

Ordinance No. 2023-14

AN ORDINANCE TO AMEND SECTION 7-2-17 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO RESTRICTIONS ON THE ISSUANCE OF LIQUOR LICENSES

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

1. That Section 7-2-17 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL

- (a) **Procedure.** The Village may revoke, suspend or refuse to renew any license or permit under this Chapter, as provided in this Section. Whenever the holder of any license under this Chapter violates any portion of Chapter 125 of the Wisconsin Statutes, this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the suspension and revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **License Revocation or Suspension; Notice and Hearing.** License nonrenewal, revocation or suspension notice, procedures and hearing shall be as prescribed by Section 125.12, Wis. Stat.
- (c) **Grounds; General.** In addition to grounds set forth by applicable Wisconsin Statute, any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this Section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, the license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- (d) **Specific Grounds; Nonuse of License.**
 - (1) **Grounds.** Nonuse of an issued Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter shall be grounds for revocation or refusal to renew such license when:

- a. The licensed premises has not opened for business to the public within ninety days of the issuance of such license;
- b. The licensee is not utilizing such license to conduct sales of alcoholic beverages in the full manner for which such license was granted within ninety (90) days of the issuance of such license; or
- c. The licensed premises is not open for business to the public for a period of ninety (90) consecutive days or more; or
- d. The licensee is not utilizing such license to conduct sales of alcoholic beverages in the full manner for which such license was granted for a period of ninety (90) consecutive days or more; or
- e. The licensed premises is not open for business to the public at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years.

(2) **Village Board Review; Findings.** After notice and hearing as provided in this Section, if the Village Board determines that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection (d)(1) or for the failure to use said license in the full manner for which such license was granted as set for the in Subsection (d)(1), then Village Board may set such conditions as it deems appropriate for the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business and utilizing the license in the full manner for which such license was issued to avoid revocation or nonrenewal of the subject license(s).”

2. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 22 day of August, 2023.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston
 Thomas R. Weatherston, President

Attest: Joslyn Hoeffert
 Joslyn Hoeffert, Clerk