

## ORDINANCE NO. 17-024

### VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN AN ORDINANCE AMENDING ARTICLE II, LICENSES AND FEES, SEC. 6.104(e), ISSUANCE OF ALCOHOL BEVERAGE LICENSES AND CODE REFERENCES OF THE MUNICIPAL CODE FOR THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Article II, Licenses and Fees, Sec. 6.104(e), Issuance of alcohol beverage licenses of the Village of Weston Municipal Code is hereby created as follows:

#### ARTICLE II LICENSES AND FEES

##### Sec. 6.104. Issuance of alcohol beverage licenses.

- (c). Provisional operator's license. The Village Clerk shall issue a provisional operator's license to a person who has applied for an operator's license. The standards contained in subsections (a) and (b) of this section shall apply to any person issued a provisional operator's license. Such license shall be effective for a period of 60 days or until a regular operator's license is issued, whichever event shall first occur. The fee for a provisional operator's license shall be set by the board in the village fee schedule.
- (d). Provisional retail license. The Village Clerk may issue provisional retail licenses in accordance with Wis. Stat. § [125.185](#), and the requirements of this section. Such licenses shall be issued within ten days of application. Provisional retail licenses may be issued only to persons applying for Class "A" beer, Class "B" beer, Class "A" liquor, Class "B" liquor, or Class "C" wine authorizing only the activities allowed under that type of license. The fee for a provisional retail license shall be set by the board in the village fee schedule. The provisional retail license shall expire sixty days after issuance or when the person is issued a retail license described in Wis. Stat. § [125.51](#). The Provisional license may be revoked by the Village Clerk or Police Chief if it is discovered that the holder of the license made any false statement in the application for the license. Prior to issuing the provisional retail license, the Police Chief, shall conduct a background check on the applicant. Such a background check shall occur within ten days of application under this section. The Village Clerk shall not issue the provisional license until receiving the results of any background check. The Village Clerk may not issue any provisional license under this section if such issuance will violate the Village's quota under Wis. Stats. [Chapter 125](#). No person may hold more than one provisional retail license for each type of license applied for per year.
- (e). Temporary Class "B" (Picnic) beer and Class B" (picnic) wine license. The Village Clerk may issue Temporary Class "B" (Picnic) beer and Temporary Class B" (picnic) wine licenses in accordance with Wis. Stat. § [125.26\(1\)](#), [125.26\(6\)](#) and [125.51\(1\)\(a\)](#). The fee for a Temporary beer or wine license shall be set by the board in the village fee schedule.

- (f) If an alcohol beverage license application is denied, the applicant has the right to file an appeal with the Village Clerk within thirty (30) days and appear and be represented before the Village Board to be heard, to present evidence in favor of the granting of the license, and to rebut evidence presented in opposition to the granting of the license, at a hearing held within forty (40) days of the filing of such appeal.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 24<sup>th</sup> day of July, 2017

VILLAGE BOARD, VILLAGE OF WESTON

By: Barbara Ermeling  
Barbara Ermeling, President

ATTEST: Sherry Weinkauff  
Sherry Weinkauff, Clerk

APPROVED: 6-0

ADOPTED: 7/24/17

PUBLISHED: 7/26/17

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on July 24, 2017, the following Ordinances:

- Ordinance No 17-014: An amendment to Section 94.4.02(3): to allow the construction of a Townhome, create performance standards and allow the use within the 2F zoning District as a Conditional Use and establishing a prohibition on the construction of new carports for multi-family residence land uses.
- Ordinance No 17-016: An amendment to Section 94.4.02(2): to establish a prohibition of construction of new carports for two-family residence land uses.
- Ordinance No. 17-023 Amending Article II., Licenses and Fees, Sec. 6.103, Retail Liquor and Beer License Fees and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a “Payday Lender” or “Payday Loan Business” as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(hi).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM – Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs and Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village’s website at <http://www.westonwi.gov>.

Dated this 25<sup>th</sup> day of July, 2017  
Sherry Weinkauff, Village Clerk

Published: 7/26/2017

# DAILY HERALD media

A GANNETT COMPANY

Notice of Newly Enacted Ordinances  
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- Ordinance No. 17-016: An amendment to Section 94.4.02(2): to establish a prohibition of construction of new carports for two-family residence land uses.
- Ordinance No. 17-023 Amending Article II., Licenses and Fees, Sec. 6.10 Retail Liquor and Beer License Fees and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104 Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(h).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM Rural Mixed at 3601 Camp Phillip Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs or Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large. The full text of the above Ordinance may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>. Dated this 25th day of July, 2017  
Sherry Weinkauff, Village Clerk  
RUN: July 26, 2017 WNAJLP

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON

WI 544764333

### VOUCHER APPROVAL

Account Number:

10-06-56910 -321-000

Description: WDH publication Ord  
No 17-014, 17-016, 17-025, 17-027

Approved by [Signature] 8/11/17  
Initials Date

\$12.73

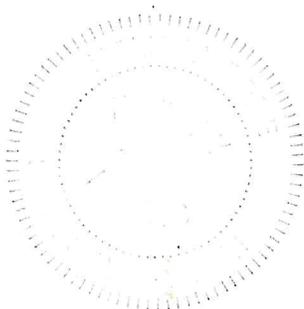
I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425  
Order Number: 0002300785  
No. of Affidavits: 1  
Total Ad Cost: \$35.64  
Published Dates: 07/26/17

10-01-51420-321-000  
WDH publication Ord No  
17-023, 17-024 + 17-028  
\$15.27

10-01-56925-321-000  
WDH publication Ord No  
17-014, 17-016, 17-025  
\$7.64

(Signed) [Signature] (Date) 7/28/2017  
Legal Clerk



Signed and sworn before me  
[Signature]

My commission expires 1-12-2021

WESTON VILLAGE OF  
Re: Newly Enacted Ord

**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Board of Trustees – 07/24/17

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**FROM:** Sherry Weinkauf, Clerk

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**DESCRIPTION:** **ORDINANCE NO. 17-024 AMENDING ARTICLE II., LICENSES AND FEES, SEC. 6.104(e), ISSUANCE OF ALCOHOL BEVERAGE LICENSES AND RENUMBERING THAT SECTION OF THE MUNICIPAL CODE.**

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<b>ACTION:</b>	<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

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**QUESTION:**

Should the Board of Trustees approve amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and renumbering that section of the Municipal Code.

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**BRIEF:**

From time to time staff receives applications for temporary/picnic beer and wine licenses. Most of these applications are received from organizations such as the Chamber of Commerce, church groups, Run for Hospice and the like. State law allows municipalities to authorize an official or other body of the municipality to issue these kinds of licenses.

Criteria to be met before issuing these kinds of licenses include:

- Filing form AT-315 “Application for Temporary Class “B” / “Class B” Retailer’s license.
- Application review.
- \$10 license fee to be collected by staff.
- Verification of licensed operator(s).

There is no publication requirement for temporary license applications.

Since the Board of Trustees only meet once per month to consider items, this ordinance amendment would allow for these kinds of licenses to be issued more timely by the Village Clerk.

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**FISCAL IMPACT:** N/A

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**RECOMMEND:** Recommendation is to approve amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and renumbering that section of the Municipal Code.

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**COMMITTEE:** The Community Life and Public Safety Committee recommended approval of this amendment at their meeting held on June 26<sup>th</sup>.

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**REQUEST:** To approve amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and renumbering that section of the Municipal Code.

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- Is there an additional briefer with this agenda item?
- Are there additional reference documents which have been attached to this report?