

CHAPTER 31

FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

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31.01 **GENERAL PROVISIONS**

- (a) **STATE STATUTES ADOPTED.** The provisions of Chapter 125 and §48.344 and §778.25 of the Wisconsin Statutes, 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 the 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 Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.
- (b) **DEFINITIONS.** As used in this Chapter the terms "Alcohol Beverages," "Intoxicating Liquors," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," and "Operators," shall have the meaning given them by Chapter 125, Wisconsin

Statutes.

- (c) **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, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by §§125.06, 125.25, 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

31.02 CLASSES OF LICENSES

- (a) **RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE.** Subject to the provisions of Sec. 31.05(g), 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.
- (b) **RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE.** A retail Class "B" intoxicating liquor license, when issued by the Village Clerk under 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, and 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.
- (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.
- (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 one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages.
- (e) **CLUB OR SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.**
 - (1) A club or special Class "B" Picnic license, when issued by the Vil-

lage Clerk under authority of the Village Board, as provided for in §125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six (6) months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for those dates as approved by the Village Board.

- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk together with the appropriate license fee for each for which the license is sought. The license shall specify the hours and dates of license validity.
- (f) **WHOLESALE'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.
- (g) **RETAIL "CLASS C" WINE LICENSE**. A retail Class "C" wine license, when issued by the Village Clerk upon approval by the Village Board, shall authorize the retail sale of wine by the glass or in an opened original contained for consumption on the premises where sold.

31.03 LICENSE FEES

- (a) **RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE**. The annual fee for a Retail Class "A" Intoxicating Liquor License shall be \$100.00 per year.
- (b) **RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE**. The annual fee for a Retail Class "B" Intoxicating Liquor License shall be \$200.00 per year, or as pro-rated.
- (c) **CLASS "A" FERMENTED MALT BEVERAGE RETAILERS LICENSE**. The annual fee for a Class "A" Fermented Malt Beverage Retailers License shall be \$10.00 per year.
- (d) **CLASS "B" FERMENTED MALT BEVERAGE RETAILERS LICENSE**. The annual fee for a Class "B" fermented malt beverage retailers licenses shall be \$100.00 per year or three-quarters of such amount for a six-month period. Club licenses, as defined in §125.26(6), Wis. Stats., shall be issued for a fee of \$5.00.
- (e) **WHOLESALE'S LICENSE**. The annual fee for a Wholesaler's License shall be \$25.00 per year of fraction thereof.
- (f) **SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE**. The an-

nual fee for a Special Class "B" Fermented Malt Beverage Picnic License shall be \$10.00 per event or \$100.00 per year.

- (g) **RETAIL Class "C" WINE LICENSE.** The annual fee for a Retail Class "C" Wine License shall be \$100.00 per year.
- (h) **ADDITIONAL FEES.** Applicants for a license under this Chapter shall also pay all actual publication and notice expenses and such administrative and processing charges as the Village may, from time to time, establish by resolution.

31.04 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 State Treasurer and shall be sworn to by the applicant and shall be filed with the Village Clerk not less than fifteen (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.
- (b) **CORPORATIONS.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, if a corporation.
- (c) **PUBLICATION.** The application shall be published at least once in the official Village newspaper, 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 ten (10) days after the occurrence thereof.

31.05 QUALIFICATIONS OF APPLICANTS AND PREMISES

- (a) **RESIDENCE REQUIREMENTS.** A retail Class "A", a retail Class "B" fermented malt beverage or intoxicating liquor license or a Class "C" retail wine license shall be granted only to persons who are citizens of the United States and residents of the State of Wisconsin continuously for at least one year prior to date of filing the application. A Class "C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.
- (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, which premises is located in an area properly zoned for such operations and otherwise meets the requirements of this Chapter.
- (d) **AGE OF APPLICANT.** No Class "A", "B" or "C" licenses shall be granted to any person under eighteen (18) years of age.
- (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 chapter or under state law; or, which has more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter 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.
 - (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 fifty (50%) percent of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **SEPARATE LICENSES.** A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale. Except in the case of hotels, , no person may hold both a "Class A" license and either a "Class B" license or permit, a "Class B" license or permit or a Class "C" license for the same premises or for a connecting premises (§125.51(8), Stats.)
- (g) **CLASS "A" LICENSE ISSUANCE RESTRICTIONS.**
 - (1) Class "A" Intoxicating Liquor License. Only those persons, firms or corporations, who are holders of Class "B" Licenses, or whose principal business is one of the following, may be eligible for a Class "A" Intoxicating Liquor License:
 - a. The sale of fermented malt beverages and intoxicating liquors for consumption away from the premises where sold and in original packages, containers or bottles.
 - b. The retail sale of groceries. (Ord. #406)
 - c. The retail of flowers and gifts for the purpose of the sale of wine only for consumption away from the premises where sold and in the original packages,

containers or bottles. (Ord. #438-05)

- (2) Class "A" Fermented Malt Beverage Retailers License. Only those persons, firms or corporations, whose principal business activity is one of the following, shall be eligible for receipt of a Class "A" Fermented Malt Beverage Retailers License:
- a. The holder of a Class "B" License.
 - b. The sale of fermented malt beverages or intoxicating liquors for consumption away from the premises where sold and in the original packages, containers or bottles.
 - c. The retail sale of groceries or convenience goods and petroleum products.
- (3) Definitions. For purposes of this subsection (g), the terms "principal business" shall refer to the principal and primary commercial enterprise engaged in by the applicant, including all activities engaged in for profit on the proposed licensed premises, as measured by volume of sale, gross profit, or by such other indicia of purpose as the Board shall determine to be relevant. (Ord. #373)

31.06 INVESTIGATION

The Village Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each new application for license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

31.07 APPROVAL OF APPLICATION

- (a) **GENERAL REQUIREMENTS**. 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) **DELINQUENT TAXES**. No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- (c) **CODE COMPLIANCE**. No license shall be issued unless the premises con-

form to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Village 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. Each applicant's proposed licensed premises shall be subject to an inspection prior to issuance of the license by the Building Inspector, the Fire Inspector, the Health Officer and the designees of the Village Board.

- (d) **NON-APPROVAL.** In the event any inspector as designated in subsection (c) shall disapprove of the premises proposed to be licensed, the inspector shall file with the Village Clerk a written statement detailing the reasons for the objection.

31.08 GRANTING OF LICENSE

Upon the approval of the applicant by the Village Board under the provisions hereof, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year. The fee shall be paid to the Village Treasurer who shall deposit the same in the general fund.

31.09 TRANSFER AND LAPSE OF LICENSE

- (a) **LICENSE TRANSFERS.** 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. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the Village Clerk shall forthwith notify the State Treasurer of such transfer.
- (b) **TRANSFER OF CORPORATE AGENT.** 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 therefore and the new name of the agent. 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 Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or the Pulaski Police Department, which notice shall be served on the licensee. The corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all

operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.

- (c) **LAPSE.** Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Village Board.

31.10 NUMBERING OF LICENSE

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 to the license his affidavit as provided by §125.04(4) of the Wisconsin Statutes.

31.11 POSTING LICENSES; DEFAACEMENT

- (a) **LICENSE SHALL BE POSTED.** Every person licensed in accordance with the provisions of this Chapter 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) **LICENSE DEFAACEMENT PROHIBITED.** 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.

31.12 CONDITIONS OF LICENSE

- (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" or Class "C" licensee shall employ any person under eighteen (18) years of age, but this shall not apply to hotels and restaurants. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.
- (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" or Class "C" license, at all times, the license 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 member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter, or in any other manner, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. 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, who is at the time of such service upon said premises.
- (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 and Class "C" licenses issued under this chapter. No Class "B" or Class "C" 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) **LICENSES PROHIBITED IN RESIDENCE DISTRICTS.**
- (1) No retail Class "B" license shall be issued in any residence district. Any premises shall be deemed to be included within a residence district if 2/3 of the buildings within a radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto.
 - (2) This subsection shall not apply to a bona fide club or hotel.
- (h) **CLEAR VIEW OF PREMISES REQUIRED.** After closing hours, all windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box, stall, screen, curtain, or other device which shall obstruct the view of said room from the general observation of persons; provided, partitions, subdivisions or panels not higher than 48 inches from the floor shall not be construed as in conflict with the foregoing; and provided, retail Class "B" license shall entitle the holder thereof to serve such beverages in a separate room on the licensed

premises at banquets or dinner.

- (i) **BEVERAGES NOT PURCHASED AT LICENSED PREMISES.** No person shall have in his or her possession or consume on the premises any fermented malt beverages or intoxicating liquors not purchased under the Class "B" or "C" licenses issued for the premises.
- (j) **GENERAL APPLICATION.** All retail Class "A", "B" and Class "C" licenses granted hereunder are granted subject to the foregoing conditions, all other conditions of this Section, and to the requirements of all other ordinances and regulations of the Village applicable thereto; and the licensee, by receipt and acceptance of the license, specifically agrees to abide and be bound thereby.

Annotation: See Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S.Ct. 774 (1970) and State v. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

31.13 CLOSING HOURS

- (a) **HOURS OF OPERATION.** Sections 125.32(3) and 125.68(4), Wisconsin Statutes, shall apply except that no premises, except premises holding a Class "A" license, shall be open for the sale of intoxicating liquor or fermented malt beverages between 1:00 a.m. and 8:00 a.m. and except on Sundays between 1:00 a.m. and 12:00 Noon and between 9:00 p.m. Sundays and 8:00 a.m. on Mondays. On January 1 the closing hours shall be between 2:00 a.m. and 8:00 a.m. On each Sunday in the month of December annually the premises may remain open from 12:00 Noon until 1:00 a.m. the following Monday. Premises hold a Class "A" license may be open for the sale of fermented malt beverages in original packages or containers for off-premises consumption beginning at 6:00 a.m. (*Ord. #513-12*)
- (b) **AFTER HOURS REGULATIONS.** No person, who is not the permittee, licensee, an employee of the permittee or licensee, salespersons, employees of wholesalers licensed under §125.28(1) or §125.54(1), Wis. Stats., or service personnel who are performing job-related activities, may remain or be on the licensed premises after the closing hours specified in subsection (a) above or when the licensed premises is otherwise not open for business. (*Ord. #453-06*)

31.14 RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC OR SPECIAL EVENT LICENSE

- (a) **RESTRICTIONS.** Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of

license:

- (1) There shall be at least one person properly licensed as an operator under the provisions of this Chapter on the premises at all times to supervise the service of beverages.
- (2) Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.
- (3) For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

Cross-Reference: Section 31.02(e)

31.15 RESTRICTIONS ON Class "C" RETAIL WINE LICENSES.

- (a) **RESTAURANTS WITHOUT BARROOMS.** A Class "C" license may be issued to a qualified person for a restaurant, which does not have a barroom, in which the sale of alcohol beverages accounts for less than fifty (50%) percent of gross receipts.
- (b) **RESTAURANTS WITH BARROOMS.** A Class "C" license may be issued to a qualified person for a restaurant, with a barroom, in which the sale of alcohol beverages accounts for less than fifty (50%) percent of gross receipts and wine is the only intoxicating liquor sold.

31.16 (Reserved)

31.17 (Reserved)

31.18 OPERATOR'S LICENSE REQUIRED

- (a) **OPERATOR'S LICENSE REQUIRED.** There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine 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 or Class "C" wine license 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.

State Law Reference: §125.17, Wis. Stats.

- (b) **PROCEDURE UPON APPLICATION.** The Village Board may issue an operator's license, which license shall be granted only upon application in writing on application forms to be obtained from the Village Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the corporate limits of the Village.
- (c) **DURATION.** Licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years from their date of issuance and shall expire on the 30th day of June of the next subsequent calendar year after the year of issuance. *Ord. #402*
- (d) **FEE.** The fee for an Operator's License shall be \$20.00, which fee shall be prepaid at time of the filing of the application and shall be non-fundable. *Ord. #402*
- (e) **ISSUANCE.** 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.
- (f) **DISPLAY OF LICENSE.** Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

31.19 SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSES

- (a) **INTENT.** No license issued hereunder shall be suspended, revoked or not renewed without first affording the license holder an opportunity for a public evidentiary hearing.
- (b) **HEARING FORUM.** Any hearing for suspension, revocation or non renewal of a license under this Chapter shall be held and conducted by and before the Village Board.
- (c) **COMPLAINT; SUMMONS.** Any resident of the Village may file a sworn written complaint with the Clerk alleging that a person holding a license issued under this chapter by the municipality has violated this Chapter or municipal regulations adopted under §125.10, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; has sold or given away alcohol beverages to known habitual drunkards; or, does not possess the qualifications required under this Chapter to hold the license. Upon the filing of the complaint, the Village Board shall issue a summons, signed by the Clerk. The summons shall command the licensee complained of to appear before the Village Board on a day and place named in the summons, not less than three (3) days and nor more than ten (10) days from

the date of issuance, and 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 three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for service in civil actions in circuit court.

(d) **HEARING PROCEDURES.**

(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 municipal governing body finds the allegations sufficient, the license shall be revoked. The 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 complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.

(3) The provisions of §125.12, Stats., shall govern the conduct of the hearing hereunder.

(e) **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 twelve (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.

(f) **NON-RENEWAL.** The Village Board may refuse to renew a license under this Chapter for the causes provided in sub(c) hereof. Prior to the time for the renewal of the license, the Board shall notify the licensee, in writing, of the Board's intention not to renew the license and provide the licensee with an opportunity for a hearing. The hearing shall be conducted as provided in sub(d).

31.20 PENALTIES

(a) **STATE PENALTY.** Forfeitures for violations of §125.07(1)-(5) and §125.09(2) of the Wisconsin Statutes, adopted by reference in Sec. 31.01 hereof, 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) **GENERAL PENALTY.** Any person who shall violate any provision of this Chapter, except as otherwise provided in sub(a) herein, or who shall conduct any activity or make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in Sec. 1.06.

- (c) **ADDITIONAL AUTHORITY.** Nothing herein shall preclude or affect the power of the sentencing body to exercise additional authorities granted by the Wisconsin Statutes. (*Ord. 454-06*)

