

ORDINANCE NO. 2010-2

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 13 OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO APPROVAL OF APPLICATION TO SELL ALCOHOL BEVERAGES

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I: That Section 13.05 of the Municipal Code Approval of Application is hereby repealed.

SECTION II: That in place of said Section 13.05 Approval of Application which is repealed by the preceding paragraph, the following attached Section 13.05 of the Municipal Code is inserted in its place.


13.05 APPROVAL OF APPLICATION.

- (1) No license shall be granted for operation on any premises or with any equipment for which personal property taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.
- (2) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health.
- (3) Consideration for the granting or denial of a license will be based on:
 - (a) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (b) The financial responsibility of the applicant;
 - (c) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (d) Generally, the applicant's fitness for the trust to be reposed.
- (4) An application may be denied based upon the applicant's arrest and conviction, record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years' immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.
- (5) No license, except for an operator's license, shall be issued to any person who has had a license issued pursuant to this chapter revoked within twelve months prior to application.

- (6) The Village Board delegates the authority to issue picnic beer and wine licenses to the Office of the Village Clerk per Wis. Stats. 125.26(1) and 125.51(1)(a).
- (7) The Village Board delegates the authority to issue provisional operator's license to the Office of the Village Clerk per Wis. Stats. 125.17(5).

SECTION III: This ordinance shall take effect immediately upon passage and posting as provided by law.

Dated this 4th day of October, 2010



Neil Michek, Village President

COUNTERSIGNED:



Theresa C. Michek, Clerk-Treasurer

Date Adopted:	October 4, 2010
Date Recorded:	October 5, 2010
Date Posted:	October 5, 2010
Date affidavit filed:	October 5, 2010
Effective Date:	October 5, 2010