

CHAPTER 4 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

As used in this chapter the terms "alcoholic beverages," "intoxicating liquor," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," "retailers," "operators," and "non-intoxicating beverages" shall have the meaning given them by Wis. Stats. ch. 125.

(Ord. No. 105-2005, § 1(1.2), 1-25-2005)

Sec. 4-2. Penalties.

- (a) Forfeitures for violations of Wis. Stats. §§ 125.07(1) through (4) and 125.09(2), adopted by reference in section 4-3, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this chapter except as otherwise provided in subsection (a) of this section or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in section 1-7.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities.

(Ord. No. 105-2005, § 3(3.1), 1-25-2005)

Sec. 4-3. State statutes adopted.

The provisions of Wis. Stats. ch. 125 relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future ~~amendment~~amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of alcohol beverage control. A copy of the statutes referenced herein shall be maintained and made available for public inspection in the office of the village clerk.

(Ord. No. 105-2005, § 1(1.1), 1-25-2005)

State law reference(s)—Public records law, Wis. Stats. §§ 19.31—19-37.

Secs. 4-4—4-24. Reserved.

¹State law reference(s)—Alcohol beverages, Wis. Stats. ch. 125.

ARTICLE II. FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

Sec. 4-25. License required.

No person shall vend, sell, deal or traffic in or have in ~~their~~his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatsoever, or cause the same to be done, without having procured a license, as provided in this chapter nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. §§ 125.16, 125.27, 125.28 and 125.51.

(Ord. No. 105-2005, § 1(1.3), 1-25-2005)

Sec. 4-26. Classes of licenses.

- (a) *Reserve "Class B" licenses.* A reserve "Class B" license means a license that is not granted or issued by the village on December 1, 1997, and that is counted under Wis. Stats. § 125.51(4)(br), which, if granted or issued, authorized the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorized the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time, to be consumed off premises; except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (b) *Temporary Class "B" fermented malt beverage license.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the village clerk together with the appropriate license fee for each day or up to three consecutive days for which the license is sought. The application shall identify all person(s) in charge of the event, who ~~are~~ shall be subject to a criminal background check. Any person submitting false information on an application shall be subject to a forfeiture of \$200.00 and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the beginning of the proposed event. Applications from first-time applicants, or previously approved applicants whose proposed event is different in any material way from the previously approved events, making substantial changes to previous plans, shall be reviewed by the village board. In all other cases, the village clerk may approve such an application. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.
- (c) *Temporary "Class B" wine license.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the village clerk together with the appropriate license fee for each day or up to three consecutive days for which the license is sought. The application shall identify all person(s) in charge of the event, who ~~are~~ shall be subject to a criminal background check. Any person submitting false information on an application shall be subject to a forfeiture of \$200.00 and will be ineligible to apply for a temporary "Class B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the beginning of the proposed event. Applications from first-time applicants, or previously approved applicants whose proposed event is different in any material way from the previously approved events, making substantial changes to previous plans, shall be reviewed by the village board. In all other cases, the village clerk may approve such an application. If the application is for a license to be used in a village park, the applicant shall specify the main point of sale facility.

(Ord. No. 105-2005, § 1(1.4), 1-25-2005; Ord. No. V17-06, 4-11-2017)

Sec. 4-27. License fees.

There shall be the following classes of licenses which, when issued by the village clerk under the authority of the village board, after payment of the license fee and publication costs hereinafter specified, which shall be within the statutory maximum and minimum, and shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages:

- (a) *Class "A" fermented malt beverages retailer's license.* The annual fee for this license shall be in accordance with the village board's current fee schedule. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) *Class "B" fermented malt beverage license.*
 - (1) The annual fee for this license shall be in accordance with the village board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which ~~issued~~ it is issued. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.
 - (2) A Class "B" fermented malt beverages license may also be issued to bona fide clubs, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering and at a meeting of the post. The fee for the license shall be as prescribed by the village's fee schedule.
- (c) *Temporary Class "B" fermented malt beverage license.* The fee for this license shall be per event in accordance with the village board's current fee schedule.
- (d) *Temporary "Class B" wine license.* The fee for this license shall be per event in accordance with the village board's current fee schedule. However, there shall be no fee if the temporary wine license is obtained along with a temporary fermented malt beverage license.
- (e) *Fermented malt beverage wholesalers' license.* The annual fee for this license shall be in accordance with the village board's current fee schedule.
- (f) *"Class A" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the village board's current fee schedule.
- (g) *"Class B" intoxicating liquor retailer's license.* The annual fee for this license shall be in accordance with the village board's current fee schedule. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which ~~issued~~ it is issued.

(Ord. No. 105-2005, § 1(1.5), 1-25-2005)

Sec. 4-28. Application for license.

- (a) *Contents.* Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the state department of revenue and shall be sworn to by the applicant as provided by Wis. Stats. §§ 887.01—887.03, and shall be filed with the village clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every

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room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

- (b) *Corporations.* Such application shall be filed and sworn to by the applicant, if an individual, or by the president and secretary, if a corporation.
- (c) *Publication.* The village clerk shall publish each application for a Class "A," Class "B," or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Wis. Stats. § 125.26, or temporary "Class B" picnic wine licenses under Wis. Stats. § 125.51(10). The application shall be published in the official village newspaper for three consecutive days, unless a lesser timeframe is prescribed by Wis. Stats. ch. 125, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.
- (d) *Amending application.* Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten days after the occurrence thereof.
- (e) *License quotas.* Retail intoxicating liquor licenses issued by the village board shall be limited in number to the quota prescribed by state law.

(Ord. No. 105-2005, § 1(1.6), 1-25-2005)

Sec. 4-29. Qualifications of applicants and premises.

- (a) *Residence requirements.* A retail Class "A" or Class "B" fermented malt beverage or "Class A," "Class B" or "Class B" Reserve intoxicating liquor license shall be granted only to persons, or their agents, who have been residents of the state continuously for at least 90 days prior to the date of the application.
- (b) *Applicant to have a malt beverage license.* No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) *Right to premises.* No applicant will be considered unless said applicant has the right to possession of the premises described in the application for the license period, by deed, lease, or purchase contract, which contract entails the eventual acquisition and possession of the premises.
- (d) *Age of applicant.* Licenses related to alcoholic beverages shall only be granted to persons who have attained the legal drinking age.
- (e) *Corporate restrictions.*
 - (1) No license may be issued to any corporation unless the corporation meets the qualifications under Wis. Stats. §§ 125.04(5)(a)1, 125.04(5) (a)4 and 125.04(5)(b), unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) and the officers and directors of the corporation meet the qualifications of Wis. Stats. §§ 125.04(5)(a)1, 125.04(5)(a)3 and 125.04(5)(b) and unless the agent of the corporation appointed under Wis. Stats. § 125.04(6) meets the qualification under Wis. Stats. §§ 125.04(5)(a)2 and 125.04(a)5. The requirement that the corporation ~~meet~~meets the qualifications under Wis. Stats. §§ 125.04(5)(a)1 and 125.04(5)(b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders, together with the amount of stock held by such person. It shall be the duty of each corporate applicant and licensee to file with the village clerk a statement of transfers of stock within 48 hours after such transfer of stock.

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- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Wis. Stats. § 125.12, when more than 50 percent of the stock interest, legal or beneficial, in such corporation is held by any person not eligible for a license under this chapter or under ~~the~~ [state](#) law.
- (f) *Sales tax qualification.* All applicants for retail licenses shall provide proof, as required by Wis. Stats. § 77.61(11), that they are in good standing for sales tax purposes, i.e., hold a seller's permit, before they may be issued a license.
- (g) *Separate license required for each place of sale.* A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- (h) *Residential areas.* No Class "B" fermented malt beverage license may be issued for any premises where 40 percent or more of the property fronting on both sides of the same street in the same block whereon the premises is located is used for residence purposes, if a written objection is filed with the village clerk signed by owners of more than 80 percent of such residence property.
- (i) *Off-street parking facilities.* No "Class B" intoxicating liquor license shall be issued for any premises; unless said premises provides off-street parking stalls equal in number to 50 percent of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of the ordinance from which this subsection was derived.
- (j) *Connecting premises.* Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (k) *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. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
 - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern in villages, villages and fourth-class cities.
 - (5) A combination novelty store and tavern.
 - (6) A bowling alley or recreation premises.
 - (7) A club, society, or lodge that has been in existence for six months or more prior to the date of filing an application for the Class "B" license or permit.

(Ord. No. 105-2005, § 1(1.7), 1-25-2005)

Sec. 4-30. Investigation.

The village clerk shall notify appropriate law enforcement authorities and the fire inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigations as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. A records check may also be requested from the sheriff's department. These officials shall furnish to the village clerk in writing, who shall forward to the village ~~board;~~board the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

(Ord. No. 105-2005, § 1(1.8), 1-25-2005)

Sec. 4-31. Approval of application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures, or other financial claims of the village are delinquent and unpaid.
- (b) 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 and local board of health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the village.
- (c) Consideration for the granting or denial of a license will be based on the following:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) 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, the term "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses, which are substantially related to the licensed activity, within the five 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. Further, the board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

(Ord. No. 105-2005, § 1(1.9), 1-25-2005)

Sec. 4-32. Granting or denial of a license.

- (a) In the event the application is for a "Class A" or a "Class B" intoxicating liquor license at a site not previously licensed under this chapter, the village clerk shall schedule public hearings before the village board on the

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granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least ten days before the hearing and may be given by mail.

- (b) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the village board, the village clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the village. The full license fee shall be charged for the whole or a fraction of any year.
- (c) If the village board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the village board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the village board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten days prior to the village board meeting at which the application is to be reconsidered.

(Ord. No. 105-2005, § 1(1.10), 1-25-2005)

Sec. 4-33. Transfer and lapse of license.

- (a) In accordance with the provisions of Wis. Stats. § 125.04(12), a license shall be transferable from one premises to another; if such transfer is first approved by the village board. An application for transfer shall be made on a form furnished by the village clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such a transfer is \$10.00.

Whenever a license is transferred, the village clerk shall forthwith notify the state Department of Revenue of such transfer. In the event of the sale of a business or the business premises of the licensee, the purchaser of such business or business premises must apply to the village for reissuance of said license, and the village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the village clerk written notice of said replacement, the reasons therefore, and the new appointment. Until the next regular meeting or special meeting of the village board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the village clerk of notice of disapproval of the successor agent by the state department of revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the village board until the successor agent or another qualified agent is appointed and approved by the village.

(Ord. No. 105-2005, § 1(1.11), 1-25-2005)

Sec. 4-34. Numbering of the license.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee. The village clerk shall affix to the license their~~his~~ affidavit as provided by Wis. Stats. § 125.04(4).

(Ord. No. 105-2005, § 1(1.12), 1-25-2005)

Sec. 4-35. Posting licenses; defacement.

- (a) Every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(Ord. No. 105-2005, § 1(1.13), 1-25-2005)

Sec. 4-36. Conditions of license.

All retail Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the village applicable thereto:

- (a) *Consent to entry.* Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles in violation of village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) *Employment of minors.* No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the state statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
- (d) *Licensed operator on premises.* There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B," Class "B" or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) *Health and sanitation regulations.* The rules and regulations of the state board of health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conforms to such rules and regulations.
- (f) *Restrictions near schools and churches.* No retail Class "A," Class "B," "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church, or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building, or a restaurant located within 300 feet of a church or school, where the sale of alcohol beverages in the restaurant accounts for less than 50 percent of their gross receipts.
- (g) *Clubs.* No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

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- (h) *Gambling prohibited.* Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this chapter or the laws of the state.
- (i) *Credit prohibited.* No retail Class "A," Class "B," "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee to sell alcohol~~ic~~ beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise, or other articles in exchange for alcohol~~ic~~ beverages.
- (j) *Licensee or permittee responsible for acts of help.* A violation of this chapter by a duly authorized agent or employee of a licensee under this chapter shall constitute a violation by the licensee. Whenever any licensee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license of the holder thereof may be instituted in the manner prescribed in this chapter.

(Ord. No. 105-2005, § 1(1.14), 1-25-2005)

Sec. 4-37. Closing hours.

Closing hours shall be established in conformance with Wis. Stats. § 125.32(3), and further restricted as follows:

(a) *Class "B" licenses.*

- (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1.
- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses, may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of subsection (1)(a) of this section.

- (b) *Carryout hours.* Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "B" license, intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises; fermented malt beverages shall be similarly restricted between the hours of 12:00 a.m. midnight and 8:00 a.m.

(Ord. No. 105-2005, § 1(1.15), 1-25-2005)

Sec. 4-38. Restrictions on temporary fermented malt beverage or wine licenses.

It shall be unlawful for any person or organization, on a temporary basis to sell or offer to sell any alcohol beverage upon any village-owned property or privately owned property within the village, except through the issuance of a temporary Class "B" fermented malt beverage license or temporary "Class B" wine license issued by the village board in accordance with state statutes and as set forth in this section. A temporary Class "B" fermented malt beverage license or a temporary "Class B" wine license authorizing the sale and consumption of beer and/or wine on village-owned property or privately owned property may be authorized by the village board, provided the following requirements are met:

- (a) *Compliance with eligibility standards.* The organization shall meet the eligibility requirements of a bona fide club, association, lodge, or society as set forth in Wis. Stats. § 125.26(6), and shall fully comply with the requirements of this section. Members of an organization ~~that~~which is issued a temporary license and who

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are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and ~~the~~ organization will be.

- (b) *Posting of signs and licenses.* All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person without proper identification.
- (c) *Fencing.* If ~~necessary~~necessary, due to the physical characteristics of the site, the village board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard, or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high and a minimum of six feet between fences.
- (d) *Underage persons prohibited.* No underage persons, as defined by the state statutes, shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) *Licensed operators requirement.* A licensed operator shall be stationed at all points of sales at all times.
- (f) *Waiver.* The village board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.
- (g) *Insurance.* The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend, and hold the village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the license is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance ~~to~~with the village. The applicant may be required to furnish a performance bond prior to being granted the license.

(Ord. No. 105-2005, § 1(1.16), 1-25-2005)

Sec. 4-39. Revocation and suspension of licenses; nonrenewal.

- (a) *Procedure.* The procedure for revocation or suspension of licenses is as follows:
 - (1) The village shall follow the procedure outlined in Wis. Stats. § 125.12, when taking suspension/revocation action against any alcohol beverage license issued by the village board.
 - (2) If the action is initiated by a citizen or a board member, the village board may take immediate action and, upon notice, hold a hearing under Wis. Stats. § 125.12.
 - (3) If the action is resulting from the arrest of a license holder, or agent thereof, and upon conviction in circuit court, the village board shall hold a hearing under Wis. Stats. § 125.12, for all second and subsequent convictions.
- (b) *Violations; point system.*
 - (1) *Purpose.* The purpose of this subsection is to administratively interpret those portions of the village ordinances relating to alcohol beverage violations and to establish a system for suspension and revocation.
 - (2) *Point schedule.* The scheme of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and this chapter for the purpose of recommending suspension or revocation of their alcohol beverage license:

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Type of Violation	Demerit Points
Traffic to an underage person	80
Traffic to an intoxicated person	50
An U nderage person on the premises	50
Failure to be licensed	100
False statement on the application	50
Transfer of license without permission, including operating on another's license	90
Conducting unlawful business	40
Unlicensed bartender	40
Open after hours	40
No carryout after hours	25
Gambling	50
Nude or semi-nude entertainer employee visible outside	50
Nude or semi-nude entertainer employee visible inside	100
Failure to display a permit/license	25
The U icensee selling controlled substances	130
Bartender selling controlled substances	100
Failure to continue residence or ownership statute during the license year	75

- (c) *Violations; how calculated.* In determining the ~~cumulative~~accumulative demerit points against a licensee within 18 months, the village shall use the date each violation was committed as the basis for a determination, if there has been a conviction.
- (d) *Suspension and revocation of license.* If the demerit point accumulation from the date of violation, which results in a conviction, meets or exceeds 75 points in a 12-month period, ~~the~~ village board, shall hold a hearing, which shall operate as a warning. Should such accumulation of points exceed 125 points within a 12-month period, the suspension shall be for a period of not less than ten days nor more than 90 days. If the license from the date of violation, if convicted, exceeds 150 points in an 18-month period, the penalty shall be revocation.
- (e) *Continuing business license requirements.*
- (1) It shall be a condition of maintaining and keeping a license in the village that the licensee continues in business. Issuance of, or retention of, a license by a party not doing business or intending to resume doing business under conditions of this chapter, as defined in this section, is declared to be against public policy, and thus lacking in usefulness.
 - (2) Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the village board by amendments or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such law restrictions and regulations, ~~their~~his license may be revoked in accordance with this chapter. In the event of revocation of any license or any violations of any provisions of this chapter, or by the court for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
 - (3) The term "business continuation" under a license is hereby defined to be 150 days per year.
 - (4) Holders of such licenses are required to possess the following: a premises or facility from which to conduct business, ~~a~~ sanitary permit, building permits, ~~and~~ conditional use permits (CUPs) when required in accordance with the county ordinances and/or the village zoning ordinance. Further, holders of such licenses must possess necessary federal ID numbers, state sales tax numbers, and shall

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meet and continue to meet on an ongoing basis all other state and federal requirements. Approval by the village board must also be obtained.

- (5) Exceptions to these requirements to continue to possess a necessary license would be any act of God, which may damage or destroy the facility for which the license has been issued to operate the business ~~from~~. In such cases, the holder of the license will be allowed a maximum of two years to repair damages or rebuild the damaged or destroyed facility and again resume operating the business from the premises for which the license issued was intended. The holder of a license of a damaged or destroyed business shall also be required to meet with the village board at that board's discretion to discuss the situation and progress. Again, the village board reserves the right to revoke ~~such as such~~ license if, in its opinion, progress toward repair or rebuilding is not progressing in a timely manner. In such cases, the holder of the license has the express right to request a hearing, and any other appeal avenues ~~that which~~ may be available to the license holder.
- (6) In the event any licensed party violates this chapter, disciplinary action may be taken by the village board, including reprimand, suspension of the license for a specified number of days, with a maximum of 90 days, or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will specify the reason for the hearing, and the subsequent decision of the village board, will be sent by first-class mail to the last known address of the licensee or personally served, at the option of the village ~~president chairperson~~.
- (7) In the event disciplinary action is taken against a licensee, the state procedure mandated under present Wis. Stats. § 125.12, or its successor, will be followed. At present, said procedure requires personal service of the hearing notice, summons, and complaint, and a hearing within three to ten days thereafter.
- (8) As specified by law, there shall be no refund of any license fee paid to a party whose license is revoked.
- (9) In lieu of a hearing, the village board may accept surrender of the license, and the village board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (10) Evidence and testimony at the hearing shall be done in open session. Pursuant to Wis. Stats. § 19.85(1)(a), the board may go into closed session to deliberate with regard to its decision, where that possibility and option have been properly and legally listed on the hearing notice posted and/or published. The village clerk shall see that the hearing notice is posted and/or published, in a format acceptable to the village ~~president chairperson~~.

(Ord. No. 105-2005, § 1(1.17), 1-25-2005)

Sec. 4-40. Non-alcoholic events for underage persons on licensed premises.

The presence of underage persons on a licensed premises, as provided under Wis. Stats. § 125.07(3)(a)10, shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the village clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each ~~such~~ ~~non-alcohol non-alcoholic~~ event notice shall specify the dates on which the event is to occur and the times of commencement. All notices shall be filed with the village clerk during normal working hours. After a non-alcoholic event notice has been given, the licensee may cancel an event only by giving like notice to the village in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.

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(Supp. No. 2, Update 1)

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- (b) During the period of any non-alcohol~~ic~~ event, a notice card prescribed by the village shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol~~ic~~ beverages may be consumed, sold, or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the village to a requesting licensee.
 - (c) Once a non-alcohol~~ic~~ event has commenced, no alcohol~~ic~~ beverages may be consumed, sold, or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
 - (d) During the period of any non-alcohol~~ic~~ event, all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol~~ic~~ beverages, speed guns, shall be either disconnected, disabled, or made inoperable.

(Ord. No. 105-2005, § 1(1.18), 1-25-2005)

Secs. 4-41—4-61. Reserved.

ARTICLE III. OPERATOR'S LICENSE

Sec. 4-62. Required.

- (a) *Operator's license required.* Any premises holding a fermented malt beverage or alcohol license or permit, shall have the licensee, permittee, agent, or a licensed operator on the premises during all hours of operation. Hours of operation shall refer to the hours, stated by statute or ordinance, in which fermented malt beverages or other intoxicating alcohol may be sold. The licensee, permittee, agent, or the licensed operator shall be responsible for the acts of all persons serving or selling any fermented malt beverages or intoxicating alcohol. No person shall sell or serve fermented malt beverages or intoxicating alcohol unless the person is the licensee, permittee, agent, a licensed operator, or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent, or a licensed operator.
- (b) *Provisional license.* The village clerk or designee may issue provisional operator's licenses in accordance with § 125.17(5), Wis. Stats. The provisional operator's license shall expire 60 days after its issuance, when an operator's license has been issued to the holder, or when the applicant has been denied, whichever is sooner. The village clerk or designee may, upon receiving an application for a provisional license, issue such a license without requiring the successful completion of the approved training course as described in § 125.17(6), Wis. Stats. A provisional license may not be issued to any person who has been denied an operator's license by the village ~~manager~~ administrator or designee or who has had his/her operator's license revoked or suspended within the preceding 12 months. The village clerk may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application.

(Ord. No. 105-2005, § 2(2.1), 1-25-2005; Ord. No. V21-19, 11-16-2021)

Sec. 4-63. Procedure upon application.

- (a) The village clerk may approve and issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the village clerk or designee, only to persons 18 years of age or older, who are qualified to hold said license and have submitted the proper fee. Operator's licenses shall be operative only within the limits of the village.

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- (b) All applications are subject to an investigation by law enforcement authorities and/or other appropriate authorities to determine whether the applicant to be licensed complies with all regulations, ordinances, and laws applicable thereto. The investigation of the applicant may include, but is not limited to, requesting information from the state, counties, surrounding municipalities, or any community where the applicant has previously resided, concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend, in writing to the village clerk, approval or denial of the application. If the authorities recommend denial, the authorities shall provide, in writing, the reasons for such recommendation.

(Ord. No. 105-2005, § 2(2.2), 1-25-2005; Ord. No. V20-05, 5-12-2020; Ord. No. V21-19, 11-16-2021)

Sec. 4-64. Duration.

Licenses issued under the provisions of this chapter shall be valid from the date of issuance and expire at 11:59 pm on the upcoming 30th day of June, ~~or~~ for an additional charge, the expiration date may be extended for a period of one year to the next 30th day of June.

(Ord. No. 105-2005, § 2(2.3), 1-25-2005; Ord. No. V21-19, 11-16-2021)

Sec. 4-65. Fees.

The fee for an operator's license or provisional license shall be as stated in the Village of Harrison's Fee Schedule, not to exceed limits set by statute.

(Ord. No. 105-2005, § 2(2.4), 1-25-2005; Ord. No. V21-19, 11-16-2021)

Sec. 4-66. Issuance or denial.

- (a) Consideration for the granting or denial of a license will be based on the most current Village of Harrison Policy Guidelines for Operator Licenses approved by the board.
- (b) After the village clerk approves the granting of an operator's license, the village clerk or designee shall issue the license. Such licenses shall be issued and numbered in the order they are granted, shall give the applicant's name, approval date, expiration date, and ~~shall be~~ signed by the clerk or designee.
- (c) If the application is denied by the village clerk, the village clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the process to appeal the decision to the village board. Such notice must be sent to the applicant's address listed on the application. At such ~~an~~ appeal hearing, the applicant may present evidence and testimony as to why the license should be granted.
- (d) Within seven days following the appeal hearing, the village clerk shall notify the applicant in writing of the board's decision and reasons for denial if applicable. An applicant who is denied any license, after appealing to the village board, may apply to ~~the~~ circuit court, pursuant to Wis. Stats. § 125.12(2)(d), for review.

(Ord. No. 105-2005, § 2(2.5), 1-25-2005; Ord. No. V20-05, 5-12-2020; Ord. No. V21-19, 11-16-2021)

Sec. 4-67. Display of license.

Each license issued under the provisions of this chapter shall be posted on the premises or in the operator's possession whenever the operator dispenses beverages.

(Ord. No. 105-2005, § 2(2.7), 1-25-2005; Ord. No. V21-19, 11-16-2021)

Sec. 4-68. Revocation or suspension of a license.

Violation of any of the terms or provisions of the state law, of this chapter, or any offense substantially related to the licensed activity by a licensed operator may be cause for revocation of the license the village board to revoke or suspend the license.

(Ord. No. 105-2005, § 2(2.8), 1-25-2005; Ord. No. V21-19, 11-16-2021)