

**ORDINANCE NO. 2025-10
VILLAGE OF CALEDONIA**

**AN ORDINANCE TO AMEND TITLE 7, CHAPTER 2 (SEC. 7-2-4, 7-2-5, AND 7-2-7) AND TO
CREATE SEC. 7-2-20 ALL RELATING TO FERMENTED MALT BEVERAGES AND
INTOXICATING LIQUOR, TO INCLUDE TEMPORARY EXTENSIONS OF LICENSED
PREMISES**

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

1. That Section 7-2-4 of the code of ordinances for the Village of Caledonia entitled "Classes of Licenses" be, and hereby is, amended to read as follows:

**"SEC. 7-2-4 CLASSES OF LICENSES; ADDITIONAL APPLICATIONS AFFECTING
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 (4) liters at any one (1) 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 1st. The license shall expire on the following June 30th.
- (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 (1/2) of a percent of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. 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 (6) 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 Sec. 125.31, Wis. Stats., 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 Sec. 125.26(1) and (6), Wis. Stats., 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 (6) 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 or agricultural society. 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 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 Clerk.
- (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 Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class B license for one (1) year. The license shall specify the hours and dates of license validity. 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 Sec. 125.68(3), Wis. Stats., 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 (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from 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 Sec. 125.26(6), Wis. Stats., or 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 (6%) 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 (6%) 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

Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class B wine license for one (1) year. The license shall specify the hours and dates of license validity. 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) **“Class C” Wine License.** A retail “Class C” Wine 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 wine by the glass or in an opened original container for consumption on the premises where sold. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (h) **Full Service Retail Outlet.** Approval by the Village of a full-service retail outlet application shall authorize the applicant to establish a full-service retail outlet and make full-service retail sales from that premises. Such authority shall be contingent on the applicant obtaining approval by the State of Wisconsin. This approval only applies to full service retail outlets that are located off the production premises.
- (i) **Change of Agent.** Upon application and approval by the Village, a corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent in accordance with Sec. 7-2-7(e)(4)(b).
- (j) **Change of Premise.** Upon application and approval by the Village, a Change of Premise shall authorize the applicant to permanently change the described premises for any license listed under this section.
- (k) **Transfer of Premise.** Upon application and approval by the Village:
 - (1) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. No retail licensee or retail permittee is entitled to more than one transfer during the license year. This paragraph does not apply to a license issued under Sec. 125.51 (4)(v) Wis. Stats. or to a reserve “Class B” license, as defined in Sec. 125.51 (4) (a) Wis. Stats.
 - (2) *From person to person.* Licenses to sell alcohol beverages may be transferred to persons other than the licensee in accordance with Sec. 125.04 (12)(b) Wis. Stats.
- (l) **Temporary Extension of Premise.** Upon application and approval by the Village, a Temporary Extension of Premise may be issued by the Village Clerk under the authority of the Village Board, and shall entitle the holder thereof to a temporary extensions of their licensed premises in accordance with Sec. 7-2-20 (d) and shall only be granted for the purpose of holding a Special Event.”

2. That Section 7-2-5 of the code of ordinances for the Village of Caledonia entitled “License Fees” be, and hereby is, amended to read as follows:

“SEC. 7-2-5 LICENSE FEES.

Fees for the licenses described in Sec. 7-2-4 shall be charged by the Village Board for the sale of intoxicating liquors and fermented malt beverages within the Village. Fees for these licenses shall adhere to Wisconsin State Statutes under Chapter 125 Alcohol Beverages, and shall be as set forth in the fee schedule as established by the Village Board.

The fee for annual licenses shall be paid on or before the 15th day of June of each license year, All such fees are payable after approval of the application by the Village Board and prior to the release of the license being delivered to the licensee. Fees for other applications related to licenses shall

be paid at the time of application and are nonrefundable (such as but not limited to Transfer of Premise, Change of Agent, etc.).”

3. That Section 7-2-7 of the code of ordinances for the Village of Caledonia entitled “Qualification of Applicants and Premises” be, and hereby is, amended to read as follows:

“SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Entity Restrictions.**
 - (1) Corporations and Limited Liability Companies. No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under Sec. 125.04(a) 1. and 4. and (b), Wis. Stats., unless the agent of the entity appointed under Sec. 125.04(6) Wis. Stat., and the officers and directors, or members or managers, of the entity meet the qualifications of Sec. 125.04(a) 1. and 3. and (b), Wis. Stats., and unless the agent of the entity appointed under Sec. 125.04(6), Wis. Stat., meets the qualifications under Sec. 125.04(a) 2. and 5., Wis. Stats. The requirement that the entity meet the qualifications under Sec. 125.04(a) 1. and (b), Wis. Stats., does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
 - (4) Licenses to Corporations and Limited Liability Companies; Appointment of Agents.
 - a. Agent. No corporation or limited liability company organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless:

1. The entity first appoints an agent in the manner prescribed by the authority issuing the license or permit. In addition to the qualifications under Sec. 125.04(5) and this Chapter of the Code of Ordinances, the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority.
 2. The entity vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person.
- b. Successor agent. A corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent to act in the agent's place, for the remainder of the license year or until another agent is appointed, as follows:
 1. The successor agent shall meet the same qualifications required of the first appointed agent.
 2. The entity shall immediately notify the issuing authority, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.
 - c. Authority of successor. A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the corporation or limited liability company until the next regular or special meeting of the issuing authority if a license is held. However, the license of the corporation or limited liability company shall cease to be in force if, prior to the next regular or special meeting of the issuing authority, the clerk of the licensing authority receives notice of disapproval of the successor agent by a peace officer of the municipality issuing the license.
 - d. Approval of successor. The license of the corporation or limited liability company shall not be in force after the next regular or special meeting of the licensing authority unless and until the successor agent or another qualified agent is appointed and approved by the licensing authority.
 - e. Fee. The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the licensing authority, pay to the Village a fee of \$10.
 - f. Resignation. If an agent appointed under this subsection resigns, he or she shall notify in writing the corporation or limited liability company and the Village within 48 hours of the resignation.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

(g) **Delinquent Taxes, Assessments, Etc.**

- (1) Premises. No initial or renewal alcohol beverage licenses shall be granted for any premises for which Village taxes, assessments, utility bills, refuse collection fees, sewer and water bills or other assessments or other claims to 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, utility bills, garbage collection fees, sewer and water bills, assessments or other claims owed to the Village.
 - b. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.

(h) **Previously Licensed Premises.** In the event an application is filed for an alcohol beverage license for the same premises for which a license has been issued to another person, no license shall be issued unless:

- (1) The previously licensed person files a written agreement to surrender his or her license for the premises; or
- (2) The Village Board is satisfied that the previously licensed person has no right to possession or control of the licensed premises.”

4. That Section 7-2-20 of the code of ordinances for the Village of Caledonia entitled “Licensed Premises” be, and hereby is, created to read as follows:

“SEC. 7-2-20 LICENSED PREMISES

(a) **Definitions.**

- (1) "Licensed Premises" means the area described in a license issued by the Village for the sale of alcohol beverages, within which alcohol beverages are sold, served, or kept for sale. Licensed Premises may be inside or outside of a building, or a combination of both. The Licensed Premises shall be the area into which unaccompanied underaged persons may not enter, except as allowed by Wis. Stats. §125.07(3)(a); and from which persons may not carry open intoxicants.
- (2) “Special Event” means an event as defined in Village Ordinance Title 7, Chapter 20.

(b) **Regulations.**

- (1) Applications to the Village for licenses to sell alcohol beverages must contain a definite written description and a map or diagram of the boundaries of the proposed Licensed Premises, sufficient for the Village Clerk to determine a clear description to be placed on the license.
- (2) A Licensed Premises must be entirely within a single tax parcel, except as provided in Subsection (e)5, below.
- (3) A Licensed Premise must be a single, continuous area which includes the structure itself, and may include outdoor decks, patios, and areas on the same parcel of property that meet the requirements of this section.
- (4) The licensed premises may include a small portion of the parking lot to allow for a designated pathway next to the structure and a portion of the parking lot for curbside pickup meeting the requirements under Subsection (c) below. Any portion of the parking lot to be included as a designated pathway shall not be wider than 10

feet as measured from the structure. If the licensed premises is such that the parking lot divides the structure from an outdoor area intended to be utilized by patrons, the licensee shall designate a pathway no wider than 10 feet through the parking lot to the outdoor area. The Licensee shall provide internal directional signs providing patrons with notice of the boundary of the designated pathways. The Licensed Premises shall not include the entirety of the parking lot that services the establishment and alcohol is not allowed within parking lots unless within the designated pathway, for curbside pickup under Subsection (c) below, or otherwise allowed by the Village under a Temporary Extension of Licensed Premises for a Special Event.

- (5) All sales of intoxicating liquors and fermented malt beverages within the Village of Caledonia shall be limited to and shall be made upon the licensed premises described within the license application and as approved and granted by the Village Board. Alcohol sales shall not occur within designated pathways located within parking lots. Trash and debris, including cigarette butts, shall not be allowed to accumulate in outdoor areas. The Licensee, and its employees and operators (bartenders), shall be responsible for policing the licensed premises including the outdoor areas at all times to ensure compliance with Village ordinances. Specifically restricted by this Section is the sale and delivery of alcoholic beverages by food delivery services, except for curbside pickup under Subsection (c) below.
- (6) A Licensed Premises may not be on Village-owned property, except for temporary Licensed Premises in Village parks in connection with a Special Event or a Temporary Class "B" Beer and Wine License.

(c) **Online Ordering And Curbside Pickup.**

- (1) No Licensee shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first including the Click and Collect area and procedure in its original application or obtaining approval of a "Change of Premises" from the Village Board, upon recommendation of the Legislative and Licensing Committee to license that portion of the licensee's parking lot that will allow vehicles to park for purposes of picking up their online order. All Click and Collect operations shall meet the requirements of this subsection.
 - a. Click and Collect shall only be allowed for Retail "Class A" Intoxicating Liquor Licenses and Class "A" Fermented Malt Beverage Retailer's Licenses.
 - b. The Licensee shall file a detailed operation plan with their original application or "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the Licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.
 - c. Failure of Licensee to provide a detailed operation plan with their original application or "Change of Premises" application shall result in the Clerk's office not forwarding the original application or "Change of Premises" form to the Legislative and Licensing for consideration.

4. No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises as follows:
 - a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the Licensee for the premises.
 - b. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.
 - c. No alcohol sales are permitted if the purchaser fails to present valid photo identification showing that the purchaser is 21 years of age or older.
 - d. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
 5. Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.
 6. Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:
 - a. The name of the purchaser.
 - b. The type of identification card presented and the number and expiration date of that identification card.
 - c. The purchaser's date of birth.
 - d. The license plate of the vehicle into which the order is being loaded.
 7. Pick-up of "Click and Collect" orders shall, at a maximum, be between the hours of 8:00 a.m. and 8:00 p.m. Licensees may reduce the hours available for pick-up between the two times.
 8. There shall be a minimum four- (4) hour waiting period between order time and pick-up time.
 9. If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.
 10. The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
 11. The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.
- (2) Penalty. Any Licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than \$250, nor more than \$1000 plus court costs and fees.

(d) **Separate License Required for Each Place of Sale.**

A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, limited liability company, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

(e) **Temporary Extension Of Licensed Premises.** A licensee may request a temporary extension of the Licensed Premises by filing an application with the Village Clerk with the appropriate fee, as set forth in the fee schedule as established from time to time by the Village Board, and which shall not be refunded if the application is denied. The application must state the dates and times of the proposed temporary extension, and contain a definite written description and diagram or map of the boundaries of the proposed temporary extension. The application for an initial request shall be forwarded to the Village Board for review and action. If the Board approves the application, then the Village Clerk shall issue a written approval to the licensee. Subsequent requests for the same event on subsequent dates may be issued by the Village Clerk, without Village Board approval, provided there has been no substantial change to the described premise extension or nature of the Special Event. The Board may grant the temporary extension if the proposed extended Licensed Premises complies in all respects with the requirements of the Village Code of Ordinances, Chapter 7, and subject to the following additional provisions:

1. Temporary extensions of Licensed Premises shall only be granted for the purpose of holding a Special Event.
2. Temporary extensions of Licensed Premises shall only be for the period of duration of the Special Event, not to exceed 10 consecutive days.
3. Upon the expiration of the temporary extension, the Licensed Premises shall revert automatically back to the Licensed Premises described in the license issued by the Village.
4. All laws, rules, and regulations that apply to Licensed Premises apply to temporarily-extended Licensed Premises, with the addition of the following enclosure requirements.
 - a. The enclosure around temporarily-extended Licensed Premises may be of a temporary nature and need not comply with zoning or building codes; however, the enclosures must be at least 36 inches high, must be substantial enough to prevent easy entry and exit except at designated entry and exit points, must not be able to be moved easily, and must delineate the boundaries of the temporarily-extended Licensed Premises clearly enough that patrons have fair notice of the line beyond which they may not carry open alcohol beverages. Ropes or chains are sufficient for enclosures around temporary Licensed Premises.
5. Licensed Premises may be temporarily extended onto adjoining tax parcels with the written permission of the owner of the adjoining parcels.
6. Applications for temporary extensions of Licensed Premises may be denied by the Village Board if the Board determines in its sole discretion, on the basis of

substantial, objective evidence, that granting the temporary extension would not be in the best interest of the public safety or welfare.

- (f) **Monitoring Entry And Exit.** All entry and exit points in a Licensed Premises, including a temporarily-extended Licensed Premises, must be monitored by a licensed operator or staff under the supervision of a licensed operator, sufficient to prevent the entry of unaccompanied underaged persons or to prevent persons from leaving the Licensed Premises with open alcohol beverages.”

5. That Section 7-2-21 through 7-2-29 be, and hereby is, reserved for future use.

6. That this Ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 9 day of September, 2024.

VILLAGE OF CALEDONIA

By: Thomas Weatherston
Thomas Weatherston
Village President

Attest: Jennifer Bass
Jennifer Bass
Village Clerk