

Ordinance 12.02
Intoxicating Liquor and Fermented Malt Beverages (R67.3)

THE VILLAGE BOARD OF THE VILLAGE OF PARK RIDGE ORDAINS AS FOLLOWS:

Section I. DEFINITIONS

- A. "Class A Establishment" means:
- i. Any Class "A" license holder selling fermented malt beverages for consumption off the premises where sold and in original packages, containers or bottles; or,
 - ii. Any retail "Class A" license holder selling intoxicating liquor for consumption off the premises where sold and in original packages or containers.

Section II. INCORPORATION OF STATE STATUTES BY REFERENCE

The provisions of Chapter 125, Wisconsin Statutes, relating to the sale and handling of intoxicating liquor and fermented malt beverages, except 125.075, 125.09(6), 125.11(1), and 125.66 and those provisions relating to penalties and punishments are hereby adopted and made a part of this ordinance by reference. A violation of any such provisions shall constitute a violation of this ordinance.

Section III. LICENSE REQUIRED

No person, except as provided in Section II above, shall sell or deal in intoxicating liquors or fermented malt beverages and non-intoxicating liquors, or cause the same to be done, without obtaining a license to do so nor without complying with all of the provisions of this ordinance.

1. A licensee under Section IV, Subsection 2 below, shall be permitted to sell and deal in non-intoxicating liquor.
2. No license shall be required to sell or deal in soda water or soft drink beverages.

Section IV. LICENSE FEES

The following classes of licenses are hereby established which, when issued by the Clerk under authority of the Village Board, after payment of the fee specified under Chapter 12, Resolution 12.00 (Licenses and Permits), shall entitle the licensee to sell and deal in intoxicating liquor, fermented malt beverages and non-intoxicating liquors as permitted by the laws of this State and the provisions of this ordinance.

1. Class "A" fermented malt beverage retailer's license
2. Class "B" fermented malt beverage retailer's license
3. Wholesaler's fermented malt beverage license
4. Retail Class A liquor license
5. Retail Class B liquor license
6. Retail Class C wine license
7. Operator's license for one or two years
8. Provisional operator's license
9. Provisional retail license

Section V. APPLICATION AND PREREQUISITES FOR LICENSE

1. **Form and Information Required.** All applications shall be made in writing and shall include all information required by statute and that reasonable information required by the Clerk.
2. **When and Where Filed.** Applications for annual liquor and beer licenses shall be filed prior to May 15 and all others shall be filed at least 15 days prior to the granting of the license, allowing sufficient time for proper publication.
3. **Publication Fees.** Applications for liquor licenses must be accompanied by payment of the publication fee as provided by Chapter 125 of the Statutes.
4. **Minimum Requirements.** The provisions of 125.04(5) of the Statutes relating to qualifications of liquor license applicants shall be deemed the minimum requirements for applicants for each Class of license provided for herein. The provisions of 125.11 of the Statutes relating to the effect of prior revocations shall also be applicable to all persons and corporate officers of corporations applying for any license hereunder.
5. **License Fees.** No applicant is required to pay a license fee more than 15 days before the date the license is to be issued. No license will be issued until the Clerk confirms payment of the fee.
6. **Tax Delinquencies.** No license shall be granted for any premises on which taxes or other claims of the Village are unpaid.
7. **Provisional Retail License.** A provisional retail license may be issued by the Clerk in accordance with Section 125.185, Wisconsin Statutes, if all other conditions of Section 125.04 of the Statutes have been met. The fee for a provisional retail license is \$7.50.

Section VI. OPERATOR'S LICENSE

1. **New Applications.** New applicants for a regular operator's license shall be issued a provisional operator's license, if requested, by the Clerk in accordance with Section 125.17(5), Wisconsin Statutes, if all other conditions of Section 125.04(5) of the Statutes have been met. The fee for a provisional operator's license is \$10.00. The Clerk may withhold or revoke the license if the Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified. No provisional license may be issued to any person who has been denied an operator's license by the Village Board nor may more than one (1) provisional license be issued per licensing period.
2. **Renewal Applications.** Holders of regular operator's licenses may apply for one-year or two-year renewals.
3. **Approval of Regular Operator's Licenses.** Applicants for regular operator's licenses shall complete a form provided by the Clerk and sign such application under oath. Said form and supporting materials (including, but not limited to, completed records checks) shall be forwarded to the Village Board for review and approval at its next regular monthly board meeting. Upon approval by the Village Board, a regular operator's license shall be issued. The fee for a one-year regular operator's license is \$20.00; the fee for a two-year regular operator's license is \$30.00.

Section VII. POSTING LICENSES; LOSS THEREOF

Licenses shall be suitably framed and posted as required by law. Failure to do so shall raise the presumption that the premises are being operated without a license. Upon proof satisfactory to him that a license is lost the Clerk may issue a duplicate for a fee of (\$5).

Section VIII. SEARCH AND INSPECTION OF PREMISES

It shall be a condition of any license issued hereunder that any Constable, Health Officer or other appropriate official may enter and inspect the premises without warrant during any reasonable hour, and the filing of an application for a license hereunder shall be deemed to be consent thereto.

Section IX. REVOCATION AND SUSPENSION

Except as herein provided, the provisions of Sections 125.11 and 125.12 shall be followed in any proceedings hereunder concerning license revocation and the Board may institute such proceedings on its own motion by resolution.

1. **Suspension.** The Village President, upon obtaining reasonable information that any provision of this ordinance or any state or federal liquor or fermented malt beverage law has been violated or any felony has been committed by any licensee hereunder, may suspend such license for a period of ten days or less pending a hearing on the matter by the Board.
2. **License Removed.** The Clerk shall take physical possession of any license revoked or suspended.

Section X. CLOSING HOURS

“Class A Establishments” are prohibited from remaining open for the sale of fermented malt beverages or intoxicating liquors between the hours of 9:00 p.m. and 8:00 a.m.

The hours for all other licensed establishments will be according to the provisions of Chapter 125, Wisconsin Statutes.

Section XI. PENALTY PROVISIONS

Any person who shall violate any of the above provisions shall upon conviction of such violation, be subject to a penalty as follows:

1. **Penalty.** Any person who shall violate any provision of this code shall upon conviction of such violation, be subject to the penalties of the Current Approved Bond Schedule for Chapter 125, Licensing Law Violations, dated 9/9/1994, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said cost and forfeiture are paid, but not to exceed 6 months.
2. **Separate Offense.** A separate offense shall be deemed committed on each day on which a violation occurs or continues.
3. **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture or costs of prosecution upon the order of the court for violation of this ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

Section XII. DISPOSITION OF FEES AND FORFEITURES

All fees and forfeitures paid hereunder shall be turned over to the Village Treasurer for deposit to the General Fund.

Section XIII. SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Section XIV. EFFECTIVE DATE

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

Passed and adopted by the Village Board of the Village of Park Ridge on this sixteenth day of March, 2015.