

# **Village of Oliver**

## **Chapter 400. License for Sale of Alcoholic Beverages**

Section 1. State Statutes Adopted

Section 2. Maximum Number of Class B Licenses.

Section 3. Classes of Fermented Malt Beverage Licenses

Section 4. Classes of Intoxicating Liquor Licenses

Section 5. Other Licenses

Section 6. License Fees

Section 7. Non-Operation.

Section 8. Suitability of License Applicants

Section 9 Corporate Licenses

Section 10. New Licenses Required when Corporation stock Transferred

Section 11. License not Granted to Tax Debtors or to Person with Overdue Forfeitures

Section 12. Premises Ineligible for Licenses

Section 13. Premises

Section 14. Issuance with Conditions

Section 15. Non-operation

Section 16. Payment of Demolition Costs and Personal Property Taxes Required

Section 17. Removal of Beverages Purchased

Section 18. Conduct on the Premises

Section 19. Penalties

Section 20. Revocation, Suspension and Non-Renewal

Section 21. Inspection

Section 22. Authority of the Village Board to Promulgate Additional Regulations; Suspension or Revocation of License for Failure to Comply

### **Section 1. State Statutes Adopted.**

Except as otherwise specifically provided in this chapter, the statutory provisions of Chapter 125, as amended, of the Wisconsin Statutes, describing and defining regulations on the sale, possession and consumption of alcohol beverages are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications to any statutes incorporated herein or referred to herein are intended to be made of this chapter.

## **Section 2. Maximum Number of Class B Licenses.**

No more than two (2) Class B intoxicating liquor licenses or more than two (2) Class B fermented malt beverage licenses shall be issued, held or available for issuance. Whenever any Class B intoxicating liquor license is revoked, non-renewed, denied or surrendered, such license shall not again be reissued if reissuance would result in the total number of licenses issued in the Village to be in excess of two (2). Whenever any Class B fermented malt beverage license is revoked, non-renewed, denied or surrendered, such license shall not again be reissued if reissuance would result in the number of licenses issued by the Village to be in excess of two (2). Further, no licenses shall be issued to such persons, or premises such that, at any time the total number of premises holding a liquor license, whether a Class B intoxicating liquor license or Class B fermented malt beverage licenses shall exceed two (2) licensed premises.

## **Section 3. Classes of Fermented Malt Beverage Licenses.**

The Village of Oliver, Wisconsin, elects to issue the following classes of license for the sale of fermented malt beverages:

- A. Class "B" licenses for the sale of fermented malt beverages as described in Wisconsin Statutes, section 125.26

## **Section 4. Classes of Intoxicating Liquor Licenses.**

The Village of Oliver, Wisconsin, elects to issue the following classes of license for the sale of intoxicating liquor shall be issued:

- A. Class "B" licenses for the sale of intoxicating liquor as described in Wisconsin Statutes, section 125.51(3)(b) and under Wisconsin Statutes, section 125.51(9)(b).

## **Section 5. Other Licenses.**

The Village of Oliver, Wisconsin elects to issue the following types of licenses:

- A. Operator's license under Wisconsin Statutes, section 125.17.
- B. Cigarette license.

## **Section 6. License Fees.**

By resolution of the Village Board fees shall be set for the following licenses and permits issued under this chapter:

- A. Fermented malt beverage licenses. Class "B" license for the sale of fermented malt beverages (issued under Wisconsin Statutes, section 125.26(4)).
- B. Intoxicating liquor licenses. Class "B" license for the sale of intoxicating liquor (issued under Wisconsin Statute, section 125.51(3)(e)).
- C. Other licenses.
  - 1. Operator's license valid for one year pursuant to Wisconsin Statutes, section 125.17.
  - 2. Cigarette license.
- D. Liquor license inspection fees: The fee for a Class "A" or Class "B" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which this license is issued. In addition to the fees set forth above, the applicant shall pay all costs of required publication. No part of any fee paid under this section shall be refunded. No license authorized under this chapter shall be issued or renewed until the appropriate fee has been paid to the Village of Oliver.

## **Section 7. Non-Operation.**

No "Class B" license for the sale of alcoholic beverages shall be renewed unless the licensed premises has been legally opened to the public for the sale of licensed alcoholic beverages for at least 150 hours during the 6 months immediately prior to the license's expiration date.

## **Section 8. Suitability of License Applicants.**

In determining whether an applicant should receive a license, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, the applicant's fitness for the trust to be reposed and such other factors as the Village Board may deem significant.

## **Section 9. Corporate Licenses.**

No license authorized by this section shall be issued or renewed to any corporation or partnership which has not first filed with the office of the Village Clerk a complete list of its officers, directors, and shareholders or partners. Such list shall state the percentage of outstanding shares owned by each stockholder or the percentage held by each partner. Any person who owns 20 percent or more of the issued stock of a corporation holding a license shall complete an alcohol license supplemental application form. The corporation shall notify the Village Clerk within 10 days of any change in officers or ownership.

## **Section 10. New Licenses Required When Corporation Stock Transferred.**

Whenever 50 percent or more of the stock or any corporation licensed under this chapter is transferred within one license year, whenever any individual or corporation obtains 50 percent or more of such stock or whenever controlling interest in any such corporation is changed, the license issued to such corporation shall be surrendered or revoked and the corporation shall file a new application and pay the required fee for new licenses as if it were making an original application. Stockholders who own 20 percent or more of the issued stock of the corporation shall file supplemental information forms as required by the Village Clerk.

## **Section 11. License Not Granted to Tax Debtors or to Person with Overdue Forfeitures.**

No license authorized under this chapter shall be issued or renewed to any person who owes the Village or Douglas County any past-due taxes, special charges, user fees, assessments or garbage collection fees. No license authorized under this chapter shall be issued or renewed to any person who is delinquent in the payment of any forfeiture resulting from a violation of any ordinance of the Village.

## **Section 12. Premises Ineligible for Licenses.**

- A. Sewer and water required. No license authorized by this chapter shall be issued, renewed or transferred to any premises unless the premises are connected and served by the Village sewer and water facilities where the facilities are available and with other adequate facilities where Village sewer and water facilities are not available.
- B. Inspection reports. No license authorized by this division shall be issued, renewed or transferred unless the premises conform to all provisions of this Code and other Village ordinances, and all health, sanitation, building and fire regulations of the Village and the state, and no license shall be initially issued, transferred or renewed unless the premises shall have been inspected and approved by the Village Board or its designated representatives, and the Douglas County Health Department.

## **Section 13. Premises.**

- A. No holder of a license authorized by this chapter may enlarge the licensed premises without first submitting to the Village Board a specific written description of the enlargement, or statement as to why the enlargement is needed and an illustration showing the location of fixtures, entrances and furniture in the enlarged area. No premises shall be enlarged unless the provisions of this section have been met and the enlargement has been approved by the Village Board.

- B. Upon approval of the Village, the licensed premises may include an outdoor premises which is contiguous to the licensed building. However the Village may impose reasonable conditions and restrictions upon such outdoor premises it deems to be in the best interest of the Village and its residents including, but not limited to, reduced hours of operation and noise level restrictions.

#### **Section 14. Issuance with Conditions.**

Any license or permit authorized by this chapter may be issued or renewed with such conditions or restrictions as may be imposed by the Village Board.

#### **Section 15. Non-Operation.**

No "Class B" license for the sale of alcohol beverages shall be renewed unless the licensed premises has been legally open to the public for the sale of the licensed alcohol beverage for at least 150 hours during the 6 months immediately prior to the license's expiration date.

#### **Section 16. Payment of Demolition Costs and Personal Property Taxes Required.**

The provisions of this article notwithstanding, no licenses authorized by this chapter may be transferred to a new premises or surrendered contingent upon the issuance of a new license, unless and until the existing license holder has paid or has made satisfactory provision for the payment of the cost any demolition which is or may be required under any order of the Village building inspector applicable to the existing licensed premises. Payment of such costs through special assessments or taxes is not considered payment or satisfactory payment under this section. The determination of what is satisfactory provision to pay shall be made by the Village Board of the Village of Oliver. No such license shall be transferred or surrendered contingent upon the issuance of a new license, unless and until all Village assessments or personal property taxes which are applicable to the existing premises and personal property are paid. In the event the transferor or the person surrendering a license fails to pay when due any tax on personal property used in the license premises, the transferee or new licensee shall pay such tax. The provisions of this section shall apply regardless of the ownership of the premises or property.

#### **Section 17. Removal of Beverages Purchased.**

Any intoxicating liquors or fermented malt beverages purchased from any licensee for off-premises consumption shall be removed from the premises by the patron prior to 12:01 a.m. of the day after purchase.

#### **Section 18. Conduct on the Premises.**

Premises licensed pursuant to this chapter shall at all times be kept and used in a legal, orderly, safe and sanitary manner in conformity to all building, fire and other regulations, ordinances and statutes. No disorderly, riotous, illegal or indecent conduct shall be allowed at any time on the licensed premises. The license shall be allowed at any time on any licensed premises. The license holder shall keep sidewalks, curbs, gutters and boulevards lying adjacent to a licensed premises reasonably free of debris and litter. The license holder shall keep such parking lots and other land used in conjunction with a license premises reasonably free of debris and litter.

#### **Section 19. Penalties.**

Any person, license holder, agent, firm or corporation violating any of the provisions of this chapter shall upon conviction forfeit a fine in the amount set by resolution of Village Board plus applicable assessments and court costs. In addition to any such forfeiture, assessments and costs, any license or permit issued under this article may be revoked, suspended or nonrenewed by the Village Board upon any violation of this chapter by the license or permit holder, the licensee's agents or employees.

#### **Section 20. Revocation, Suspension and Non-renewal.**

In addition to any other grounds for revoking, suspending or nonrenewing a license, any license issued under this chapter may be suspended, nonrenewed or revoked for cause arising from the location,

management, employees or clientele of the license premises. Cause for revocation, nonrenewal or suspension includes noise, nuisances, traffic congestion, litter, vandalism, disorderly behavior, unlawful act or other activity or condition detrimental to the public health, safety and welfare and includes any occurrence or condition on the premises and on such streets and properties which are in proximity to the premises. The Village Board may revoke, nonrenew or suspend the license of any person who commits an offense substantially related to the activity for which the licensee is licensed.

## **Section 21. Inspection.**

- A. The provisions of Wisconsin Statute, section 139.08(4) are hereby incorporated by reference.
- B. Each license holder under this chapter, by procuring the license, thereby consents to the entry of police officers or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and also consents to the removal from the premises of all things and articles there had in violation of this Code or other Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought from such offense.

## **Section 22. Authority of the Village Board to Promulgate Additional Regulations; Suspension or Revocation of License for Failure to Comply.**

Any license issue pursuant to this article shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment of this chapter or by enactment of new ordinances. Failure to comply with such new restrictions or regulations shall subject the license to suspension or revocation.

History: Adopted as ordinance 2011-8 on May 31, 2011 superseding ordinance adopted October 10, 2009 which had superseded Ordinance 2001-1 adopted on November 29, 2001.