

ALCOHOL BEVERAGES

Sec. 18-1. Adoption by Reference.

The provisions of Wis. Stats. Ch. 125 are hereby adopted and by reference made a part of this section as if fully set forth herein. Any person violating any provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Wis. Stats. Ch. 125.

Sec. 18-2. Issuance of Licenses.

Restrictions on issuing alcohol beverage licenses shall be as follows:

- (1) *Premises.* No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.
- (2) *Persons.* No initial or renewal alcohol license shall be granted to any person:
 - a. Delinquent in payment of any taxes, assessments or other claims owed to the Village.
 - b. Delinquent in payment of a forfeiture resulting from a violation of any ordinance.
 - c. Delinquent in payment to the State of any taxes owed.

(Code 1970, § 5.05)

Sec. 18-3. Business Continuation.

- (a) As a condition of maintaining and keeping an alcohol beverage license in this Village, any licensee must continue in business. Issuance or retention of a license by a party not doing business is hereby declared to be against public policy and lacking in usefulness.
- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business Continuation means:

- (1) *Time of Operation.* The applicant must maintain appropriately zoned premises and be open for the business of selling liquor at least 100 days of the license period, with each day consisting of at least six continuous hours in a 24-hour period. For each renewal application for licenses to take effect in July 2001 or thereafter, the applicant must have been open for the business of selling liquor for at least 100 days during the previous 12 months, except due to circumstances beyond its control, with each day consisting of at least six continuous hours in a 24-hour period.
 - (2) *Damage to Business Premises.* Any applicant whose place of business suffers damage that causes it to be nonoperable for a period of time shall make every reasonable effort to timely remedy the damage in order to resume normal operations in six months or less from the date of damage.
 - a. *Open* means conducting business publicly at least six hours per calendar day.
- (c) If any licensed party violates this section, the Village Board may take disciplinary action, including reprimand, license suspension for a specified number of days (up to 90 days) or revocation. Any license that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken shall

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follow notice to the licensee prior to a hearing. The hearing notice, which will include the reason for the hearing, and later the hearing decision of the Board, will be sent by first class mail to the licensee's last known address, or personally served at the Village President's option.

- (d) If disciplinary action is taken against an alcohol licensee, the procedure mandated under present Wis. Stats. §125.12 will be followed. At present, the procedure requires personal service of the hearing notice (summons) and complaint, and a hearing within three to ten days thereafter. If the licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.
- (e) There shall be no refund of any license fee paid to a party whose license is revoked.
- (f) In lieu of a hearing, the Village Board may accept surrender of the license, and the board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (g) Evidence and testimony at the hearing shall be done in open session. Pursuant to Wis. Stats., §19.85(1)(a), the Board may go into closed session to deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk shall see that the hearing notice is posted or published in a format acceptable to the president.
- (h) When a tenant has not done business in the licensed premises for at least 30 consecutive days, voluntarily vacated the premises more than 30 days before the Board decision, or was court ordered out of the premises with vacation to be at least 30 days before the Board's decision, grounds for suspension or revocation exist. Testimony of any party, eviction notice, court documentation or other valid evidence of such actions may be presented. The board may issue a summons and set up the hearing date prior to the expiration of the 30-day period, and may make its decision effective on a later date, in its discretion.
- (i) Unless no disciplinary action, including reprimand or probation, is offered by the Board, the license holder shall reimburse the Village for costs of personal service, mailing, fax costs and any per diem paid for a Village officer to attend the hearing or other meeting due to a license violation. Payment of the fees shall earn five percent interest if unpaid within 30 days. Payment shall be required before any future license is issued or reinstated to the license holder.

(Ord. of 7-23-2001, §§ 1--8, 11)