

## 7.01 INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES

(1) PROVISIONS OF STATE LAW ADOPTED BY REFERENCE. All provisions of Chapter 125 of the Wisconsin Statutes describing and defining regulations with respect to alcohol beverages for which the penalty is a forfeiture only, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. This adoption by reference shall also include any subsequent additions, modifications or other changes to Chapter 125.

Section 15.01 of this Code shall control penalty for violation of Section 7.01(1).

### (2) LICENSE FEES.

(a) Enumerated. The following fees shall be chargeable for licenses issued by the Board for the sale of intoxicating liquors and fermented malt beverages within the Village:

1. Class A fermented malt beverage: \$100.00 per year.
2. Class B fermented malt beverage: \$100.00 per year.
3. Class A intoxicating liquors: \$100.00 per year.
4. Class B intoxicating liquors: \$100.00 per year.
5. Class B picnic licenses under Section 125.26(6), Wisconsin Statutes: \$4.50 for each day or meeting but not to exceed \$10.00.
6. Fermented malt beverage wholesaler: \$25.00 per year.
7. Clubs and lodges under Section 125.51(3), Wisconsin Statutes: \$50.00 per year.
8. Pharmacist: \$10.00 per year.
9. Operator's Licenses: \$25.00 bi-annual fee. Licenses will expire on June 30<sup>th</sup> in even number years.
10. Wallet Size Duplicate License - \$5.00 bi-annual fee. Licenses will expire on June 30<sup>th</sup> in even number years.

(b) All fees imposed hereunder for the licenses listed above shall be paid before the Village Clerk issues the license.

(3) TAXES AND ASSESSMENTS TO BE PAID. No license shall be granted hereunder to any person or for any premise where taxes, assessments or other financial claims of the Village are unpaid and delinquent.

(4) 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) Search of Premises. 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 such premises of all things and articles there 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 offense.

(b) 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.

(c) View of Premises Required. 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, except as such view may be obstructed by the sides of booths and hereinafter set forth. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of such room from the general observation of persons and provided, however, a retail Class "B" license shall entitle the holder thereof to serve such beverages in a separate room at banquets or dinners, and there shall at no time be curtains or obstructions of any kind obstructing the view to booths within the premises.

(5) CLOSING HOURS.

(a) On January 1<sup>st</sup>, premises licensed under a combined Class "B" license are not required to close.

(b) On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m.

(c) No sales of fermented malt beverages are allowable from a premises with a Class "A" Fermented Malt Beverage license between the hours of midnight and 8 a.m. No sales of liquor are allowable from a premises with a Class "A" Liquor license between the hours of 9 p.m. and 8 a.m.

(d) Between 12 midnight and 6 a.m., no person shall sell fermented malt beverages or intoxicating liquor on Class "B" licensed premises in an original unopened package, container or bottle for consumption away from the premises.

(6) VIOLATIONS: REVOCATION.

(a) A violation of this section by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this section violates any portion of the ordinance or any regulation adopted pursuant thereto, proceedings for the revocation of such license or permit may be instituted in the manner and under the procedure established by Section 125.12(2)(a) - 125.12(2)(c) Wisconsin Statutes, and the provision therein relating to renewing a license shall likewise be applicable.

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

(7) PROVISIONAL LICENSES.

(a) The Village Clerk Treasurer may issue a provisional operator's license in accordance with Section 125.17(5), Wisconsin Statutes (as amended) to any applicant who has made proper application for an operator's license. The provisional operator's license shall expire sixty (60) days after its issuance or when the operator's license is issued to the holder, whichever is sooner. The Village Clerk Treasurer may, upon receiving an application for a temporary provisional license, issue such license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending the applicant's successful completion of an approved program. A provisional operator's 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/her operator's license revoked or suspended within the preceding twelve (12) months. The Village Clerk Treasurer may revoke the provisional license if he/she discovers that the holder of the license made a false statement on the application.

(b) The fee for the Provisional Operator's License shall be \$15.00.

(c) The Village Clerk Treasurer may issue a provisional retail license in accordance with Section 125.185, Wisconsin Statutes (as amended) to any applicant who has made proper application for a retail license. The provisional retail license shall expire sixty (60) days after its issuance or when the retail license is issued to the holder, whichever is sooner. A provisional retail license may not be issued to any person who has been denied a retail license by the Village Board or who has had his/her retail license revoked or suspended within the preceding twelve (12) months. The Village Clerk Treasurer may revoke the provisional license if he/she discovers that the holder of the license made a false statement on the application.

(d) The fee for the Provisional Retail License shall be \$15.00.

(8) RESERVE CLASS "B" LICENSE.

(a) Definitions. In this section:

1. Reserve Class "B" License shall have the meaning defined in S125.51(4)(a)4 of the Wisconsin Statutes.

(b) Reserve Class "B" License Fee. The initial license fee for a Reserve Class "B" License shall be Ten Thousand Dollars (\$10,000.00). Annual renewal of Reserve Class "B" license fee shall be the amount set forth in Section 7.01(2)(a).

(c) Grants for Certain Reserve Class "B" Licenses, Findings and Purpose.

1. The Village Board finds that businesses such as restaurants, hotels and taverns make important contributions to the Village's economy. These establishments serve important public purposes including increasing the Village's property tax base, providing employment and promoting tourism. Excessive license fees deter new business and are contrary to the above stated public purpose. 1997 Wisconsin Act 27 requires municipalities to establish a minimum fee

of \$10,000 for each Reserve Class "B" License issued. Since the new fee far exceed the actual cost of licensing the activity, additional revenue will be available to the Village. It is the purpose of this ordinance to utilize revenue generated by 1997 Wisconsin Act 27 to assist in new Reserve Class "B" licensees to achieve the important public purposes identified herein.

2. Following the issuance of the original Reserve Class "B" License and upon application, the Village Board may provide a grant to the licensee in an amount not to exceed \$9,800. Prior to awarding any grant, the Village Board shall make such findings and establish such conditions to assure that any funds awarded thereunder further the important public purposes identified therein.

(d) Payment of Reserve Class "B" License Fee. Reserve Class "B" license fees shall be paid at least fifteen (15) days prior to the date the license is to be issued.