

**ORDINANCE NO. 2023-09**

**ORDINANCE TO AMEND SECTION 6.111 AND TO  
CREATE SECTION 6.117.1 OF THE VILLAGE OF PEWAUKEE  
MUNICIPAL CODE REGARDING THE ISSUANCE OF  
CLASS B INTOXICATING LIQUOR LICENSES**

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WHEREAS, the Village of Pewaukee has exhausted the number of Class B Intoxicating Liquor Licenses which it may issue pursuant to restrictions established under Wisconsin Statute Sec. 125.51; and

WHEREAS, the only circumstance where additional Class B Intoxicating Liquor Licenses may become available is if the population of the Village increases or if the Village purchases a License from another municipality as permitted under the Wisconsin Statutes; and

WHEREAS, because of the limited number of Class B Intoxicating Liquor Licenses available for issuance by the Village, the Village is desirous of establishing standards and a process for how licenses will be issued when a new license might become available.

NOW, THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION I**

Section 6.111 of the Municipal Code of the Village of Pewaukee is amended to revise the definition of abandon and abandonment as follows:

In this section, “abandon” and “abandonment” shall mean a continuing refusal or a failure of a licensee to use the license for the purpose or purposes for which the license was granted by the Village Board, which abandonment continues for a period of 180 days. The Village Board may, for good cause shown, extend the period of permitted non-use.

**SECTION II**

Section 6.111 (d) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

- (d) Within 180 days from the issuance of a Class B License, the licensee shall be open for business with adequate stock and equipment. If the business does not commence within such time, the license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for good cause shown, extend such license for up to a 90-day period. Failure to commence doing business within 180 days from issuance of the license constitutes cause for revocation under this Chapter.

### SECTION III

Section 6.117.1 of the Municipal Code of the Village of Pewaukee is created to read as follows:

Section 6.117.1 - The process for the issuance of new Class B Intoxicating Liquor Licenses.

- (a) In the event the Village has the ability to issue additional Class B Intoxicating Liquor Licenses as a result of an increase in population or the purchase of such License under Wisconsin law from another municipality or in the event of an amendment of Section 125.51 of the Wisconsin Statutes, the Village shall follow the procedure set forth in this Ordinance for consideration of the issuance of a Class B Intoxicating Liquor License under these circumstances.
- (b) The Village Board may establish, from time to time, criteria for purposes of evaluation of Class B Intoxicating Liquor Licenses as provided for under this Section.
  - (1) The Village Clerk shall publish a Class 1 legal notice and shall post on the Village website a notice indicating that a Class B Intoxicating Liquor License has become available and the potential license applicants shall have thirty (30) days after the date of publication of the notice to submit an application inclusive of a narrative description of how the proposed licensee will promote the economic development of the Village of Pewaukee. No applications received more than thirty (30) days after the date of publication of the notice referred to in this Section will be considered. The applications shall be opened by the Village Clerk on the first business day following the expiration of the 30-day period for submission of the applications.
  - (2) Upon the expiration of the of the license submission period, the Village Board shall meet to review the applications received and shall also consider the applicants' compliance with the Village Code of Ordinances and how the application and proposed business conforms to the Village's Comprehensive Plan, Development Plans (if any) and the Village's Zoning Code.
  - (3) The issuance of the Class B Intoxicating Liquor License shall be in the sole reasonable discretion of the Village Board after weighing all of the aforementioned factors including any criteria established by the Village Board. The Board shall have no obligation to issue such a license if it determines that none of the applicants have satisfied the requirements of this Section; in which case, the Village Board may choose to hold the license and may renew the process at such later date and time as it determines in its reasonable discretion.
- (c) The Village does not maintain a waiting list of interested individuals/companies who wish to obtain any type of alcohol license. The Village does not notify interested parties when a license is available. Interested parties are solely responsible for inquiring as to the availability of a license. Any license application that fails to comply completely with the terms of this Ordinance shall constitute a basis for denial of the application.

**SECTION IV**

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

**SECTION V**

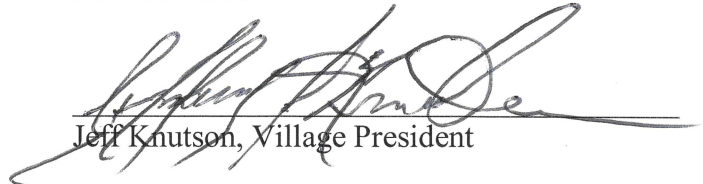
The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

**SECTION VI**

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

Passed and adopted this 6 day of June 2023 by the Village Board of the Village of Pewaukee.

APPROVED:

  
Jeff Knutson, Village President

Countersigned:

  
Cassie Smith, Village Clerk