

# CHAPTER 15 ALCOHOL LICENSING

## Liquor License Regulations

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**15.01. PURPOSE.** Pursuant to referendum duly petitioned for and authorized as mandated by § § 125.05 Wis. Stats. (2016) the Village hereby creates the procedure to issue and regulate Class “B” licenses (taverns, hotels, restaurants, clubs, societies, lodges, fair associations, etc.) for the retail sale of beer for consumption on or off the premises where sold, and “Class C” licenses (restaurants) for the retail sale of wine for consumption on the premises where sold, as those licenses are defined in Chapter 125 Wis. Stats., and to the extent consistent with state law, this Chapter.

- (1) State Statutes Adopted. The provisions of state law applicable related to the scope and applicability of Class “B” licenses and “Class C” licenses and operator’s licenses issued in relation thereto are hereby adopted.
- (2) Except as specifically provided in this Chapter, no licenses authorized for issuance by a municipality under Chapter 125 Wis. Stats., other than those specifically provided in this section, shall be issued by the Village.

**15.02 DEFINITIONS.** Except as otherwise provided, in this chapter the following terms shall have the following meanings:

- (1) “Alcohol Beverages” means fermented malt beverages and intoxicating liquor.
- (2) “Bar Room” means a room that is primarily used for the sale or consumption of alcohol beverages.
- (3) “Chamber of Commerce” means a local chamber of commerce organized under ch. 181 or a similar civic or trade organization organized under ch. 181 to promote economic growth and opportunity within a local geographical area.
- (4) Class “B” License - means a license to sell fermented malt beverages for consumption on and off premises as provided in this chapter and subject to Chapter 125 Wis. Stats.
- (5) “Class C” License – means a license to sell wine by the glass or in an opened original container for consumption on the premises where sold as provided in this Chapter and subject to Chapter 125 Wis. Stats.
- (6) “Club” means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.
- (7) “Department” means the department of revenue.
- (8) “Fermented Malt Beverages” means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and de-germinated grains or sugar containing 0.5% or more of alcohol by volume.
- (9) "Hotel" means a hotel, as defined in s 97.01 (7) that is provided with a restaurant.
- (10) "Intoxicating Liquor" means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called,

containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages".

- (11) "License" means an authorization to sell alcohol beverages issued by the Village under this chapter.
- (12) "Peace Officer" means a sheriff, undersheriff, deputy sheriff, police officer, constable, marshal, deputy marshal or any employee of the department or of the department of justice authorized to act under this chapter.
- (13) "Person" means a natural person, sole proprietorship, partnership, Limited Liability Company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity under ch. 71.
- (14) "Premises" means the area described in a license or permit.
- (15) "Principal Business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.
- (16) "Public Place" means a place open to resort by the public whether publically or privately owned.
- (17) "Regulation" means any rule or ordinance adopted by a municipal governing body.
- (18) "Restaurant" means a restaurant, as defined in s. 97.01(14g).
- (19) "Retail License" means a Class "B", Temporary Class "B" or "Class C" license issued as provided in this chapter.
- (20) "Retailer" means any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or a license under this chapter.
- (21) "Security Officer" means any person with a valid, private security permit issued pursuant §440.26 Wis. Stats and Chapt. 31 SPS Wis. Ad. Code who is employed by a duly credentialed Agency pursuant to §440.26 Wis. Stats and Chapt. 31 SPS Wis. Ad. Code; or any off duty law enforcement officer as defined at § 164.01 Wis. Stats.
- (22) "Sell", "Sold", "Sale" or "Selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.
- (23) "Temporary Class "B" License. A Class "B" license of limited duration as authorized by § 125.26(6) Wis. Stats. and this chapter.
- (24) "Underage Person" means a person who has not attained the legal drinking age.
- (25) "Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds

sold as wine, vermouth, cider, perry, mead and sake, if such products contain not less than 0.5 percent nor more than 21 percent of alcohol by volume.

### **15.03 GENERAL LICENSING REQUIREMENTS.**

- (1) License When Required. No person may sell, or engage in any other activity for which this chapter provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization issued under this chapter.
- (2) Licenses Issued in Violation of Chapter. No license or permit may be issued to any person except as provided in this chapter. Any license issued in violation of this chapter is void.
- (3) Public Place. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs.
- (4) Use by Another Prohibited. No person may allow another to use his or her Class "B" or "Class C" license or his or her operator's license to sell alcohol beverages.
- (5) Retail Licenses Duration. Except for temporary Class "B" licenses, retail licenses shall be effective for one year commencing July 1 and expiring June 30. Licenses issued after July 1. That license shall expire on the following June 30 and shall be prorated for the year issued.
- (6) Retail Licenses; Premises.
  - (a) Retail Licenses shall particularly describe the premises for which issued and are not transferable, except upon the approval of the Village Board as provided in this Chapter.
  - (b) As a condition of licensure, all premises licensed under this chapter shall be subject to inspection by law enforcement, health officials, fire department and building inspection to allow those officials to ascertain whether the premises is being used in compliance with this chapter, chapter 125 Wis. Stats. or any other applicable provisions of health, safety or building codes. Failure to permit an inspection shall be grounds for revocation or suspension of the license granted under this chapter.
  - (c) As a condition of initial granting and renewal, each premise licensed under this Ordinance shall be inspected annually as a prerequisite to issuance of the license.

**15.04 RETAIL LICENSES AUTHORIZED.** The Village may, in the manner provided in this Chapter and subject to limitations Chapter 125 Wis. Stats., grant and regulate the following licenses:

- (1) Class "B" Licenses. Class "B" license authorizes retail sales of fermented malt beverages, from premises within the Village as defined and approved in the license application, to be consumed either on the premises where sold or off the premises.
  - (a) General Provisions for Class "B" licenses

1. Persons holding a Class "B" license may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.0433 (1).
  2. Class "B" licenses may be issued to any person qualified under (5) below and 125.04(5) Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application.
  3. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter.
  4. Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class "B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest's room which is not part of the Class "B" premises. Fermented malt beverages furnished under this subsection shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room, when the room is not occupied and when fermented malt beverages are not being furnished under this subsection. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the fermented malt beverages in the hotel room. Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of fermented malt beverages furnished under this subsection is considered to occur at the time and place that the guest pays for the fermented malt beverages. Notwithstanding s. 125.32 (3), the guest may pay for the fermented malt beverages at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this subsection shall be the licensee, the agent named in the license if the licensee is a corporation or Limited Liability Company or the holder of a manager's or operator's license or is supervised by one of those individuals.
  5. The fee for a Class "B" license shall be \$100 per year. 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.
  6. Class "B" licenses may be issued at any time for a period of 6 months in any calendar year, for which 50% of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued.
- (b) Temporary Class "B" licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches,

lodges or societies that have been in existence for at least 6 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, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

1. The fee for the Temporary Class “B” license shall be \$10.
  2. The Village Administrator may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued.
- (2) Retail "Class C" Licenses. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- (a) General Provisions Pertaining to “Class C” Licenses.
1. A "Class C" license may be issued to a person qualified under section (5) below and s. 125.04 (5) Wis. Stats. for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold.
  2. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.
  3. A "Class C" license shall particularly describe the premises for which it is issued.
  4. The annual fee for a "Class C" license shall be \$100.
- (b) Sales of Wine by the Bottle in Restaurants. Notwithstanding § § 125.51 (3) (a) and (b) and (3m) (b) Wis. Stats., a “Class C” license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:
1. The licensed premises is a restaurant also operated under a Class “B” or “Class C” license and the purchaser of the wine orders food to be consumed on the licensed premises.
  2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.
  3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, and the cork is reinserted at a time other than during the time period specified in s. 125.68 (4) (c) 3.
- (3) Applications for Licenses.

- (a) Contents. The Village shall use the applications created by the department for each kind of license authorized by this chapter, other than a manager's or operator's license. Each form shall require all of the following information:
1. A history of the applicant relevant to the applicant's fitness to hold a license or permit.
  2. The kind of license or permit for which the applicant is applying.
  3. The premises where alcohol beverages will be sold or stored or both. A site plan including the dimensions of the premises shall be required.
  4. If the applicant is a corporation, the identity of the corporate officers and agent.
  5. If the applicant is a limited liability company, the identity of the company members or managers and agent.
  6. If the applicant is a cooperative organized under ch. 185, the identity of the cooperative members, board of directors, and agent.
  7. The applicant's trade name, if any.
  8. Any other information required by this chapter, Chapter 125 Wis. Stats., or the form prepared by the Department.
- (b) Application for Renewing. The Village shall use the simplified application form for renewal of each kind of license prepared by the department.
- (c) Filing Applications.
1. Each application for a license shall be sworn to by the applicant.
  2. The applicant shall file the application for a license with the Village clerk.
- (e) Time of Filing and Issuance.
1. Except as for Temporary Class "B" Licenses, all applications for licenses to sell alcohol beverages shall be filed with the Village Clerk at least 15 days prior to the granting of the license.
  2. Temporary Class "B" licenses issued for a picnic or other gathering lasting less than 4 days, the governing body of the application shall be filed with the Village Clerk at least 5 days prior to granting it.
- (f) Publication of Application for License. The Village Clerk shall publish each application for Class "B", or "Class C" license, except licenses under ss. 125.26 (6) and 125.51 (10) Wis. Stats., prior to its issuance in a newspaper according to the following conditions:

1. The publication shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed.
  2. The newspaper utilized for publication shall have been regularly published, on a daily or weekly basis for a period of not less than 2 years before the date of publication in the Village.
  3. The newspaper utilized for publication shall be one having circulation in the Village and designated by the governing body. If no designation is made, publication shall be in the newspaper having the largest circulation in the Village.
  4. The newspaper utilized for publication shall be one that is published on a daily basis, except that a weekly newspaper may be utilized if a daily newspaper is not published in the Village.
  5. The publication shall be printed in a daily newspaper on 3 successive occasions, or if a weekly newspaper is utilized, it shall be printed at least once.
  6. At the time the application is filed, the applicant shall pay to the Village clerk the cost of publication as determined under s. 985.08.
- (h) Subsequent Changes. Within 10 days of any change in any fact set out in an application for a license or permit to sell alcohol beverages, the licensee or permittee shall file with the issuing authority a written description of the changed fact.
- (i) Records.
1. Any person may inspect applications for licenses to sell alcohol beverages.
  2. The Village clerk shall retain all applications made to it for licenses to sell alcohol beverages.
  3. The Village clerk may destroy all applications more than 4 years old which have been retained under subd. 2.
- (4) List of Licensees. 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 in the Village, other than an operator's license or 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 sub. (6).
- (5) Qualifications for Licenses.
- (a) Natural Persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who fulfill all of the following requirements:
1. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322, 111.335 and 125.12 (1) (b).

2. Have been residents of this state continuously for at least 90 days prior to the date of application.
  3. Have attained the legal drinking age.
  4. Have submitted proof under s. 77.61 (11).
  5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under sub. (6) of a corporation or limited liability company that held, within the past 2 years, a "Class C" license or a Class "B" or operator's license.
- (b) Criminal Offenders. No license related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.
- (c) Corporations and Limited Liability Companies. No license may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the entity appointed under sub. (6) and the officers and directors, or members or managers, of the entity meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the entity appointed under sub. (6) meets the qualifications under par. (a) 2. and 5. The requirement that the entity meet the qualifications under pars. (a) 1. and (b) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
- (d) Operators' Licenses.
1. Paragraph (a) 2. above does not apply to applicants for operators' licenses.
  2. Paragraph (a) 3. above does not apply to applicants for operators' licenses under s. 125.17. Operators' licenses may be issued only to applicants who have attained the age of 18.
  3. Paragraphs (a) 4. and 5 above do not apply to any of the following:
    - a. Applicants for operators' licenses under s. 125.17.
    - b. Applicants for temporary Class "B" licenses under s. 125.26 (6) who are not required to hold a seller's permit under subch. III of ch. 77.
- (6) Licenses to Corporations and Limited Liability Companies; Appointment of Agents.

- (a) Agent. No corporation or limited liability company organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless:
    - 1. The entity first appoints an agent in the manner prescribed by the authority issuing the license or permit. In addition to the qualifications under sub. (5), the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority.
    - 2. The entity vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person.
  - (b) Successor Agent. A corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent to act in the agent's place, for the remainder of the license year or until another agent is appointed, as follows:
    - 1. The successor agent shall meet the same qualifications required of the first appointed agent.
    - 2. The entity shall immediately notify the issuing authority, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.
  - (c) Authority of Successor. A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the corporation or Limited Liability Company until the next regular or special meeting of the Village Board if a license is held. However, the license of the corporation or limited liability company shall cease to be in force if, prior to the next regular or special meeting of the Village Board, the Village Clerk receives notice of disapproval of the successor agent by a peace officer of the Village.
  - (d) Approval of Successor. The license of the corporation or Limited Liability Company shall not be in force after the next regular or special meeting of the Village Board unless and until the successor agent or another qualified agent is appointed and approved by the Village Board.
  - (e) Fee. The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the Village Board, pay to the Village a fee of \$10.
  - (f) Resignation. If an agent appointed under this subsection resigns, he or she shall notify in writing the corporation or Limited Liability Company and the Village Clerk within 48 hours of the resignation.
- (7) Intentionally left blank
- (8) Prerequisites to Issuance. No license authorized by this chapter and the Village Board may be issued by the Village Clerk until the Village Clerk is satisfied that:

- (a) The license fee has been paid;
  - (b) all outstanding local taxes, fees, assessments and forfeitures have been paid; and
  - (c) the licenses premises have been inspected and there are no outstanding violations of Village codes within their jurisdiction.
- (9) Separate License Required. Licensees shall have a separate license covering each location or premises from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.
- (10) License Framed, Posted.
- (a) Frame. Licenses for the sale of alcohol beverages, shall be enclosed in a frame having a transparent front which allows the license to be clearly read.
  - (b) Display. All licenses under par. (a), other than those for the sale of fermented malt beverages for consumption on the premises issued to the state fair or to county or district fairs receiving state aid, shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to permit or licensure is carried on.
- (11) Expiration Dates. Except as otherwise provided in this chapter licenses shall expire on June 30 of each year.
- (12) Transfer of Licenses and Permits.
- (a) From Place to Place. Every alcohol beverage license may be transferred to another place or premises within the Village. Transfers shall be made by the Village Board upon payment of a fee of \$10 to the Village Clerk upon approval by the Village Board of the proposed premises. No retail licensee is entitled to more than one transfer during the license or permit year.
  - (b) From Person to Person.
    - 1. Licenses to sell alcohol beverages may be transferred to persons other than the licensee if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application. If a retail licensee becomes disabled, the Village Board may, upon application, transfer the license to the licensee's spouse if that spouse may hold a license under sub. (5) and complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place.
    - 2. Upon the happening of any of the events under subd. 1, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business.

3. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:
    - a. He or she complies with the requirements applicable to original applicants; and
    - b. he or she is acceptable to the Village Board and consent to the transfer is given by the Village Board.
- (13) Provisional Retail Licenses. The Village Clerk may issue provisional retail licenses as follows:
- (a) A provisional retail license shall be issued only to a person who has applied for and meets the qualifications for holding a Class "B" or "Class C" license and who is enrolled in a training course required under Wis. Stats. § 125.17(6) and this section. Enrolled, for the purposes of this subsection shall mean having paid all fees for a course which is in progress or is to commence within 60 days of the issuance of such license. Such license shall be valid for 60 days from date of issue. The license shall be void if, during such 60-day period, the licensee receives a failing grade for the required training course. No person may hold more than one provisional license in a license year except upon showing of a bona fide effort to pass the required training course or other verified rationale for failing to obtain an operator's license during the pendency of the license issued under this section. A provisional license authorizes only the activities that the type of retail license applied for authorizes.
  - (b) No retail provisional license shall be issued unless the fee for the provisional license is first paid. The fee for a provisional retail license shall be \$50.00.
  - (c) All provisional licenses issued under this section shall expire upon denial of the underlying license applied for, 60 days after its issuance, or when the Class "B" or Class "C" license is issued to the holder, whichever is sooner. The clerk-treasurer may revoke the license if it is discovered that the holder of the provisional license made a false statement on the application.
- (14) Review and Granting of Licenses
- (a) Board Review and Approval. Applications complying with the provisions of this chapter and the Wisconsin Statutes shall be forwarded to the Village Board for action in the order in which they are filed. The Village Board shall review the application, the applicant's qualifications, and all other relevant factors and determine whether to grant the license application considering the health, safety and peaceful repose of the Village, the provisions of this chapter and the laws of the State of Wisconsin.
  - (b) Conditions on Approval. The Village Board may place additional conditions upon a license consistent with the public health safety and peaceful repose of the Village, the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

## 15.05 OPERATOR'S LICENSES.

- (1) Operator's Licenses Authorized. The Village Board may issue an operator's license to any applicant who is qualified under s. 15.04 of this Code for use in conjunction with a retail license issued under this Chapter. Operators' licenses may be issued only upon written application.
- (2) When Required. No premises operated under a "Class C" license or under a Class "B" license may be open for business, unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. For the purpose of this subsection, any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve wine or fermented malt beverages in any place operated under a "Class C" or Class "B" license unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (3) Fee. The fee for the operator's license shall be \$30.00. which shall be valid for 2 years, as determined by the municipal governing body, expiring June 30.
- (4) Temporary License. Any municipal governing body may issue a temporary operator's license provided that:
  - (a) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
  - (b) No person may hold more than 2 licenses of this kind per year.
  - (c) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.
  - (d) The fee for such license shall be \$15.00.
- (5) Provisional Operator's License. The Village Clerk may issue a provisional operator's license to:
  - (a) Any person who has applied for an operator's license, is otherwise qualified to hold a license under this chapter, and who is enrolled in a training course required under Wis. Stats. § 125.17(6). Enrolled, for the purposes of this subsection shall mean having paid all fees for a course which is in progress or is to commence within 60 days of the issuance of such license. Such license shall be valid for 60 days from date of issue. The license shall be void if, during such 60-day period, the licensee receives a failing grade for the required training course. No person may hold more than one provisional license in a license year except upon showing of a bona fide effort to pass the required training course or other verified rationale for failing to obtain an operator's license during the pendency of the license issued under this section.

- (b) Any person who has applied for an operator's license, including payment of the required fee, who files a certified copy of a valid operator's license issued by another municipality. Such provisional license expires 60 days after issuance, when the operator's license applied for is issued, or upon expiration of the operator's license issued by another municipality, whichever occurs first.
  - (c) The Village Clerk may revoke the provisional operator's license if they discover that the holder of the provisional license made a false statement on the application, or if the clerk-treasurer determines that the operator's license issued by another municipality and filed under (b) above is not valid, or upon denial of the person's application for an operator's license.
  - (d) A provisional license may not be issued to any person who has been denied a license.
  - (e) The fee for a provisional license shall be \$15.
- (6) Training Course. Except for provisional licenses as provided by this chapter, no operator's license shall be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board, or unless the applicant fulfills one of the following requirements:
- 1. The person is renewing an operator's license.
  - 2. Within the past 2 years, the person held a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.
  - 3. Within the past 2 years, the person has completed such a training course.

**15.06 REVOCATIONS, SUSPENSIONS, NONRENEWAL OR REFUSALS TO ISSUE OR RENEW.**

- (1) Revocation, Suspension, or Nonrenewal of License. Subject to the limitation provided at § §125.12(1)(b) and (c) Wis. Stats., the Village may revoke, suspend or refuse to renew any license issued under this chapter, as provided in this section.
- (2) Revocation or Suspension of Licenses.
  - (a) Complaint. Any resident of the Village may file a sworn written complaint with the Village Clerk alleging one or more of the following about a person holding a license issued under this chapter by the Village:
    - 1. The person has violated this chapter or municipal regulations adopted under s. 125.10.
    - 2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.
  4. The person does not possess the qualifications required under this chapter to hold the license.
  5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.
  - 5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.
  6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
    - 6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.
  7. The person received the benefit from an act prohibited under s. 125.33 (11).
- (b) Summons Upon the Filing of the Complaint. The Village shall issue a summons, signed by the clerk and directed to any peace officer in the Village commanding the licensee complained of to appear before the Village Board on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, to show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.
- (c) The Village Board may require the complainant to provide security for such costs before issuing the summons.
- (d) Procedure on Hearing.
1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Village Board finds the allegations sufficient, the license shall be revoked. The Village Clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the Village Board and the complaint is found to be true, the license shall either be suspended for not less than 10 days or more than 90 days or revoked. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
  3. If the Village Board finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Village Board finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant.
- (d) Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.
- (e) Judicial Review. The action of the Village Board in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the Village. The procedure shall be as provided at §125.12(4) (d) Wis. Stats.
- (3) Refusals to Renew Licenses. The Village Board may refuse to renew a license for the causes provided in sub. (2) (a) above. Prior to the time for the renewal of the license, the Village Board shall notify the licensee in writing of the Village's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sec. (2) and judicial review shall be as provided in sub. (2) (e).
- (4) Refusals by Village Board to Issue Licenses. If the Village Board decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

#### **15.07 MISCELLANEOUS REGULATIONS**

- (1) Open Container. No person on any public way in the Village of Ephraim shall carry or expose to view on any public street, walk or alley any open can, bottle, glass or other container containing fermented malt beverage or intoxicating liquor, or drink from the same. This provision will not apply to public ways included in the description of a premise in a temporary Class "B" licenses approved of by the Village Board.
- (2) State Licenses. No person may sell, manufacture, rectify, brew or engage in any other activity for which Chapt. 125 Wis. Stats., provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization.

- (3) Consumption of Alcohol Beverages in a Village Facility or Park. When alcoholic beverages are consumed in a village owned building, consumption must be confined to the building and, except in circumstances where the Village is using its own property, a lease will be required which shall require the provision of liquor liability insurance in favor of the Village. No person in any Village Park in the Village of Ephraim shall carry or expose to view any open can, bottle, glass or other container containing fermented malt beverage or intoxicating liquor, or drink from the same unless the location where the possession of consumption takes place is included in the description of a premise in a temporary Class “B” licenses approved of by the Village Board.
- (4) Quadricycles. No person in ownership or control of a commercial quadricycle and no occupant or passenger of a commercial quadricycle shall permit or engage in the consumption of alcohol beverages or permit the possession or possess alcohol beverages on or within a commercial quadricycle.
- (5) Duty to Maintain Order. A licensee under this section shall have a duty to maintain order and peace in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises.
  - a. A Peace Officer may order any disorderly house closed until 8 A.M. the following day when, in the reasonable view of the Officer, the licensee or person in charge failed to maintain peace and order required by this section, or the Officer otherwise believes that the public peace and safety is served by such closing by reason of threat to the bodily security, property, or peaceful repose of any member of the general public.
  - b. County Department of Health, may order the temporary suspension of a restaurant and beverage license where an imminent health hazard exist on licensed premises pending a hearing as provided by state code.
- (6) Outdoor Premises (annual licenses)
  - (a) Description in Application. An application for a license pursuant to this chapter may include an outdoor area in the proposed premises. The inclusion of the outdoor area in the licensed premises shall be subject to review in the same manner as any other license application and the restrictions provided in this section. A licensee may apply to amend licensed premises to include an outdoor area. The request shall be filed with the Village Clerk no less than 30 days prior to the first date of use of the outdoor area. The application for amendment shall be subject to review and inspection in the same manner as an initial application.
  - (b) Requirements/Considerations.
    1. A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises.
    2. A licensed outdoor area shall have no more than one means of direct ingress from unlicensed areas. This subsection shall not be construed to limit the means of access to or from the outdoor licensed area to indoor licensed areas.

- (c) Modification. The requirements of this subsection may be waived by a two-thirds majority vote of the Village Board.
  - (d) Hours. No licensed outdoor area may be used for the consumption of fermented malt or intoxicating beverages after 10:00 P.M.
  - (e) Unlicensed Outdoor Area. An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcoholic beverages.
  - (f) Licensee Responsibility. Any licensed outdoor area is subject to all regulations of this chapter and Ch. 125, Wis. Stats.
  - (g) Maintaining Order. The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Any outdoor premise used in conjunction with a licensed premise shall be subject to closure pursuant to 15.07(5) of this code.
- (7) Use of Temporary Class “B” Licenses.
- (a) Licensed Operators Required. No person holding a temporary class “B” license, shall permit the sale of fermented malt beverages unless a person holding an operator's license, also issued under this chapter, is in direct supervision and control of the area(s) in which the sale of fermented malt beverages is occurring. Where two areas of sale are used pursuant to (b) herein, at least one licensed operator must be present and in supervision of each area of sale.
  - (b) Outdoor Use of Picnic Licenses. Where a picnic license issued under this chapter is intended for use for an outdoor gathering, such as a picnic or fair, the following regulations shall apply:
    - 1. No more than two separate areas may be used to dispense fermented malt beverages.
    - 2. At least one uniformed security officer shall be present at the outdoor event at all times while fermented malt beverages are being sold or dispensed.

## **15.08 CLOSING HOURS**

- (1) No premises for which a Class "B" (Beer), or "Class C" (Wine) license has been issued may remain open between the hours of 2:00 A.M. and 6:00 A.M., except as otherwise provided in this Chapter. On Saturday and Sunday, no premises may remain open between 2:30 A.M. and 6:00 A.M. For the purposes of this section, "open" shall mean allowing any person, other than the licensee or an employee actively performing job-related duties, to enter, loiter or remain in or on the licensed premises.
- (2) No licensee or person in charge of a premises for which a Class "B" (Beer) license has been issued shall allow the carry out of closed containers of alcohol beverages between the hours of Midnight and 6:00 A.M.
- (3) On January 1, premises licensed under a Class "B" (Beer), or “Class C” (Wine) license are not required to close.