



ORDINANCE 2025-03

AN ORDINANCE TO REPEAL AND RECREATE SECTION 9 (REQUIREMENTS FOR LICENSE; VILLAGE DISCRETION) AND SECTION 16 (OPERATOR'S LICENSE) OF ARTICLE I (LICENSING AND REGULATION) OF CHAPTER 189 (INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to amend the current Ordinance to make it conform with Wisconsin State Statute.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 9 (Requirements for License; Village Discretion) of Article I (Licensing and Regulation) of Chapter 189 (Intoxicating Liquor and Fermented Malt Beverages), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 189-9. Requirements for license; Village discretion.

A. An alcohol beverage license is a privilege, not an entitlement. The Village shall review each application on an individual basis and, after considering the Village's best interest, the Village Board shall make discretionary decisions regarding the granting or the denial of any requested liquor license, whether for fermented malt beverage or intoxicating liquor.

B. No alcohol beverage license shall be granted to any person or persons under the age of 18 years for the sale of any fermented malt beverages or intoxicating liquors, or to any person who is not of good moral character. No alcohol beverage license shall be granted to any individual, natural persons in a partnership, or agents of corporations and limited liability companies who have not resided in the State of Wisconsin continuously for at least 90 days prior to the date of application.

C. No license shall be issued or granted to any person who fails to pay personal property tax or real estate tax or who owes any unpaid delinquent personal property tax, real estate tax, room tax, special charge for current services, special assessment, municipal court forfeiture, parking ticket, utility bill, ambulance bill, hazardous material spill response charge, or inspection fee to the Village.

D. No license shall be issued or granted for any premises if the title owner fails to pay personal property tax or real estate tax or owes any unpaid delinquent personal property tax, real estate tax, room tax, special charge for current services, special assessment, municipal court forfeiture, parking ticket, utility bill, utility fee, ambulance bill, hazardous material spill response charge, or inspection fee to the Village.

E. No license shall be issued or granted to any person who has habitually been a petty law offender, or has been convicted of an offense against the laws of this state, or any other state punishable by imprisonment in the state prison, unless the person so committed has been duly pardoned. Where the

applicant is an entity, the provisions of this section shall apply to the entity's owners, members, officers and directors.

F. The Village Board may also consider, but shall not be limited to, the applicant's and title owner's financial responsibility, the proposed location, the effect of the license on the surrounding community, the condition of the premises, the applicant's and title owner's fitness for the trust to be reposed.

G. Every applicant for an original or renewal license to sell, deal or traffic in fermented malt beverages or intoxicating liquors, and every title owner, in the event the applicant is not the title owner of the real property upon which the premises sit, shall expressly consent to the jurisdiction of the Village and/or Brown County Circuit Court for the State of Wisconsin, as the case may be, for any and all disputes arising out of or related to the original and/or renewal license for fermented malt beverages and/or intoxicating liquors.

Section 2: Section 16 (Operator's License) of Article I (Licensing and Regulation) of Chapter 189 (Intoxicating Liquor and Fermented Malt Beverages), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 189-16. Operator's license.

A. The Village Clerk, or his or her designee, may issue a license known as an "operator's license," which shall be granted pursuant to the Village Board's discretion and upon application in writing filed with the Village Clerk. An operator's license may be issued only to natural persons who:

- (1) Do not have an arrest or conviction record, subject to §§ 111.321, 111.322 and 111.335, Wisconsin Statutes, which are incorporated by reference herein, said statutes in part describing prohibited bases of discrimination of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, arrest record or conviction record;
- (2) Have been a resident of this state continuously for at least 90 days prior to the date of application;
- (3) Have attained the age of 18 years by the time of issuance;
- (4) Have not been a habitual law offender or convicted of a felony, unless the person has been duly pardoned;
- (5) Have completed a responsible beverage server training course. Persons are exempt from the training course requirement if they renew an existing operator's license, have completed the training course within the last two years, or have held a retail license, managers' or operators' license anywhere in the state within the last two years.

B. For all premises operating under a Class "A" and Class "B" license for fermented malt beverages and "Class A" and "Class B" for intoxicating liquor, a licensee, or some other person who has an operator's license and is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquor to customers, shall be present at all times while such premises are open for business. For purposes of this subsection, 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 person, including underage members of the licensee's immediate family, other than the licensee, may serve fermented malt

beverages or intoxicating liquors in any premises operated under a Class "A," Class "B," "Class A," or "Class B" unless he or she has an operator's license, or is at least 18 years of age and is under the immediate supervision of the licensee or a person holding an operator's license and who is on the premises at the time of the service.

C. The fee for an operator's license is set by Village resolution and shall be posted on the Village's official web site or shall be available from the Village Clerk. License fees are subject to change pursuant to the Village Board's discretion. An operator's license shall be valid for up to two (2) years and shall expire on June 30.

D. The Village Clerk, or his or her designee, may issue a temporary or provisional operator's license which shall be granted upon application in writing filed with the Village Clerk. A temporary operator's license may be issued only to natural persons who meet the requirements of Subsection A (1) through (5) of this section. A provisional operator's license may be issued only to natural persons who have applied for an operator's license under this section of the Code and who meet the requirements of Subsection A (1) through (5) of this section.

E. A temporary or provisional operator's license may not be issued to any person who has been denied a license under this article of the Code by the Village Clerk, or his or her designee.

F. The fee for a temporary or provisional operator's license is set by Village resolution and shall be posted on the Village's official web site or shall be available from the Village Clerk. License fees are subject to change pursuant to the Village Board's discretion.

G. A temporary operator's license may only be issued pursuant to Chapter 125 of the Wisconsin Code, which includes issuance only to operators employed by or donating their services to nonprofit corporations. A temporary operator's license shall be valid for any period from one day to 14 days.

H. A provisional operator's license may only be issued pursuant to Chapter 125 of the Wisconsin Statutes. A provisional operator's license will expire 60 days after its issuance, or when an operator's license under this section is approved or denied, whichever is sooner.


I. A temporary or provisional operator's license may be revoked by the Village Clerk, or his or her designee if the application of the license holder contains any false statements. The Village Clerk, or his or her designee, may issue the temporary or provisional license before receipt of the applicant's record check but shall immediately revoke the temporary or provisional license if the record check indicates the applicant has failed to meet any of the requirements under this section of the article.

J. Any violation of the terms of the article, or any of the laws of the State of Wisconsin applicable to the sale of fermented malt beverages and intoxicating liquors, by any person holding any type of operator's license shall be cause for revocation of said license.

Section 3: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved on this 4th day of March, 2025.



Richard Heidel, Village President

Attest:



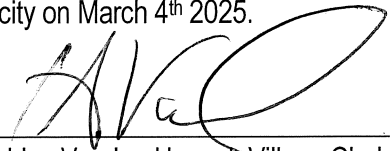
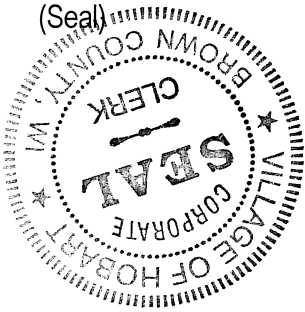
Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on March 4th 2025.

(Seal)



Lisa Vanden Heuvel, Village Clerk