

AN ORDINANCE TO AMEND SECTIONS 7-3-1 AND 7-3-2 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA RELATING TO THE LICENSING OF TOBACCO PRODUCTS AND THE LICENSING SALE OF NONINTOXICATING BEVERAGES AND TO REPEAL SECTION 7-3-3 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA RELATING TO LICENSING SALE OF SODA WATER BEVERAGES.

The Village Board of the Village of Caledonia, Racine County, do ordain as follows:

1. That Section 7-3-1 of the code of ordinances for the Village of Caledonia “Cigarette License” be, and hereby is, amended to read as follows:

“SEC. 7-3-1 CIGARETTE LICENSE.

- (a) **License Required.** No person shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of, give away, or keep for sale, any cigarette, cigarette paper, cigarette wrappers, or any substitute, without first obtaining a license.
- (b) **Application for License; Fee.** Every person applying for a license under this section shall file a written application with the Village Clerk stating the name of the applicant and the name and address of the premise for which the license is requested. The applicant shall pay a license fee in an amount set by resolution of the Village Board from time to time.¹
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away, or keeping for sale of cigarette paper or cigarette wrappers or any substitute shall be issued by the Village Clerk. Each license shall be issued on the first day of July in each year, or from the date approved, if after July 1, and shall continue in force from the date of issuance until the succeeding June 30th unless revoked for any violation of this section.
- (d) **Statutory Provisions.** The provisions of § 134.65 and 134.66 and Chapter 139, Wis. Stats., regulating the use of tobacco products shall be adopted in this section.”

2. That Section 7-3-2 of the Code of Ordinances for the Village of Caledonia “Licensing Sale of Nonintoxicating Beverages” be, and hereby is, amended to read as follows:

“SEC. 7-3-2 LICENSING SALE OF NONINTOXICATING BEVERAGES.

- (a) **License Required.** No person or corporation shall maintain, operate or

¹ Need resolution to set fee of one hundred dollars (\$100.00) to the Village Treasurer.

conduct within the limits of the Village of Caledonia the business of selling non-intoxicating beverages as defined in Sec. 66.0433, Wis. Stat., either in retail or at wholesale, without first procuring a license so to do as provided in this Section.

(b) **Application.**

(1) Application for such license shall be filed with the Village Clerk for the presentation to the Village Board at any regular or special meeting thereof. All such applications shall be accompanied by the fee fixed by Subsection (c) for such license.

(2) Such application shall contain questions as to what premises are to be licensed and whether the applicant is a person or corporation and, if it is a corporation, whether it is a domestic corporation, whether the applicant is a resident of the Village of Caledonia, whether the applicant has been convicted of a felony and, if so, whether he has been restored to civil rights.

(3) In the event applicant is a person not a resident of the Village of Caledonia, or if the applicant is not domestic corporation, or if the applicant has been convicted of a felony and has not been restored to civil rights, the license shall be denied per Sec. 66.0433(2), Wis. Stat.

(4) If the applicant meets the qualifications established in Sec. 66.0433(2), Wis. Stat., the Village Board shall further consider the character of the applicant, the proposed nature of conduct of the business, and the location of the premises to be licensed and, if satisfied that the granting of the license is not contrary to public interest, shall grant the license.

(c) **Issuance; Fee.** Such license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to engage in the business of selling nonintoxicating beverages at the premises mentioned in said license such to the limitations imposed by this section. The fee for such license shall be set by the Village Board by resolution from time-to-time but shall conform to the standards set forth in Sec. 66.0433(1), Wis. Stats.² The full license fee shall be charged for the whole or fractional part of the year. No such license shall be transferable from one (1) person to another nor shall such license be transferable to any other location without the consent of the Village Board.

(d) **Term; Expiration.** All licenses issued pursuant to the provisions of this Section shall expire on the 30th day of June next succeeding the date of issue.

(e) **Display of License.** All persons granted licenses under this Section shall cause their license to be prominently displayed in their place of business.”

3. That Section 7-3-3 of the Code of Ordinances for the Village of Caledonia “Licensing Sale of Soda Water Beverages” be, and hereby is, repealed.

4. That this ordinance shall take effect upon adoption and publication as required by law.

² The fee for a license shall be not less than \$5 nor more than \$50, to be fixed by the board or council, except that where these beverages are sold for consumption off the premises the license fee shall be \$5.

Adopted by the Village Board of the Village of Caledonia, Racine County,
Wisconsin, this 11 day of July, 2022.

VILLAGE OF CALEDONIA

By: James Dobbs
James Dobbs
Village President

Attest: Joslyn Hoeffert
Joslyn Hoeffert
Village Clerk