

## CHAPTER 112: ALCOHOLIC BEVERAGES

### Section

- 112.01 State statutes adopted
- 112.02 Licenses, permits, authorization required
- 112.03 Classes of licenses and fees
- 112.04 License application
- 112.05 License restrictions
- 112.06 Form and expiration of licenses
- 112.07 Transfer of licenses
- 112.08 Posting and care of licenses
- 112.09 Regulation of licensed permits and licenses
- 112.10 Closing hours
- 112.11 Revocation and suspension of licenses
- 112.12 Nonrenewal of licenses
- 112.13 Violations

or other authorization without holding the appropriate license, permit, or other authorization as provided in this chapter.

(B) Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale.

(Ord. 22J, passed 10-2-82) Penalty, see § 10.99

#### *Statutory reference:*

*General licensing requirements, see*

*Wis. Stats. § 125.04*

### § 112.03 CLASSES OF LICENSES AND FEES.

#### § 112.01 STATE STATUTES ADOPTED.

The provisions of Wis. Stats. Ch. 125 defining and regulating the sale, procurement, dispensing, and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of the statutes are adopted and made a part of this section by reference. A violation of any such provisions shall constitute a violation of this section. (Ord. 22J, passed 10-2-82)

#### § 112.02 LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(A) No person except as provided by Wis. Stats. § 125.06 shall within the city serve, sell, manufacture, rectify, brew, or engage in any other activity for which Wis. Stats. Ch. 125 requires a license, permit,

The following classes and denominations of licenses may be issued by the City Clerk under the authority of the Common Council after payment of the fee herein specified which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, 125.51 and 125.58. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(A) Class "A" fermented malt beverage retailer's license: \$50 per year.

(B) Class "B" fermented malt beverage retailer's license: \$100 per year.

(1) *Six month.* A license may be issued at any time for six months in any calendar year for which three-fourths of the applicable license fee shall

be paid; but such license shall not be renewable during the calendar year in which issued.

(2) *Picnic*. \$5 per day.

(C) Wholesaler's fermented malt beverage license: \$0 per year or fraction thereof.

(D) Retail "Class A" liquor license: \$500 per year.

(E) Retail "Class B" liquor license: \$500 per year. (A retail Class "B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises.) Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.

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

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

(3) The annual fee for renewal of a reserve "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)1 is the fee established under other "Class B" licenses.

(F) Retail "Class C": \$100 per year.

(G) Operators': \$15 per year.

(1) Operators' licenses may be granted to individuals by the Common Council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).

(2) Operators' licenses may be issued only on written application on forms provided by the Clerk.

(3) Operators' licenses shall be valid for one year and shall expire on June 30 of each year.

(H) (1) The Common Council of the city authorizes by this section the issue of provisional operator's licenses under the standards of this section.

(2) The City Clerk shall be the municipal official having the authority to issue provisional licenses under Wis. Stats. § 125.17(5).

(3) The City Clerk shall be authorized to issue a provisional license to any person who:

(a) Has applied for an operator's license under Wis. Stats. § 125.14(1);

(b) Has never been denied a license under Wis. Stats. § 125.17(1) by any municipal governing body;

(c) Indicates on the application for an operator's license that the person has had no prior or pending arrests or convictions and has attained the legal drinking age; and

(d) Pays a nonrefundable fee for the provisional license of \$5.

(4) A provisional license issued under this section shall expire 60 days after its issuance or when the license under Wis. Stats. § 125.17(1) is issued to the holder, whichever is sooner.

(5) The City Clerk who has issued a provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

(Ord. 97, passed 6-2-80; Ord. 22J, passed 10-2-82; Am. Ord. 118, passed 10-5-87; Am. Ord. 22J-A, passed 3-6-98; Am. Ord. 22J-B, passed 4-6-06)

#### § 112.04 LICENSE APPLICATION.

(A) *Form*. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages

shall be made in writing on forms prescribed by the State Department of Revenue or governing body for operators' licenses and filed with the City Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(B) *Application to be notarized.* Application shall be signed and sworn to by the applicant as provided by Wis. Stats. § 887.01.

(C) *Duplicate.* Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk to the State Department of Revenue.

(D) As required by Wis. Stats. § 125.51(3)(e)2, the city shall charge a fee of \$10,000 for an initial issuance of a reserve "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4, except that no fee shall be charged for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least six years. The fee is in addition to the initial annual fee for the license and any other fee required by Wis. Stats. Ch. 125 or this chapter.

(Ord. 22J, passed 10-2-82; Am. Ord. 22J-A, passed 3-6-98)

#### § 112.05 LICENSE RESTRICTIONS.

(A) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under Wis. Stats. Ch. 125.

(B) *Location.*

(1) No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. The 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 the premises covered by the license.

(2) This division (B) 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.

*Can a person that has violated*  
(C) *Violators of liquor or beer laws or ordinances.* No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

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

(E) *License quota.* The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Wis. Stats. Ch. 125.

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

(G) *Age requirement.* No license hereunder shall be granted to an underage person.

(H) *Effect of revocation of license.* Whenever any license has been revoked, at least six months from the time of the revocation shall elapse before another license shall be granted for the same premises and 12

months shall elapse before another license shall be granted to the person whose license was revoked.

(I) *Delinquent taxes, assessments, and claims.* No license shall be granted for any premises for which taxes, assessments, or other claims to the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.

(J) *Issuance for sales in dwellings prohibited.* No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcoholic beverages in any dwelling house, flat, or residential apartment.

(Ord. 22J, passed 10-2-82; Am. Ord. 22L, passed 8-9-84) Penalty, see § 10.99

#### § 112.06 FORM AND EXPIRATION OF LICENSES.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The City Clerk shall affix his or her affidavit as required by Wis. Stats. Ch. 125.

(Ord. 22J, passed 10-2-82)

#### § 112.07 TRANSFER OF LICENSES.

(A) *As to person.* No license shall be transferable as to licensee except as provided by Wis. Stats. Ch. 125.

(B) *As to place.* Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. Ch. 125. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. (Ord. 22J, passed 10-2-82)

#### § 112.08 POSTING AND CARE OF LICENSES.

Every license or permit required under this chapter shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application or knowingly deface or destroy such license.

(Ord. 22J, passed 10-2-82) Penalty, see § 10.99

#### § 112.09 REGULATION OF LICENSED PERMITS AND LICENSES.

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

(B) *Employment of minors.* No licensee shall employ an underage person to serve, sell, dispense, or give away any alcohol beverage.

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

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

(Ord. 22J, passed 10-2-82; Am. Ord. 22L, passed 8-9-84) Penalty, see § 10.99

#### § 112.10 CLOSING HOURS.

No premises for which an alcohol beverage license has been issued shall remain open in violation of the closing hours as provided in Wis. Stats. Ch. 125.

(Ord. 22J, passed 10-2-82) Penalty, see § 10.99

**§ 112.11 REVOCATION AND SUSPENSION OF LICENSES.**

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

(B) *Automatic revocation.* Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent, or representative thereof for a second offense under this chapter or for a violation of Wis. Stats. Chs. 125 or 139 or any other state or federal liquor or fermented malt beverage laws.

(C) *Effect of revocation.* See § 112.05(H) of this chapter.

(Ord. 22J, passed 10-2-82)

**§ 112.12 NONRENEWAL OF LICENSES.**

Before renewal of any license issued under this chapter is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and shall have an opportunity to be heard before the Common Council.  
(Ord. 22J, passed 10-2-82)

**§ 112.13 VIOLATIONS.**

A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(Ord. 22J, passed 10-2-82)