconsin Statutes issued to the premises and licensee described in the license during the period of licensing. Failure to hold a valid Wisconsin Business Tax Registration Certificate or any violation of a Wisconsin Business Tax Registration Certificate are grounds for suspension or revocation of any license issued under this Chapter.

D. Business Plan Required. No person on any licensed premises shall conduct any transactions regulated under this Chapter unless a licensee operates under an approved Business Plan which has been submitted to and approved by the Village Board as part of the alcohol

beverage licensing procedure for the premises and licensee described in the license during the period of licensing. Failure to have an approved Business Plan or any failure to comply of an approved Business Plan are grounds for suspension or revocation of any license issued under this Chapter.

E. Federal Employment Identification Number (FEIN) Required. No person on any licensed premises shall conduct any transactions regulated under this Chapter unless a licensee holds and maintains a valid FEIN as required issued to the premises and licensee described in the license during the period of licensing. Failure to hold a valid FEIN or any violation of a FEIN are grounds for suspension or revocation of any license issued under this Chapter.

§171-3. GENERAL LICENSING REQUIREMENTS. Failure to comply with the following requirements are grounds for suspension or revocation of any license or permit issued under this Chapter.

A. Application Process. The application process is governed by §125.04, Wis. Stats.

1. *Applications.* All applications other than operator's licenses shall contain all the information required by the form required under §125.04(3), Wis. Stats., and any other information as reasonably required by the Municipal Clerk. The application shall be specific in detail as to what area of the premises shall be licensed or permitted for the sale of alcoholic beverages. Operator's license applications shall contain all information required on the form and any other information as may reasonably be required by the Municipal Clerk.

2. *Fees.* Fees are governed by §125.04, Wis. Stats.

a. The fees for liquor licenses which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees. Operator permit fees are not refundable.

b. Fees for partial liquor licensing years must be prorated if required by Chapter 125, Wis. Stats. In all cases when an alcohol beverage license is issued for a partial year, a minimum fee of \$25.00 and all actual publication fees and investigation fees must be paid.

c. Once any license is issued, no return of any payment shall be made regardless of whether the license or permit is used for the entire year.

d. Fees for licenses and permits shall be established by the Village Board from time to time by separate Resolution, provided that the fee shall be in an amount approved by Chapter 125, Wis. Stats.

B. Investigation Process. Upon receipt of a license or permit application under the provisions of this Chapter, the Municipal Clerk shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant(s).

1. *All Alcoholic Beverage Licenses*. The Police Department, Building Inspector, Fire Department, and other persons authorized shall investigate all persons and premises included in the application to determine the suitability and character of the applicants. Authorized personnel may conduct an investigation and inspection of the premises mentioned in the applications, to determine if the persons and premises comply with all applicable regulations, ordinances and laws.
2. *Operator's Permits*. The Village Clerk or designee shall conduct an investigation of all applicants to determine the suitability and character of the applicant.
3. *Reports*. Upon completion of all investigations for alcoholic beverage licenses, findings shall be submitted to the Municipal Clerk. The Municipal Clerk will then forward the application to the Village Board for action.

C. Operator's Permits. In addition to the provisions of §125.17, Wis. Stats,

1. *Regular Operator's Permit*. Pursuant to and subject to the requirements of §125.17(1), Wis. Stats., regular operator's permits may be granted to individuals by the Municipal Clerk or their designee as allowed by the adopted policy of the Village Board.
2. *Provisional Operator's Permit*.
 - a. Pursuant to and subject to the requirements of §125.17(5), Wis. Stats., the Municipal Clerk or their designee, shall issue a provisional operator's permit to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death, disability, or absence of the regular operators. The Municipal Clerk or their designee, before authorizing such issuance, shall determine that the applicant has a satisfactory record, and likely would be issued a regular operator's permit. All operator's permits issued under this Section shall expire on June 30 of each year.
 - b. Pursuant to and subject to the requirements of §125.17(6), Wis. Stats., the Municipal Clerk or their authorized designee may issue a provisional operator's permit to a person who is enrolled in a training course and has applied for a regular operator's permit.
 - i. *Temporary Operator's Permits*. Pursuant to and subject to the requirements of §125.17(4), Wis. Stats., the Municipal Clerk or their designee may issue temporary operator's permits.

ii. *State Operator's Permits.* Any individual who receives an operator's permit from the Wisconsin Division of Alcohol Beverages and intends to use the permit within the Municipality must provide the Municipal Clerk with a copy of the permit.

D. Provisional Retail Licenses. Pursuant to and subject to the requirements of §125.185, Wis. Stats., the Municipal Clerk or their designee, shall issue a provisional license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death or disability but is not caused by merely failing to file the application for a license or permit timely.

E. Managers' Licenses. Pursuant to §125.18, Wis. Stats., the Municipality opts not to issue Managers' Licenses.

F. Public Parks. Fermented malt beverages shall be sold by officers or employees of the municipality or their designee(s) under an ordinance, resolution, rule or regulation enacted by the Municipality.

G. Transfers of Licenses. If the transfer of a license is approved by the Village Board pursuant to §125.04(12), Wis. Stats., all conditions set forth under this Chapter shall be complied with. Failure to conform with the terms of the approved license transfer shall be grounds for denial, suspension or revocation of the license.

H. Non-Use of License or Permit. The Village Board reserves the right to revoke a Class "A" or "B" or "Class A" or "Class B" liquor license issued hereunder that is not used within 30 days after issuance or usage is discontinued or the premises is abandoned for a period of 60 days or more. The liquor license may be subject to revocation by the Village Board following a public hearing. The license holder will be notified of the public hearing via certified mail by the Village Clerk. No refund shall be made of any part of the license fee for any liquor license that is revoked for cause or is voluntarily surrendered.

The following exceptions shall apply:

1. The licensee may petition the Village Board for an extension of time within which to use such license when the premises is destroyed or damaged by fire or other natural causes or is closed for remodeling for more than 60 days.
2. Existing seasonal businesses, including the racetrack (dba Slinger Super Speedway) and the ski hill (dba Little Switzerland) shall not be subject to the 60 consecutive days of nonuse if such time period is not during their operation season (April to October for the racetrack and November to April for the ski hill).

I. Closing Hours. Closing hours shall be as set by Wisconsin Statutes with the following applicable local options:

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

2. If a Retail Class "A" Fermented Malt Beverage License, between 9 p.m. and 6 a.m.
3. If a Retail "Class A" Intoxicating Liquor License, between 9 p.m. and 6 a.m.

J. Full Service Retail Location. The Village Board may, as a part of its approval process of a full-service retail location, include as conditions of approval any of the provisions of this Chapter and the Municipality's Zoning Code.

§171-4. RESTRICTION ON ISSUANCE OF LICENSES. The following restrictions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following restrictions are grounds for suspension or revocation of any license issued under this Chapter.

A. Health and Sanitation Requirements.

1. No initial or renewal alcohol beverage 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, and Human Relations pertaining to building's electrical and plumbing; to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, if the premises is licensed to serve food; and to all such rules and regulations as to building, health and sanitation adopted by the Village, the County, the State or the Federal government.
2. Any violation of any of the restrictions imposed by this subsection relating to Health and Sanitation Requirements may be grounds for suspension or revocation of any license or permit issued under this Chapter.

B. Delinquent Taxes, Assessments, Forfeitures, and Claims.

1. No initial or renewal alcohol beverage license shall be issued for any premises or property which is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality.
2. No initial or renewal alcohol beverage license shall be issued to any person who is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality. No license may be issued to any person having an indebtedness for fermented malt beverages outstanding for more than 15 days or for intoxicating liquor outstanding for more than 30 days.
3. If at any time the premises, property, and/or person is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality said delinquency shall be grounds for suspension or revocation of any license issued under this Chapter.

§171-4. MUNICIPAL REGULATION. The following conditions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following conditions is grounds for suspension or revocation of any license or permit issued under this Chapter.

A. Consent to Inspection. Every applicant obtaining a license or permit thereby consents to the entry of the police or other authorized representatives of the Municipality or the State at any reasonable time for the purpose of inspection and search, and consents to the removal from said premises of all things found to be in violation of Municipal Ordinances or Wisconsin Statutes and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.

B. Safety and Sanitation Requirements. Every licensed or permitted premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used.

C. Regulation of Underage Persons. This Chapter is also intended to incorporate as ordinance violations, the regulations of underage persons under §125.10(2), Wis. Stats.

D. Consumption on Public Streets. It shall be unlawful for any person to drink, consume, transport, carry or possess any intoxicating liquor, wine or fermented beverage, except in the original sealed package, either in or out of a vehicle in any of the following places:

1. Any Village-owned or –controlled parking lot
2. Any public street, highway, alley, sidewalk or other similar place within the Village of Slinger
3. Any privately owned parking lot, driveway or lot used for vehicular traffic and/or vehicular parking
4. Any grounds under the control of the Slinger School District and the grounds of any privately owned and operated school, church, hospital or other institution frequented by the public, unless expressly authorized by the owner thereof

E. Violations by Agents and Employees. A violation of this Chapter by an authorized agent or employee of the licensee or permittee shall constitute a violation by the licensee or permittee.

F. Municipal Ordinance Violations. Any license or permittee holder, who is convicted of violating any Municipal Ordinance, such violation is grounds for the revocation or suspension of the license or permit.

G. False Information in an Application. If a person knowingly provides materially false information in an application for a license or permit under this Chapter or on a full- service retail outlet form, and if a person materially violates any representation made in an affidavit under §125.20(6)(a)6. or (c)4. Wis. Stats., such action is grounds for the revocation or suspension of the license or permit.

§171-5. REVOCATION AND SUSPENSION OF LICENSES. Suspension or Revocation of any licenses or permits issued under this Chapter is governed by §125.12, Wis. Stats.

§171-6. PENALTIES.

A. Any person who violates any provisions of this article shall be subject to a penalty as provided in §1-2 of the Code and shall be subject to a forfeiture as provide in the Village’s Schedule of Deposits.

B. A license issued in violation of Chapter 125, Wis. Stats. is void.

C. Any licensee who allows another person to use his or her license to sell alcohol beverages, shall have his or her license revoked.

D. Specific Penalties Provisions. Chapter 125 Wis. Stats., includes specific penalties which are incorporated herein.

SECTION II. SEVERABILITY.

The sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections portions there of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force after its passage and posting according to law.

Introduced by Trustee _____.

Passed and Adopted this _____ day of _____, 2024.

Scott Stortz, Village President

Countersigned:

Tammy Tennes, Village Clerk