

Chapter 162

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

Part 1
[Adopted 11-21-1991 By Ord. No. 16-91, As Amended, Title 7, Ch. 2, Of The 1991 Code]
Licensing

ARTICLE I
General Provisions

§ 162-1. State statutes adopted.

The provisions of Ch. 125, Wis. Stats., 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 Part 1 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 Part 1. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Part 1 in order to secure uniform statewide regulation of alcohol beverage control.

§ 162-2. Definitions.

As used in this Part 1, the terms "alcoholic beverages," "intoxicating liquors," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," "operators" and "nonintoxicating beverages" shall have the meaning given them by Ch. 125, Wis. Stats.

§ 162-3. License required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in 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 whatever, or cause the same to be done, without having procured a license as provided in this Part 1 nor without complying with all the provisions of this Part 1 and all statutes and regulations applicable thereto, except as provided by §§ 125.16, 125.27, 125.28 and 125.51, Wis. Stats.

§ 162-4. Classes of licenses.

- A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed. **[Amended 3-8-2010 by Ord. No. 2-10]**
- B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. **[Amended 3-8-2010 by Ord. No. 2-10]**
- C. Class "A" fermented malt beverage retailer's license. A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt

beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. **[Amended 3-8-2010 by Ord. No. 2-10]**

- D. Class "B" fermented malt beverage retailer's license. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of a per centum of alcohol by volume without obtaining a special license to sell such beverages. **[Amended 3-8-2010 by Ord. No. 2-10]**
- E. Temporary licenses. **[Amended 3-8-2010 by Ord. No. 2-10; 7-9-2012 by Ord. No. 17-12]**
- (1) Temporary Class "B" beer license. A fermented malt beverage license issued to bona fide clubs, county or local fair associations, agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application, and to posts of veterans organizations authorizing them to sell fermented malt beverages at a particular picnic or similar gathering, or at a meeting of any such post, or during a fair conducted by such fair association or agricultural society.
- (2) Temporary "Class B" wine license. A license issued to bona fide clubs, county or local fair associations, agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application, and to posts of veterans organizations authorizing them to sell wine containing not more than six-percent alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, or at a meeting of any such post, or during a fair conducted by such fair association or agricultural society.
- F. Wholesaler's license. A wholesaler's fermented malt beverage license, when issued by the Village Clerk under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler. **[Amended 3-8-2010 by Ord. No. 2-10]**
- G. Reserve "Class B" liquor license. A reserve "Class B" liquor license is a license available under the quota system existing before December 1, 1997, that was not granted or issued by the Village as of December 1, 1997. The number of reserve "Class B" licenses available is determined by the calculations described in § 125.51(4)(a)4 and (br), Wis. Stats. **[Added 1-12-2004 by Ord. No. 3-04]**
- H. "Class C" wine license. A "Class C" wine license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to sell wine by the glass or in an opened original container for consumption on the premises where sold. A "Class C" wine license may be granted to an applicant only if the applicant meets the qualifications set out in § 125.04(5), Wis. Stats., the license is for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts, and wine is the only intoxicating liquor sold in the barroom. **[Added 1-12-2004 by Ord. No. 3-04; amended 3-8-2010 by Ord. No. 2-10]**
- I. Provisional license. The Village Clerk shall issue a provisional retail license in accordance with § 125.185, Wis. Stats., to a person who has applied for a retail license. A provisional

retail license shall expire 60 days after its issuance or when the retail license is issued to the holder, whichever is sooner. The Village Clerk shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional retail license if the Clerk discovers that the holder of the provisional license made a false statement on the application. The fee for a provisional retail license shall be \$15. **[Added 10-29-2015 by Ord. No. 14-15]**

§ 162-5. License fees. [Amended 7-13-1998 by Ord. No. 15-98; 3-25-2002 by Ord. No. 6-02; 1-12-2004 by Ord. No. 3-04]

- A. There shall be the following classes and denominations of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the fee as set by the Village Board, shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Ch. 125, Wis. Stats.: **[Amended 3-8-2010 by Ord. No. 2-10]**
- (1) Retail "Class A" intoxicating liquor license.
 - (2) Retail "Class B" intoxicating liquor license.
 - (3) Class "A" fermented malt beverage retailer's license.
 - (4) Class "B" fermented malt beverage retailer's license. Class "B" fermented malt beverage retailer's license for brewers shall be pursuant to §§ 125.31(1)(a)¹ and 125.06(1), Wis. Stats.
 - (5) Special Class "B" fermented malt beverage picnic license.
 - (6) Wholesaler's license.
 - (7) Reserve "Class B" liquor license.
 - (8) "Class C" wine license.
- B. Publication fee. A publication fee in the amount of the actual fee incurred by the Village for publication of the statutory notice shall be added to the license fees set by the Village Board.

§ 162-6. 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 Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., 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 room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. **[Amended 3-8-2010 by Ord. No. 2-10]**
- 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.

1. Editor's Note: Section 125.31 was repealed by 2011 Act 32, § 2604ge, effective 7-1-2011.

- C. Publication. The application shall be published once in a newspaper of general circulation in the Village, and the costs of publication shall be paid by the applicant.
- 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 10 days after the occurrence thereof.²
- E. Fee. The applicant shall pay an application fee in the amount as set by the Village Board at the time a license application is filed with the Village Clerk. **[Added 4-12-2010 by Ord. No. 5-10]**

§ 162-7. Qualifications for license.

- A. Residence requirements. A retail Class A or retail Class B fermented malt beverage or intoxicating liquor license shall be granted only to persons who are citizens of the United States and of Wisconsin.
- B. Applicant to have 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 he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. Age of applicant. No Class "A" or "B" licenses shall be granted to any underage person as defined by the Wisconsin Statutes.
- E. Corporate restrictions.
 - (1) No license shall be granted to any corporation which does not comply with the provisions of § 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this Part 1 or under state law, or which has more than 50% of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this Part 1 or under the state law.
 - (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 or persons. 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. **[Amended 3-8-2010 by Ord. No. 2-10]**
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Part 1 or under the state law.
- F. 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

2. Editor's Note: Former Subsection E, regarding Class A license quotas, which immediately followed this subsection, was repealed 1-9-2006 by Ord. No. 2-06.

are kept, sold or offered for sale, and no license shall be issued to any person, firm, partnership, corporation 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.

§ 162-8. Approval of application.

- A. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.
- B. No license shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- C. 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 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. **[Amended 1-12-2004 by Ord. No. 3-04]**

§ 162-8.1. (Reserved)³

§ 162-9. Issuance of licenses. [Amended 1-12-2004 by Ord. No. 3-04; 3-8-2010 by Ord. No. 2-10; 7-9-2012 by Ord. No. 17-12]

- A. The Village Board may issue those licenses identified in § 162-4 hereof. The Village Clerk may also issue temporary Class "B" beer and temporary "Class B" wine licenses, provisional operators' licenses and all soda licenses.
- B. Department notification. By July 15 annually, the Village Clerk shall mail to the Department a list containing the name, address and trade name of each person holding a license issued by the Village, other than a manager's or operator's license or a temporary Class "B" license, the type of license held and, if the person holding the license is a corporation or limited liability company, the name of the agent appointed under § 125.04(6), Wis. Stats.

§ 162-10. Transfer and lapse of license. [Amended 1-12-2004 by Ord. No. 3-04; 3-8-2010 by Ord. No. 2-10]

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., 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 transfer shall be set by the Village Board. Whenever a license is transferred, the Village Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for

3. Editor's Note: Former § 162-8.1, Grants for certain reserve "Class B" liquor licenses, was repealed 6-13-2016 by Ord. No. 5-16.

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 therefor 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 Wisconsin 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 and the Wisconsin Department of Revenue.

§ 162-11. Numbering and contents of licenses. [Amended 1-12-2004 by Ord. No. 3-04; 3-8-2010 by Ord. No. 2-10]

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 his or her affidavit to the license.

§ 162-12. Posting licenses; defacement.

- A. Every person licensed in accordance with the provisions of this Part 1 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.

§ 162-13. Conditions of license.

All retail Class "A" and "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 there had 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" licenses shall employ any underage person, as defined in the Wisconsin 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" 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" 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 licenses issued under this Part 1. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- F. Restrictions near schools and churches. 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 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.
- G. Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- H. Gambling prohibited. No gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Part 1 or the laws of the State of Wisconsin.
- I. Credit prohibited. No retail Class A or Class B liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons 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 or permittee to sell alcohol 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 beverages.
- J. Licensee or permittee responsible for acts of help. A violation of this Part 1 by a duly authorized agent or employee of a licensee or permittee under this Part 1 shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Part 1 shall violate any portion of this Part 1, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Part 1.
- K. Improper exhibitions. It shall be unlawful for any person to perform or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (3) Exposes any portion of the female breast at or below the areola thereof; or
 - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.
- L. Closing hours, Class "A" premises. A premises for which a Class "A" license has been issued may remain open for the conduct of its regular business but may not sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m. [**Added 3-2-1992 by Ord. No. 4-92**]

§ 162-14. Revocation and suspension of licenses; nonrenewal; demerit points.

- A. Procedure. Whenever the holder of any license under this Part 1 violates any portion of this Part 1, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section.
- B. Abandonment of premises.
- (1) Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license.
 - (2) Any person holding an alcohol beverage license issued by the Village shall operate the licensed business at the authorized location for not less than 180 days during the term of such license.
 - (3) The Village may revoke or refuse to renew the license of any person who fails to operate the licensed business for the minimum period required herein. The proceedings for the revocation of such license or refusal to renew such license may be instituted in the manner and under the procedure established in § 125.12, Wis. Stats.
- C. License revocation or suspension.
- (1) Notice and hearing. Whenever a person holding a license to sell alcoholic beverages has failed to maintain the premises according to standards prescribed for sanitation, or in whose premises persons are permitted to loiter for purposes of prostitution, or when the licensee has not observed and obeyed any lawful order of the Village Board or police officers of the Village, has violated Village ordinances, or for any other good reason, the Village Board shall issue a summons, to be signed by the Village Clerk, commanding the licensee complained of to appear before the Finance and Personnel Committee or a special committee designated by the Village Board on a day and time and at a place named in the summons to show cause why the license should not be revoked or suspended. [**Amended 3-8-2010 by Ord. No. 2-10**]
 - (a) Such summons shall be served not less than three and not more than 10 days before the time at which the licensee is commanded to appear and may be

served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of said offense and the facts constituting the alleged offense.

- (b) If such licensee shall not appear as required by the summons, the complaint shall be taken as true, and if the Committee deems its allegations sufficient, the Committee shall recommend revocation or suspension of the license as provided herein.
- (2) Procedure on hearing; effect of revocation.
- (a) The Finance and Personnel Committee or a designated committee shall serve as a hearing agency for the Village Board. **[Amended 10-11-2010 by Ord. No. 22-10]**
 - (b) The Chair of the Committee, or the Chair's designee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in § 227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges to a preponderance of the evidence. The licensee and the complainant may be represented by counsel and may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded on tape and transcribed. If either party requests a stenographic recording and transcription, the Village shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Village Clerk shall serve as Secretary to the Committee and shall make and receive all exhibits admitted into the record. **[Amended 3-8-2010 by Ord. No. 2-10]**
 - (c) Within 10 days of the completion of the hearing and filing of briefs, if any, the Committee, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true and, if so, submit a report to the Village Board, including its findings of fact, conclusions of law and a recommendation as to what action, if any, the Village Board should take with respect to the license. If the recommendation is to suspend the license, it shall be for a period of not less than 10 days or more than 90 days. Following the procedure above, the recommendation may be to revoke the license. If the Committee determines that the charges are not substantiated, it shall recommend to the Village Board that the complaint be dismissed without cost to either party. The Committee's recommendation shall be promptly filed with the Village Clerk. The Clerk shall prepare five copies of the transcript of the proceedings, all exhibits and the recommendation of the Committee. **[Amended 3-8-2010 by Ord. No. 2-10]**
 - (d) At the regular meeting of the Village Board after the filing of the Committee's recommendation, the Village Board shall act on the recommendation and may reverse or modify any portion thereof by a simple majority vote. The recommendation of the Committee shall become the decision of the Village Board unless reversed or modified. No further testimony or evidence shall be allowed before the Village Board. Only those members of the Village Board who have certified to the Village Clerk in writing that they have read the

transcript, exhibit and recommendation made shall be permitted to vote on the matter. The Village Clerk shall make said certifications a part of the record. The decision of the Village Board shall be a final determination for purposes of judicial review. **[Amended 3-8-2010 by Ord. No. 2-10]**

- (e) If the complaint is found to be true, the licensee shall pay to the Village the actual cost of the proceedings. If the complaint is found by the Village Board to be malicious and without probable cause, the complainant shall pay the cost of the proceedings in the same amount.
 - (f) When a license is revoked, it shall be so entered of record by the Village Clerk, and no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation, nor shall any part of the money paid as an application fee for any license so revoked be refunded. **[Amended 3-8-2010 by Ord. No. 2-10]**
- D. Nonrenewal of license. The Village Attorney may, after investigation, commence an action before the Finance and Personnel Committee to hear evidence and make a recommendation to the Village Board that a license issued pursuant to this Part 1 not be renewed. The Chair of the Committee shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subsection C above shall apply. The commencement of this action shall stay action by the Village Board on the licensee's application until the Committee makes its recommendation. **[Amended 10-11-2010 by Ord. No. 22-10]**
- E. Other provisions. Any license issued pursuant to this Part 1 shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations his license may be revoked in accordance with this section. In case of revocation of any license for any violation of any provision of this Part 1 in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- F. Point values for alcohol beverage violations, revocations and suspensions.
- (1) Purpose. The purpose of this subsection is to administratively interpret those portions of this Part 1 relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures. **[Amended 1-12-2004 by Ord. No. 3-04]**
 - (2) Point schedule. The scale 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 Village ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

Type of Violation	Point Value
Sale of alcohol beverages without license or permit; sale of controlled substances on licensed premises	100
Sale of alcohol beverages to underaged person	50
Sale of alcohol beverages to intoxicated person	50
Underaged person on premises	50
Intoxicated bartender; disorderly conduct on premises	50
After-hours consumption	50
Refusal to allow police to search premises or refusal to cooperate with lawful police investigation	50
Licensee, agent or operator not on premises at all times	25
Persons on premises after closing hours	25
Violation of carry-out hours	25
Licensee permitting person to leave licensed premises with open container after business hours	25
All other violations of this Part 1	25

- (3) Violations, how calculated. In determining the accumulated demerit points against a licensee within 12 months, the Village shall use the date each violation was committed as the basis for the determination.
- (4) Suspension or revocation of license.
 - (a) The Finance and Personnel Committee of the Village Board shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month period as a result of court-imposed convictions or who have had referred to it reports from the Village Attorney which, if believed, would result in 100 demerit points in 12 months. **[Amended 10-11-2010 by Ord. No. 22-10]**
 - (b) If the demerit point accumulation, calculated from the date of violation, exceeds 100 points in a twelve-month period, 150 points in a twenty-four-month period or 200 points in a thirty-six-month period, the suspension shall be for not less than 10 days nor more than 90 days. If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of revocation.
 - (c) The procedure to be used for suspension or revocation shall be that found in Subsection C above.

§ 162-15. Nonalcohol events for underage persons on licensed premises.

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

- A. The licensee or agent of a corporate licensee shall notify the 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 nonalcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Clerk during normal working hours Monday through Friday. After a nonalcohol event notice has been given, the licensee may cancel an event(s) 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 canceled no later than the date of expiration or revocation of the applicable retail Class "B" license. **[Amended 3-8-2010 by Ord. No. 2-10]**

- B. During the period of any nonalcohol 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 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 nonalcohol event has commenced, no alcohol 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 nonalcohol 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 beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

§ 162-15.1. Prohibition of intoxicating liquor, cereal malt beverage or any other alcoholic beverage in sexually oriented businesses. [Added 8-9-2004 by Ord. No. 27-04]

Notwithstanding anything to the contrary in Chapter 162 of the Code of the Village of Belgium, it shall be prohibited in a sexually oriented business, as defined in § 228-2 of this Code, to serve, sell, use, provide or consume any intoxicating liquor, cereal malt beverage or any other alcoholic beverage.

ARTICLE II
Operator's License

§ 162-16. License required.

There shall be upon the premises operated under a "Class A" or "Class B" intoxicating liquor license or Class "B" fermented malt beverage license at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class A or Class B licenses unless he shall possess an 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 upon the premises at the time of such service.

§ 162-17. Procedure upon application. [Amended 3-8-2010 by Ord. No. 2-10; 4-12-2010 by Ord. No. 5-10]

The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk only to persons 18 years of age or older. Operators' licenses shall be operative only within the limits of the Village. The applicant shall pay an application fee in the amount as set by the Village Board at the time an operator's license application is filed with the Village Clerk.

§ 162-18. Duration.

Licenses issued under the provisions of this Part 1 shall be valid for a period of one year and shall expire on the 30th day of June.

§ 162-19. License fee; provisional license. [Amended 6-6-1994 by Ord. No. 18-94; 1-12-2004 by Ord. No. 3-04]

- A. Fee. The fee for an operator's license shall be \$25 per year.
- B. Provisional license. The Village Clerk shall issue provisional operators' licenses in accordance with § 125.17(5) and (6), Wis. Stats., at a cost per license as set by the Village Board, so issued to a person who has applied for an operator's license and who is enrolled in a training course under § 125.17(6), Wis. Stats. A provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his operator's license revoked or suspended the preceding 12 months. The Village Clerk shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional license issued if he or she discovers that the holder of the license made a false statement on the application or if the applicant fails to successfully complete the training course in which the applicant enrolled. **[Amended 3-8-2010 by Ord. No. 2-10]**

§ 162-20. Issuance of license. [Amended 3-8-2010 by Ord. No. 2-10]

After the Village Board approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

§ 162-21. Display of license.

Each license issued under the provisions of this article shall be posted on the premises whenever the operator dispenses beverages.

§ 162-22. Revocation of license.

Violation of any of the terms or provisions of the state law or of this Part 1 relating to operators' licenses by any person holding such operator's license shall be cause for revocation of the license.

ARTICLE III
Enforcement

§ 162-23. Violations and penalties.

- A. Forfeitures for violations of §§ 125.07(1) to (5) and 125.09(2), Wis. Stats., adopted by reference in § 162-1 of this Part 1, 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 violates any of the provisions of this Part 1, except as otherwise provided in Subsection A herein, 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 of \$500 plus court costs and assessments per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, a violation of this Part constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under § 125.12 of the Wisconsin Statutes and § 162-14 of this Code. **[Amended 8-9-2004 by Ord. No. 27-04]**
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Part 2
Offenses Involving Alcoholic Beverages

ARTICLE IV
Outside Consumption

§ 162-24. Consumption in public areas; open containers.

- A. Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the Village or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot or outside a designated picnic area within the Village except at licensed premises.
- B. Parks. It shall be unlawful for any person to drink or have in his possession any alcohol beverage in any Village park between the hours of 11:00 p.m. and 6:00 a.m. except at licensed premises.
- C. Private property held out for public use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed premises.
- D. Leaving licensed premises with open container.
- (1) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
 - (2) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
 - (3) It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from the licensed premises between the hours of 9:00 p.m. and 8:00 a.m.
- E. Picnic beer permits for parks. It shall be unlawful for any group of persons which exceeds 20 to consume any alcohol beverages in any park areas without first obtaining a picnic beer permit from the Village. The picnic beer permit shall be issued by the Village Clerk with a copy of the permit sent to the Village Marshal. **[Amended 3-8-2010 by Ord. No. 2-10]**

§ 162-25. Violations and penalties. Added 1-12-2004 by Ord. No. 3-04]

Any person who violates any provision of this article shall be subject to a penalty as provided in Chapter 1, § 1-5, of this Code.