

VILLAGE OF TWIN LAKES

ORDINANCE NO. 2023-06-02

An Ordinance to Amend Portions of Section 5.20 of the Twin Lakes Code of Ordinances Pertaining to Liquor and Beverage License and Regulations

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

SECTION I

Section 5.20.010 (7) of the Twin Lakes Code of Ordinances pertaining to the Definitions applicable to Liquor and Beverage License and Regulations is hereby amended to read as follows:

7. Provisional Retail License. A Provisional Retail License may be issued by the Village Clerk in circumstances where the continued operation of a business undergoing an owner change or other situation that would necessitate the issuance of a new license will be negatively impacted by the temporary loss of license due to the Village Board meeting schedule. The Clerk must make a summary investigation of the applicant's qualifications, which shall include reference to the Police Department. A Provisional License may be revoked by the Village Clerk upon discovery that the holder of such license has made false statement on the application or is otherwise not qualified under Wisconsin Statutes or this Chapter or is found to be in violation of Wisconsin Stats or this Code.

A Provisional Retail License may be issued only to a person who has applied for a Class A Fermented Malt Beverage, Class B Fermented Malt Beverage, Retail Class A Intoxicating Liquor, Retail Class B Intoxicating Liquor, or Retail Class C Licenses, and authorizes only the activities that the type of retail license applied for authorizes.

A Provisional Retail License expires sixty (60) days after its issuance or when the Class A Fermented Malt Beverage, Class B Fermented Malt Beverage, Retail Class A Intoxicating Liquor, Retail Class B Intoxicating Liquor, or Retail Class C license is issued to the holder or, by action of the Village Board, is denied, whichever is sooner. (Ord. 2015-6-4; Ord. 2009-4-2 § 1; Ord. 2000-9-1 § 1, 2000: editorially amended per approval by Village Board 7/8/96; Ord. 87-4-4 (part), 1987; Ord. 84-8-1 (part), 1984).

SECTION II

Section 5.20.010 (8) of the Twin Lakes Code of Ordinances pertaining to the Definitions applicable to Liquor and Beverage License and Regulations is hereby created to read as follows:

8. RETAIL "CLASS C" LICENSE.

- a. In this subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
- b. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- c. A "Class C" license may be issued to a person qualified under s. 125.04 (5) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold.
- d. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability

- company or a person acting as agent for or in the employ of another.
- e. A “Class C” license shall particularly describe the premises for which it is issued. The annual fee for a “Class C” license shall be determined by the municipal governing body issuing the license. The fee shall not exceed \$100 and shall be the same for all “Class C” licenses. Wis. Stat. Sec. 125.51(3m)

SECTION III

Section 5.20.050 (B) of the Twin Lakes Code of Ordinances pertaining to the License Application for a Liquor and/or Beverage License is hereby deleted.

SECTION IV

Section 5.20.120 (B)(2) of the Twin Lakes Code of Ordinances pertaining to restrictions on Liquor and Beverage License is hereby deleted.

SECTION V

Section 5.20.150 (C) of the Twin Lakes Code of Ordinances pertaining to Liquor and Beverage License and Regulations is hereby created to read as follows:

C. Limitations on other business; Class “B” premises. No Class “B” license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class “B” license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class “B” premises. Wis. Stat. Sec. 125.32(3m).

SECTION VI

Section 5.20.170 (E) of the Twin Lakes Code of Ordinances pertaining to restrictions relating to underage persons and Liquor and Beverage License and Regulations is hereby amended to read as follows:

E. Premises operated under both a Class “B” or “Class B” license or permit and a license under s. 97.30 for a restaurant where the principal business conducted is that of a restaurant. If the premises are operated under both a Class “B” or “Class B” license or permit and a license under s. 97.30 for a restaurant, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence. The above is also applicable to premises operating under both a “Class C” license and a license under s. 97.30 for a restaurant per Wis. Stat. Sec. 125.07(3)(a)6.

SECTION VII

All Ordinance or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION VIII

This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Village of Twin Lakes Code of Ordinances, and shall indicate the date and number of this amending Ordinance therein.

Dated this 19th day of June, 2023.

ATTEST:

VILLAGE OF TWIN LAKES

Sabrina Waswo, Village Clerk

Howard K. Skinner, Village President

Members Voting:

___ Aye ___ Nay ___ Absent ___ Abstained