

**Ordinance No. 2020-12**

**AN ORDINANCE TO AMEND SECTIONS 7-2-3, 7-2-6(a)(2), 7-2-6(b), 7-2-6(f), 7-2-7(e), 7-2-7(g), 7-2-11(b), 7-2-14(m), 7-2-18(a) and 7-2-30(a) OF THE CODE OF ORDINANCES OF THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO REVISING SECTIONS OF THE CHAPTER TO ADDRESS LICENSEES WHO ARE ENTITIES SUCH AS CORPORATIONS AND LIMITED LIABILITY COMPANIES AND REMOVING A LIMITATION AS TO THE NUMBER OF RETAIL LIQUOR LICENSES A PERSON OR ENTITY MAY HOLD**

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

1. That Section 7-2-3 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

**"SEC. 7-2-3 LICENSE REQUIRED.**

No person, which includes entities, corporations and firms, shall vend, sell, deal or traffic in or have in their possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes."

2. That Section 7-2-6(a)(2) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

- "(2) The contents of each application shall contain all of the following information:
- a. A history of the applicant relevant to the applicant's fitness to hold a license or permit.
  - b. The kind of license or permit for which the applicant is applying.
  - c. A written description of the premises where alcohol beverages will be sold or stored, including the structure, any outdoor deck, patio or areas where it is intended that alcohol will be served or consumed, and any designated pathways allowed under Sec. 7-2-7(h) of this ordinance. Diagrams of the intended licensed premises shall be submitted and the diagram of the premises (structure and outdoor areas) submitted shall become a part of the license application.
  - d. If the applicant is a corporation, the identity of the corporate officers and agent.
  - e. If the applicant is a limited liability company, the identity of the company members or managers and agent.
  - f. If the applicant is a cooperative organized under Ch. 185, Wis. Stat., the identity of the cooperative members, board of directors, and agent.
  - g. The applicant's trade name, if any.

- h. Any other pertinent information required by the Village Board or Wisconsin Statutes."

3. That Section 7-2-6(b) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

"(b) **Execution of Application.** Such application shall be filed and sworn to as follows:

- (1) By the person submitting the application if an individual;
- (2) By the president and secretary, if the applicant is a corporation;
- (3) By the members or the managing member, if the applicant is a limited liability company;
- (4) By the designated signatory if the applicant is a cooperative organized under Ch. 185 of the Wisconsin Statutes."

4. That Section 7-2-6(f) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

"(f) **Limitation as to the Number.**

- (1) The number of Class B Intoxicating Liquor Licenses shall be the maximum allowed under Section 125.51(4), Wis. Stat.;
- (2) The Village may utilize the annual population estimate received from the Wisconsin Department of Administration Demographic Service Center or the Bureau of Census of the United States Government in determining quotas."

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

"(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."

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

- "(g) **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."

7. That Section 7-2-11(b) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

- "(b) Whenever the agent of an entity holder of a license is for any reason replaced, the licensee shall give the Village Clerk written notice of said replacement, the reasons therefor and the new appointment as set forth 7-2-7(e) of this Code of Ordinances. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or it is determined that the successor agent does not meet the qualifications to be an agent by a peace officer of the municipality issuing the license. The entity's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village."

8. That Section 7-2-14(m) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

- "(m) **Procuring Liquor for Persons under the Legal Drinking Age**. No person or entity shall procure intoxicating liquor or fermented malt beverages for a person under the legal drinking age."

9. That Section 7-2-18(a) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

- "(a) The licensee or agent of an entity licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage

persons will be present on the licensed, premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given forms, prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" license."

10. That Section 7-2-30(a) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

"(a) Operator's Licenses; Class "A" or Class "B" Premises. Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is an entity, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" licensee or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service."

11. 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 15<sup>th</sup> day of June, 2020.

**VILLAGE OF CALEDONIA**

By: 

James R. Dobbs, President

Attest: 

Karie Pope, Clerk