Village of Bonduel
Shawano County
117 W. Green Bay Street
Bonduel, WI 54107

ORDINANCE NO.: **2024-02**

SPONSORED BY: Committee of the Whole

INTRODUCED BY: Kay Hottenstine

SECONDED BY: Tim Kelley

THE VILLAGE BOARD OF THE VILLAGE OF BONDUEL, SHAWANO COUNTY, WISCONSIN, DO ORDAIN that the Municipal Code of Bonduel, Wisconsin, Chapter 20 Licenses and Permits, Article II. Alcohol Beverages. Division 2. Licenses. is hereby amended as follows:

Sec. 20-40. Application.

Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by Wis. Stats. § 125.04(3), and shall be filed together with the cost of publication as provided by Wis. Stats. § 125.04(3)(g)6, with the clerk-treasurer not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under Wis. Stats. §§ 125.26(6) and 125.51(10) shall be filed with the clerk-treasurer not less than three days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall permit the village to secure from the federal bureau of investigation and the state crime information bureau a record check of the applicant. The license fee shall be paid at least 15 days before the license is issued and no license shall be issued until the fee has been paid.

Sec. 20-41. License fees.

The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as prescribed by resolution as from time to time duly adopted by the village board, shall accompany each such appeal and that no such appeal shall deemed properly filed unless said fee is paid.

(1) Class "A" fermented malt beverage license.

(2) Class "B" fermented malt beverage license.

(3) Temporary class "B" licenses.

a. *Picnic license, beer.* Issued to organizations enumerated under state law, to sell or serve fermented malt beverages at a picnic, meeting or gathering.
b. *Picnic license, wine.* Except that no fee shall be charged in the event a license under subsection (3)a of this section is simultaneously issued. Issued to organizations enumerated under state law to sell or serve wine at a picnic, meeting or gathering.
c. *Annual quota.* There is no limit on the number of temporary class "B" (picnic) beer licenses that may be issued to an eligible organization in a calendar year. However, not more than two temporary class "B" (picnic) wine licenses

may be issued to an eligible organization in any 12-month period. Wis. Stat. § 125.51(10).

(4) "Class A" intoxicating liquor license.

(5) "Class B" intoxicating liquor license. Except the license fee for bona fide clubs and lodges situated and incorporated or chartered in the state for at least six years, as provided in Wis. Stats. § 125.51(5)(a).

a. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fraction thereof remaining until the following June 30.
b. Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

(6) Reserve "class B" intoxicating liquor license. The initial issuance fee for a reserve "class B" intoxicating liquor license is established by the Village Board and must be a minimum of $10,000. The initial issuance fee is in addition to the annual fee charged by the village for a "class B" liquor license. The annual fee for renewal of a reserve license is the fee set from time to time by resolution of the Board.

(7) "Class C" wine license.

(8) Wholesaler's fermented malt beverage license.

(9) Operator's license. No new operator's license shall be granted unless the applicant has successfully completed a DOR approved responsible beverage server training course or is otherwise exempt from such requirement under Wis. Stats. § 125.17(6)(a). The clerk-treasurer may issue a provisional operator's license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course.

(10) *Provisional operator's license*. As provided in Wis. Stats. § 125.17(5)(d)1, a provisional license expires 60 days after its issuance or when a license under § 125.17(1) Wis. Stats. is issued to the holder, whichever is sooner.

(11) Provisional retail alcohol beverage license. License is good for up to 60 days, as provided in Wis. Stats. § 125.185.

(12) Temporary operator's license. License is good for up to 14 days, as provided in Wis. Stats. § 125.17(4).

(13) Transfer of license to another premises.

(14) Publication fee.

Sec. 20-42. Operator's license.

(a) Operator's licenses may be granted to individuals by the village clerk upon receipt of a written report from the police department, or their designee, that the applicant has no disqualifying criminal history for the purposes of complying with Wis. Stats. § 125.32(2) and Wis. Stats. § 125.68(2). If an applicant's qualifications are in

doubt by either the police department or the village clerk, the village clerk may bring the issue before the village board for their approval or denial.

(b) The applicant shall submit an operator's licenses application, showing proof of successful completion of DOR approved responsible beverage server training course and must pay the annual fee as listed on the village fee schedule.

(c) Operator's licenses shall be valid for one year. All applications for annual renewal of operator's license shall be filed with the village clerk on or before May 1 of each year. All operator's licenses shall expire on June 30 of each year after issuance.

Sec. 20-43. License required.

No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this article nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.

Sec. 20-44. Qualifications for licenses and permits.

(a) Applicants. Individual and Partnerships applicants for retail beverage licenses must meet the following qualifications:

(1) Have attained the legal drinking age, except that operators' licenses may be issued to any person who has attained the age of 18 years.

(2) No arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335.

(3) Continuous Wisconsin resident for at least 90 days.

(4) Proof of a Wisconsin seller’s permit, as required under sec. 77.61(11). Temporary Class “B” licenses are not required to hold a seller’s permit sec. 125.04(5)(d)3 c and d.

(5) Have not been denied, nonrenewed, nonissued or revoked within the past 60 days.

(b) *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 section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

(c) *Corporations.* No license or permit may be issued to any corporation unless the agent of the corporation appointed under Wis. Stats. § 125.04(6), and the officers and directors of the corporation meet the qualifications of subsections (a)(1), (a)(3) and (b) of this section, except that subsection (a)(2) of this section does not apply to agents.

Sec. 20-45. Liquor license quota.

(a) The number of "class B" liquor licenses to be issued hereunder is limited to the number permitted under Wis. Stats. § 125.51(4).

This ordinance shall take effect upon passage and publication and/or posting as provided by law.

ADOPTED: March 13, 2024
PUBLISHED: March 22, 2024

VILLAGE OF BONDUEL, WISCONSIN

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Russ Gehm, Village President

ATTEST:

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Michelle Maroszek, Clerk/Treasurer