

Chapter 8 Licenses and Permits

8.04 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (Cr. Oct. 4, 1954) (Am. Dec. 6, 1954).

(1) State Statutes Adopted. The provisions of Wis. Stat. ch. 125, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) Licenses, Permits, Authorization Required

(a) When Required. No person, firm, partnership, corporation or association, except as provided by Wis. Stat. § 125.06, shall, within the Village, serve, sell, manufacture, rectify, brew, barter, or engage in any other activity for which this chapter or Wis. Stat. ch. 125, required a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Wis. Stat. § 125.04.

(b) No license shall be issued for the purpose of selling, offering for sale, or trafficking in any such beverages in any dwelling house, flat or apartment.

(c) Exceptions. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where alcohol beverages are stored, sold or offered for sale. See Wis. Stat. § 125.04(9).

(3) Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the Village Clerk, under the authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stat. §§ 125.17, 125.25, 125.26, 125.28, 125.51 and 125.57. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class A Fermented Malt Beverages Wholesaler's License. See Wis. Stat. § 125.28. The fee for a wholesaler's license shall be \$25.00 per year or fraction thereof.

(b) Class A Fermented Malt Beverage Retailer's License. See Wis. Stat. § 125.25. The fee for such Class "A" license shall be \$10.00 per year or fraction thereof.

(c) Class B Fermented Malt Beverage Retailer's License. See Wis. Stat. § 125.26. The license fee for a retail Class "B" license shall be \$75.00 per year or a fraction thereof. A license may be issued at any time for six (6) months in any calendar year, for which 3/4 of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

(d) Retail Class A Liquor License. See Wis. Stat. § 125.51 (2). The fee for such retail Class "A" license shall be \$75.00 per year.

(e) Retail Class B Liquor License. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See Wis. Stat. § 125.51 (3). The fee for such retail Class "B" liquor license shall be \$275.00.

1. A license may be issued after July 1, in any license year which shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30th.

2. Licenses valid for 6 months may be issued at any time. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(f) Pharmacist's License.

1. See Wis. Stat. § 125.57.

2. A permit for the sale of intoxicating liquors, pursuant to Wis. Stat. § 125.57, may be granted to a registered pharmacist upon action by the Village Board. A separate application for each premises shall be made to the Village Clerk upon forms provided by him/her.

3. Fee. The fee for such license shall be \$10.00 per year or fraction thereof. Upon the approval of the application by the Village Board, the Village Clerk shall, upon filing by the applicant a receipt showing the payment to the Village Treasurer of a permit fee of \$10.00, issue to the applicant a permit which shall remain in force until the first day of July next after the granting thereof. Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid, and the name of the licensee.

(g) Operator's License. See Wis. Stat. § 125.17. (Am 03-10-2020)

1. Operator's licenses may be granted to individuals by the Village Board designated staff member for the purposes of complying with Wis. Stat. §§ 125.32 (2) and 125.68 (2).

2. Operator's licenses may be issued only on written application on forms provided by the Village Clerk.

3. Operator's licenses shall be valid for one year and shall expire on June 30th of each year.

4. The fee for such license shall be \$15.00 per year.

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(h) Special Class "B" Fermented Malt Liquor Retailer's License for Picnics and Meetings. See Wis. Stat. § 125.26 (6). The fee for such license shall not exceed \$10.00. No license shall be granted for longer than one (1) week.

(4) License Application.

(a) See Wis. Stat. § 125.04.

(b) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by Wisconsin Department of Revenue, or governing body for operators' licenses, and filed with the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(c) Application shall be filed with the Village Clerk not less than 15 days prior to the granting of such license.

(d) Application to be Notarized: The application shall be signed and sworn to by the applicant as provided by Wis. Stat. § 887.01.

(e) The Village Board shall meet and act upon applications as provided by Wis. Stat. § 125.51 (1)(c).

(f) Duplicate: Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.

(5) License Restrictions.

(a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Wis. Stat. §§ 125.04 and 125.32 (3)(b).

(b) Location.

1. No retail "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 main entrance to the premises covered by the license.

2. The above paragraph 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, hospital or church building.

3. No retail "Class A" or "Class B" license shall be issued within a residence district. Any premises shall be deemed to be included within a residence

district if 2/3 of the buildings with a radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto. Restrictions on Class B retail licenses shall not apply to those establishments exempted from restriction under Wis. Stat. § 125.32(4).

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Applicants for licenses and permits must follow requirements pursuant to Wis. Stat. § 125.04 (5).

(e) Health and Sanitation Requirements. No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village Board.

(f) License Quota. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stat. § 125.51 (4).

(g) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by a person or persons not eligible for a license under this section.

(h) Age Requirements. No license hereunder shall be granted to any person under the legal drinking age.

(i) Effect of Revocation of License. Whenever any license shall be revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

(j) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.

(k) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) Granting of License.

(a) Opportunity to be Heard. Opportunity shall be governed by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the Village Board and payment of the required license fee to the Village Treasurer, the Village Clerk shall attest and issue to the applicant the proper license.

(b) Form and Expiration of Licenses. 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 and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. The Village Clerk shall affix his/her affidavit as required by Wis. Stat. § 125.04 (4). If license is revoked sooner than June 30th, it will be pursuant to Wis. Stat. § 125.12 (1) and (2).

(7) Transfer of Licenses.

(a) As to Person. No license shall be transferrable as to licensee except as provided by Wis. Stat. § 125.04 (12).

(b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Wis. Stat. § 125.04 (12). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) Posting and Care of Licenses. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stat. § 125.04 (10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. Whenever a license shall be lost or destroyed without fault on the part of the holder or his/her agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the Village Clerk on satisfying himself/herself as to the facts.

(9) Inspection and Investigation.

(a) Prior to issuance of license. The Village Clerk shall notify the Chief of Police and the Village Board of such application for license, and these officials may inspect or cause to be inspected each application and the premises covered thereby to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board in writing the information derived from such investigation accompanied by a recommendation as to whether a license should be granted or refused.

(b) Search of Licenses Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any

reasonable hour by any police officer, his/her deputies or assistants and any Trustee and the President of the Village of Ridgeway, without a search warrant, and application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection and search shall automatically operate as revocation of any license issued hereunder and shall be deemed a violation of this Section.

(10) Regulation of Licensed Premises and Licensees.

(a) There shall be upon premises operated under a retail Class A or Class B beverage license, at all times, the licensee or some person who shall have an operator's license under Wis. Stat. § 125.04., and who shall be responsible for the acts of all persons serving as waiters, or in any other manner to customers. No other person other than the licensee shall serve alcohol beverages in any place operated under a retail Class A or Class B liquor license unless he shall possess such operator's license, or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be at the time of such service upon said premises.

(b) **Gambling and Disorderly Conduct Prohibited.** Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(c) **Employment of Underage Person.** No licensee shall employ any underage person to serve, sell, dispense or give away any alcohol beverage.

(d) **Sales by Clubs.** No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(e) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(f) **Windows Not to be Obstructed.** All windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box, stall, screen, curtain, blinds, or other device which shall obstruct the view of said room from the general observation of persons. During the hours in which the sale of alcohol beverages is permitted, the premises shall be properly and adequately lighted. However, retail Class B licenses shall entitle the holder thereof to serve such beverages in a separate room on the licensed premises at banquets or dinners.

(g) **Intoxicated Persons.** No alcohol beverages shall be served or sold to any person who shall be intoxicated, pursuant to Wis. Stat. § 125.07 (2).

(h) **Underage Persons.** Concerning alcoholic beverages, restrictions relating to underage persons shall be governed under Wis. Stat. § 125.07.

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(i) Evidence of Alcohol Sales. The existence of any license, permit or special tax stamp from the United States Government, or from the State of Wisconsin, to any licensee or any person in the employ of the licensee authorizing or permitting such licensee or any person in his employ to engage in the occupation of selling alcohol beverages at the time and place of any alleged violation of the provisions of this Chapter, shall be accepted as prima facie evidence that such licensee is vending, selling, dealing or trafficking in alcohol beverages in violation of the provisions of this Chapter.

(j) Evidence of Revocation. The existence of the issue of any license, permit, or special tax stamp from the United States Government, or from the State of Wisconsin, to any licensee or any person in the employ of the licensee, authorizing or permitting such licensee or any person in his/her employ to engage in the occupation of selling intoxicating alcohol shall automatically work a revocation of any license issued to the licensee under the provisions of this Chapter and he/she shall thereupon forfeit his/her license fees.

(11) Closing Hours. (Am. Jan. 3, 1955). This section shall be pursuant to Wis. Stat. §§ 125.32 (3), and 125.68 (4). No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(a) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(b) If a retail Class A license, for fermented malt beverages, between midnight and 8:00 a.m.

(c) If a retail Class A license for intoxicating liquors, between 9:00 p.m. and 8:00 a.m.

(d) If a retail Class B license, between 2:00 a.m. and 6:00 a.m. except on January 1st, when the premises is not required to close. No package, container or bottle sales may be made after midnight.

(e) A licensed premise whose principal business is the furnishing of food or lodging to patrons, bowling alleys, and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(12) Revocation and Suspension of Licenses.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stat. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

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(b) Suspension of Licenses. The Village President or Police Department, by direction of the Village President, upon obtaining reasonable information that any licensee has violated any provision of this section or any State or Federal liquor or fermented beverage law, or committed any felony, may suspend the license or permit of such person not to exceed ten (10) days pending hearing by the Board, pursuant to par. (a).

(c) Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended by the Board, Village President, Police Department or action of any court, the Village Clerk shall notify the licensee or permittee of such suspension or revocation and shall notify the Police Department, who shall take physical possession of the license or permit where ever it may be found and file it in the Village Clerk's office.

(d) Effect of Revocation. See sub. (5)(i) of this section.

(13) Non-renewal of License. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Village Board.

(14) Violations by Agents and Employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(15) Prohibition of Sale or Consumption of Fermented Malt Beverages and Intoxicating Liquor.

(a) No person shall sell or serve, or offer to sell or serve, any fermented malt beverages or intoxicating liquor upon any public street within the Village.

(b) No person shall consume any fermented malt beverages or intoxicating liquor upon any public street within the Village except when such street or portion thereof is included within an area for which the Village Board has granted, under Wis. Stat. § 125.32 (4)(b), a temporary malt beverage license.

(c) No owner, operator or any person employed in any place, other than a public park, where food or soft drinks are sold or any place or entertainment or amusement, shall permit any person to drink alcohol beverages therein or consume therein any alcohol beverages.

(d) No person shall drink or have in his possession any alcohol beverages in any Village Park after the hours set by the Park Committee.

(e) Each holder of an intoxicating liquor or fermented malt beverage license granted by the Village shall:

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1. Keep prominently displayed in the licensed premises, at all times, a notice to customers that no consumption of fermented malt beverages or intoxicating liquors is allowed upon public street within the Village.

2. Be held personally responsible to ensure that no customer exits the licensed establishment consuming any fermented malt beverages or intoxicating liquor upon entry to the street within the Village.

(16) Manager's License.

(a) No person shall manage a premise operating under a Class B license issued under this Chapter unless such person is the licensee or has a manager's license.

(b) A person manages a premise if they are responsible or have authority for:

1. Personnel management of all employees regardless of whether that person is authorized to sign employment contracts.

2. The terms of contracts for the purchase or sale of goods or services regardless whether the person is authorized to sign contracts for the goods or services.

3. The daily operation of the premises.

(c) Upon the proper application of an individual over the legal drinking age and a resident of the State for a manager's license, the Village Board may, in its discretion, issue such license for a period of one year. A person holding a manager's license shall also be considered to hold an operator's license

(17) Penalty. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, forfeit not more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution may be imprisoned in the County jail until payment of such forfeiture and the costs of prosecution, but not exceeding thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

8.05 LICENSING AND REGULATION OF PETS. (Cr. Oct. 7, 1981) (Am. Jan. 15, 2003) (Am. June 16, 2020).

(1) Purpose.

(a) The purpose of this ordinance is to control feral or otherwise uncontrolled animals, and the noise, odor, health and other safety problems which could be associated with any pet.