

Ordinance 040405-03

An Ordinance to Amend Section 6 of the Municipal Code of the Village of Fontana on Geneva Lake Regarding Liquor Licensing

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, does hereby ordain as follows:

Section I: Section 6-5, refusal to issue licenses, is hereby amended to read as follows:

6-5 Refusal to Issue Licenses.

If the village board decides not to issue a new or renewal license, the licensee shall be given written notice of any charges or violations against them; the reasons proposed for no issuance, a copy of the proposed motion for no issuance and shall have the opportunity to be heard before the Village Board. (Code 1989, § 8.01(3))

Section II. Section 6-6, license application for all alcohol beverages, is hereby amended to read as follows:

6-6 License Application for All Alcohol Beverages

- (a) Application for a license to sell or deal in alcohol beverages shall be made in writing on the forms and in the manner as prescribed by § 125.04(3), Wis. Stats., and shall be filed with the village clerk not less than 15 days prior to the granting of such license.
 - (b) A license applicant shall provide a detailed floor plan of the applicant's building clearly delineating where the licensed alcohol is stored and served.
 - (b) The application shall be accompanied by the cost of publication as required by § 125.04(3)(g), Wis. Stats.
- (Code 1989, § 8.01(4))

Section III. Section 6-7 license investigation, is hereby amended to read as follows:

6-7. License Investigation.

(a) The village clerk shall notify the chief of police, building inspector, fire inspector, and health officer, and such other appropriate village officers of each application, and these officials shall inspect or cause to be inspected each application and the premises. Said investigation shall be necessary to determine whether the applicant and the premises sought to be licensed comply with regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license.

1. The Chief of Police shall inspect, but not be limited to the following:
 - a. Federal Tax Stamp on Premise
 - b. Current Licenses on Display (if renewal inspections)
 - c. Liquor Stored to Prevent Unauthorized Access
 - d. Proper Signage to Prevent Open Alcoholic Beverages from Leaving Licensed Area
 - e. Premise Description on Application Matches Floor Plan Presented

- f. ID Checking Guide on Premise
- h. Alcoholic Beverages Licensed Match what is on Premises
- 2. The Fire Inspector shall inspect, but not be limited to the following:
 - a. All Applicable Fire Codes are Addressed
- 3. The Building Inspector shall inspect, but not be limited to the following:
 - a. All Building and Safety Standards are Addressed
 - b. All Plumbing and Electrical Standards are Addressed.
- 4. The Health Officer shall inspect, but not be limited to the following:
 - a. All Health and Sanitation Standards are Addressed

(b) Officials shall furnish to the village board in writing the information derived from such investigation accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required. In determining the suitability of an applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

(Code 1989, § 8.01(5))

Section IV. Section 6-25, fermented malt beverages, types of licenses, license fees, license application and restoration, is hereby amended to read as follows:

Sec. 6-25. Fermented malt beverages; types of licenses; license fees; license application and restoration.

(1) License; fees.

(a) *Class "A"*. A Class "A" retailer's license, when issued by the village clerk under the authority of the board of trustees, shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages for consumption off the premises when sold and in original packages, containers and bottles. Class "A" licenses shall particularly describe the premises for which issued. The fee for such Class "A" license shall be \$100.00 per year or a fraction thereof.

(b) *Class "B"*. A Class "B" retailer's license, when issued by the village clerk under the authority of the board of trustees, shall entitle the holder thereof to sell fermented malt beverages to be consumed either on the premises where sold or off the premises. Class "B" licenses shall particularly describe the premises for which issued. The fee for such Class "B" license shall be \$100.00.

(c) *Closing hours*: Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Subsection 125.32(2), Wis. Stats., does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which the sale of fermented malt beverages is prohibited pursuant to this Code.

(2) *Operators' licenses; Class "A" or Class "B" premises*. 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, the agent named in the license if the licensee is a corporation, the agent named in a Class "B" permit 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. For the purpose of this section, any person holding a manager's license under

§ 125.18, Wis. Stats., or any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No underage person, including members of the licensee's immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.
(Code 1989, § 8.015)

Section V. Severability

If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions of this ordinance.

This ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

Passed and adopted by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, this 5th day of April, 2005.

By:



Thomas W. Whowell, President

Attest:



Dennis L. Martin, Clerk

