

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 4, SERIES OF 2013**

**AN ORDINANCE AMENDING THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE - CHAPTER 4
ALOCHOL BEVERAGES, ARTICLE II LICENSE CLASSES AND FEES SECTIONS 4-27
CLASSES OF LICENSES AND 4-28 LICENSE FEES AND APPENDIX C FEE SCHEDULE**

Sec. 4-27. - Classes of licenses.

- (a) *Retail "Class A" intoxicating liquor license.* A retail "Class A" intoxicating liquor license, when issued by the village clerk under the authority of the village board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- (b) *Retail "Class B" intoxicating liquor license.* A retail "Class B" intoxicating liquor license, when issued by the village clerk under authority of the village board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass, only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) *Class "A" fermented malt beverage retailer's license.* A Class "A" retailer's fermented malt beverage license, when issued by the village clerk under the authority of the village board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1. The license shall expire on the following June 30.
- (d) *Class "B" fermented malt beverage retailer's license.*
 - (1) *License.* A Class "B" fermented malt beverage retailer's license, when issued by the village clerk under the authority of the village board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of one percent of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1. The license shall expire on the following June 30.
 - (2) *Application.* A Class "B" license may be issued to any person qualified under Wis. Stats. § 125.04(5). Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Except as provided in Wis. Stats. § 125.31, Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (e) *Temporary Class "B" fermented malt beverage license.*
 - (1) *License.* As provided in Wis. Stats. § 125.26(1) and (6), temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association society. A license issued to a county or district fair licenses the entire fairground where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair

to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the village board.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the village clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200.00 and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the village board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.

(f) *Temporary "Class B" wine license.*

(1) *License.* Notwithstanding Wis. Stats. § 125.68(3), temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent alcohol by volume in an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Wis. Stats. § 125.26(6), for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent alcohol by volume from the stands while the fair is being held.

(2) *Application.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the village clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200.00 and will be ineligible to apply for a temporary "Class B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the village board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.

(g) *Wholesaler's license.* ~~A wholesaler's fermented malt beverage license, when issued by the village clerk under authority of the village board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.~~

(g)-(h) *Retail "Class C" license.*

(1) In this subsection, the term "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

(2) A "Class C" license authorized the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(3) A "Class C" license may be issued to a person qualified under Wis. Stats. § 125.04(5), for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts

and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.

(4) A "Class C" license shall particularly describe the premises for which it is issued.

Sec. 4-28. - License fees.

(a) *Fees enumerated.* There shall be the following classes of licenses which, when issued by the village clerk under the authority of the village board after payment of the license fee and publication costs, ~~specified hereinafter~~ shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in section 4-27 and Wis. Stats. ch. 125 (Wis. Stats. § 125.01 et seq.). ~~The amount of the license fee and publication cost shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code,~~

(1) *Class "A" fermented malt beverages retailer's license.* ~~The annual fee for this license shall be \$150.00.~~ The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(2) *Class "B" fermented malt beverage license.* ~~The annual fee for this license shall be \$100.00.~~ This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(3) *Temporary Class "B" fermented malt beverage license.* ~~The fee for this license shall be \$10.00 per event.~~

(4) *Temporary "Class B" wine license.* ~~The fee for this license shall be \$10.00 per event.~~ However, There shall be no fee if the temporary wine license is obtained along with a temporary fermented malt beverage license.

(5) *Fermented malt beverage wholesalers' license.* ~~The annual fee for this license shall be \$25.00.~~

(5)-(6) *"Class A" intoxicating liquor retailer's license.* ~~The annual fee for this license shall be \$200.00.~~

(6)-(7) *"Class B" intoxicating liquor retailer's license.* ~~The annual fee for this license shall be \$250.00.~~ This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. Pursuant to Wis. Stats. § 125.10, the license fee for the American Legion shall be \$50.00.

(7)-(8) *"Class C" wine license.* ~~The annual fee for this license shall be \$100.00.~~ The fee for less than 12 months shall be prorated.

(8)-(9) *Bona fide clubs or lodges.* Any bona fide club or lodge situated in the village and chartered or incorporated in the state for at least six years may be issued a license for a yearly fee. ~~of \$10.00.~~

(b) *Cancellation for failure to pay fee.* The village clerk shall issue each license approved by the village board and shall make the same available at the clerk's office in the village hall. Any licenses for which the license fee is not paid within 15 days of approval of the application by the village board shall be returned to the village board for cancellation or other disposition.

(c) *Nonrefundable fees.* In the event a license application submitted under this article is either denied by the village or voluntarily withdrawn by the applicant prior to the issuance of the license, the fee paid with respect to such application shall be nonrefundable to the extent of the first full \$50.00 thereof to reimburse

the village for administrative and/or publication costs. No refund of any fee paid shall be made once the license has been issued.

(d) Reserve "Class B" licenses.

(1) *Initial retail reserve "Class B" license fee.* There shall be a \$10,000.00 fee, to be paid in addition to the regular Class "B" and "Class B" fee, upon approval of a retail reserve "Class B" license.

(2) *Grants for certain reserve "Class B" licenses.*

a. *Findings and purpose.* The 1997 Wisconsin Act 27, effective December 1, 1997, establishes a new alcohol license called a retail reserve "Class B" license, and requires that all who are granted such a license pay an initial license fee of \$10,000.00 in addition to the regular Class "B" and "Class B" license fees. The board of trustees finds that businesses such as restaurants, hotels, and taverns make important contributions to the village's economy and serve important public purposes, including but not limited to, increasing the village's property tax base, providing employment and promoting tourism. The village board also finds that the new initial fee for reserve "Class B" licenses far exceeds the actual cost of licensing the activity and that excessive license fees deter new business and are contrary to economic growth. It is the purpose of this provision to utilize the excess revenue generated by Wisconsin Act 27 to assist new reserve "Class B" licensees in order to assist in the establishment of new businesses.

b. The village board may provide a grant to a reserve "Class B" licensee if the following conditions are met:

1. A retail reserve "Class B" license is granted to the licensee; and
2. The retail reserve "Class B" license applicant properly completes, executes and submits an application for a grant to the village board on a form provided by the village clerk at the same time an applicant submits the application for a retail reserve "Class B" license.
3. In making its determination whether to award any grant to a retail reserve "Class B" liquor licensee under this provision, the village board shall make such findings and establish such conditions as it deems necessary to ensure that any funds awarded hereunder further the important public purposes identified herein.

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage and posting.

Introduced: February 27, 2013

Approved and Adopted: March 6, 2013

VILLAGE OF LITTLE CHUTE

By:

Michael R. Vanden Berg, Village President

Attest: Vicki Schneider

Vicki Schneider, Village Clerk

A
3/7/13
P

<i>Alcohol beverages</i>		
<u>4-27(e)(2), (f)(2)</u>	Any person fronting other than applicant of temporary Class "B" fermented malt beverage license.	\$200.00 (forfeiture)
<u>4-28(a)(1)</u>	Class "A" fermented malt beverages retailer's license.	150.00 (prorated)
<u>4-28(a)(2)</u>	Class "B" fermented malt beverage license.	100.00 (prorated)
<u>4-28(a)(3)</u>	Temporary Class "B" fermented malt beverage license.	10.00 per event
<u>4-28(a)(4)</u>	Temporary "Class B" wine license. (No fee if obtained with beer license)	10.00 per event
<u>4-28(a)(5)</u>	Fermented malt beverage wholesalers' license.	25.00
<u>4-28(a)(6)</u>	"Class A" intoxicating liquor retailer's license.	200.00 300.00
<u>4-28(a)(7)</u>	"Class B" intoxicating liquor retailer's license.	250.00 300.00
<u>4-28(a)(7)</u>	License fee for the American Legion.	50.00
<u>4-28(a)(8)</u>	"Class C" wine license.	100.00
<u>4-28(a)(9)</u>	Bona fide clubs or lodges.	10.00
<u>4-28(c)</u>	License application fee.	50.00
<u>4-28(d)</u>	Initial retail reserve "Class B" license fee.	10,000.00

<u>4-85</u>	Transfer and lapse of license.	10.00
<u>4-93(c)(3)f</u>	Fine for licensee allowing nudity.	50.00–300.00
<u>4-94</u>	Outdoor-alcoholic alcoholic beverage permit fee	100.00
<u>4-118(a)</u>	Operator's licenses.	50.00
<u>4-118(a)</u>	Provisional licenses.	15.00