

Stats., the Municipal Clerk or their designee, shall issue a provisional license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death or disability but is not caused by merely failing to file the application for a license or permit timely.

- h. Managers' Licenses. Pursuant to §125.18, Wis. Stats., the Municipality opts not to issue Managers' Licenses.
- i. Temporary Class B Retail Licenses. Pursuant to and subject to the requirements of §125.32(6) and 125.51(10), Wis. Stats., the Municipal Clerk or their designee, are authorized to issue temporary Class B Retail licenses lasting less than four (4) days.
- j. Public Parks. The sale of fermented malt beverages in any public park operated by a municipality. Fermented malt beverages shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the Municipality.
- k. Regulation of Underage Persons.
 - i. An underage person is authorized to enter and remain in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present provided the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
 - ii. The Municipality adopts the conduct regulated by §125.07 (1) and (4) (a), (b) and (bm), §125.085 (3) (b) or §125.09 (2) Wis. Stats.
- l. Commercial Quadricycles. Subject to § 125.10(5)(b), the Municipality prohibits the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.
- m. No-Sale Event Permits. If a property owner is issued a no-sale event permit by the Division of Alcohol Beverages, the property owner must inform the Municipality of the event, including the expected guest count, immediately upon issuance of the permit. The property owner shall provide the Municipal Clerk with a copy of the permit and must comply with all provisions of §125.09, Wis. Stats.
- n. Transfers of Licenses. If the transfer of a license is approved by the Governing body pursuant §125.04(12), Wis. Stats., all conditions set forth under this Chapter shall be complied with. Failure to conform with the terms of the approved license transfer shall be grounds for denial, suspension or revocation of the license.
- o. Non-Use of License or Permit. Non-use of a license or permit issued under this Chapter shall be grounds for cancellation, suspension, revocation, or non-renewal of the license or permit in accordance with the provisions of this Chapter and the Wisconsin Statutes in either of the following circumstances:
 - i. The license or permit issued under this Chapter is not used within ninety (90) days after its issuance; or
 - ii. The license or permit issued under this Chapter's usage is discontinued for ninety (90) or more days in aggregate in any licensing year.
- p. Closing Hours. Closing hours shall be as set by Wisconsin Statutes with the following applicable local options:
 - i. If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.
 - ii. If a Retail Class "A" Fermented Malt Beverage License, between 9 p.m. and 6 a.m.
 - iii. If a Retail "Class A" Intoxicating Liquor License, between 9 p.m. and 6 a.m.
- q. Local Option. The holder of a Retail "Class B" Liquor License or on "Class C" licensed premises as authorized under s. 125.51 (3r) (a) shall be permitted to sell, deal and traffic in intoxicating liquors in the original packages or containers to be consumed off the licensed premises or

containers if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. Off premises sales shall cease at midnight of each day. It is intended by this Section that the packaged sales from Class "B" licensed premises will not be permitted after midnight under the option granted herein and further provided, however, that no single-container sale of fermented malt beverages can be made unless originally packaged as a single container or if a smaller package exists within a larger container.

- r. Full Service Retail Location. The Governing Body may, as a part of its approval process of a full-service retail location, include as conditions of approval any of the provisions of this Chapter and the Municipality's Zoning Code.
5. RESTRICTION ON ISSUANCE OF LICENSES OR PERMITS. The following restrictions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following restrictions are grounds for suspension or revocation of any license or permit issued under this Chapter.
- a. Health and Sanitation Requirements.
 - i. No initial or renewal alcohol beverage license or permit 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 electrical and plumbing; to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, if the premises is licensed to serve food; and to all such rules and regulations as to building, health and sanitation adopted by the Municipality, the County, the State or the Federal government.
 - ii. Any violation of any of the restrictions imposed by this subsection relating to Health and Sanitation Requirements may be grounds for suspension or revocation of any license or permit issued under this Chapter.
 - b. Delinquent Taxes, Assessments, Forfeitures, and Claims.
 - i. No initial or renewal alcohol beverage license or permit shall be issued for any premises or property which is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality.
 - ii. No initial or renewal alcohol beverage license or permit shall be issued to any person who is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality.
 - iii. If at any time the premises, property, and/or person is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality said delinquency shall be grounds for suspension or revocation of any license or permit issued under this Chapter.
 - c. Separate Premises or Limited Access Area. Every person, firm or corporation applying for a new or renewal of an existing Class "A" Fermented Malt Beverage License, a "Class A" Intoxicating Liquor License, a "Class A" Liquor (Cider Only) License, a combination Class "A" Fermented Malt Beverage License and "Class A" Liquor (Cider Only) License or combination Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License shall submit to and receive approval from the Governing Body of a site plan and plan of operation with a diagram or photograph of the proposed or existing sale and display area for the alcohol beverages prior to the issuance of any such license(s) or permit(s). The site plan and plan of operation shall be such as to ensure that minors do not have reasonable access to acquire alcohol beverages as well as satisfying the following requirements:
 - i. For Class "A" Fermented Malt Beverage Licensees, and for Combination Class "A" Fermented Malt Beverage and "Class A" Liquor (Cider Only) Licensees, one of the following is required:
 - 1. An area must be designated for the display of intoxicating liquors and fermented malt beverages and; said area must be able to be closed off from reasonable access during the closing hours set forth in subsection 5(P) below and; the licensee location must have multiple employees on duty at all times while the store is open who are in a position to supervise the sale of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security

- plan which will be subject to approval by the Governing Body to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages. OR:
2. A partition between that portion of the premises used for display and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments. Ingress and egress shall not be permitted between such department and other departments by the public except for emergencies. OR:
 3. An area for sale and display of intoxicating liquors and fermented malt beverages access to which shall be limited to employees of the licensee only.
- ii. For "Class A" Intoxicating Liquor Licensees, and for Combination Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor Licensees one of the following is required:
 1. An area must be designated for the display of intoxicating liquors and fermented malt beverages and; said area must be able to be closed off from reasonable access during the closing hours set forth in subsection (5)(P) below and; the licensee location must have 4 or more employees on duty at all times while the store is open who are in a position to supervise the sale and prevent the theft of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security plan which will be subject to approval by the Governing Body to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages and to prevent theft of the beverages. To meet this standard a licensee must demonstrate to the Governing Body, layers of access control, accountability of personnel, and sufficient procedures for dealing with theft to minimize police service impacts from the same. OR:
 2. A partition between that portion of the premises used for display and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments and provide a detailed security plan, which will be subject to approval by the Governing Body to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages and to prevent theft of the beverages. To meet this standard a licensee must demonstrate to the Governing Body, accountability of personnel, and sufficient procedures for dealing with theft to minimize police service impacts from the same. Ingress and egress shall not be permitted between such department and other departments by the public except for emergencies.
 - iii. Any violation of any of the restrictions imposed by this subsection relating to Separate Premises or Limited Access Areas may be grounds for suspension or revocation of any license or permit issued under this Chapter.
6. MUNICIPAL REGULATION. The following conditions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following conditions is grounds for suspension or revocation of any license or permit issued under this Chapter.
- a. Consent to Inspection. Every applicant obtaining a license or permit thereby consents to the entry of the police or other authorized representatives of the Municipality or the State at any reasonable time for the purpose of inspection and search, and consents to the removal from said premises of all things found to be in violation of Municipal Ordinances or Wisconsin Statutes and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.
 - b. Safety and Sanitation Requirements. Every licensed or permitted premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used.

- c. Orderly Conduct Required. Every licensed or permitted premises shall be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed.
 - d. Gambling Prohibited. Gambling shall not be permitted on a licensed or permitted premise, unless authorized by Wisconsin Statutes. Slot machines or other devices of chance are prohibited and shall not be kept on the premises, unless authorized by Wisconsin Statutes.
 - e. Lewd, Obscene Performances, etc. Prohibited. No licensee or permittee shall advertise, produce, perform or allow any lewd, obscene, or indecent performance of any kind on the premises.
 - f. Controlled Substance Use Prohibited. Any licensee, permittee, partner, agent, authorized representative or employee who is convicted of the use, possession, delivery or intent to deliver, any controlled substance defined and regulated under Chapter 161, Wis. Stats., may be considered grounds for the revocation or suspension of any license provided for in this Chapter.
 - g. Regulation of Entertainment and Entertainers. No Class B licensee or permittee shall employ or permit to perform on the premises any entertainer, except a member of a band, a vocalist, a piano or organ player or a comedian. All such entertainers shall be fully clothed in such a manner as is acceptable in all public places. No licensee or permittee shall allow any entertainment which makes an appeal to prurient interests. Dancing among patrons, but not between patron and employee is permitted upon permit and with the approval of location by the Fire Chief.
 - h. Regulation of Underage Persons. This Chapter is also intended to incorporate as ordinance violations, the regulations of underage persons under §125.10(2), Wis. Stats.
 - i. Sales by Clubs. No club shall sell alcoholic beverages except to members and to guests invited by members.
 - j. Consumption on premises. The holder of every alcohol beverage license shall make every effort to discourage the premises patrons from taking alcohol beverages out of the premises when the beverage is sold for consumption on the premises.
 - k. Open Carry. No person shall possess an opened container of alcohol beverage or drink an alcohol beverage in any vehicle, alley, park, public street or other public place except at community functions or events authorized by specific action of the Governing Body or public places for which a license or permit has been granted.
 - l. Violations by Agents and Employees. A violation of this Chapter by an authorized agent or employee of the licensee or permittee shall constitute a violation by the licensee or permittee.
 - m. Municipal Ordinance Violations. Any license or permittee holder, who is convicted of violating any Municipal Ordinance, such violation is grounds for the revocation or suspension of the license or permit.
 - n. False Information in an Application. If a person knowingly provides materially false information in an application for a license or permit under this Chapter or on a full-service retail outlet form, and if a person materially violates any representation made in an affidavit under §125.20(6)(a)6. or (c) 4. Wis. Stats., such action is grounds for the revocation or suspension of the license or permit.
7. REVOCATION AND SUSPENSION OF LICENSES. Suspension or Revocation of any licenses or permits issued under this Chapter is governed by §125.12, Wis. Stats.
8. PENALTIES.
- a. General Penalty Provisions.
 - i. Any person who violates a provision of Chapter 125 Wis. Stats., for which a penalty is not specified shall be penalized not less than \$100.00 and up to not more than \$1,000 or imprisoned for up to 90 days in jail or both for each day that a violation is determined to exist.
 - ii. A license issued in violation of Chapter 125, Wis. Stats. is void.
 - iii. Any person who violates §125.04(1), Wis. Stats. by selling, manufacturing or distributing alcoholic beverages without an appropriate license shall be penalized not less than \$100.00 and up to not more than \$10,000 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
 - iv. Any person who sells, or possesses with intent to sell, intoxicating liquor without holding the appropriate license or permit may be penalized not less than \$100.00 and up to not

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more than \$10,000 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.

- v. Any person who gives away alcoholic beverages or using any other means to evade the laws relating to the sale of alcohol beverages may be penalized not less than \$100.00 and up to not more than \$10,000 or imprisoned for not more than nine months or both for each day that a violation is determined to exist.
 - vi. Any licensee who allows another person to use his or her license to sell alcohol beverages, shall have his or her license revoked.
 - b. Specific Penalties Provisions. Chapter 125 Wis. Stats., includes specific penalties which are incorporated herein pursuant to Section 1 above.
9. **BARTENDER LICENSE REQUIREMENTS**
- a. **Chapter 125.04 (5) Wis. Stats. QUALIFICATIONS FOR LICENSES AND PERMITS.**
 - b. *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:
 - i. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322, 111.335 and 125.12 (1) (b).
 - ii. Have been residents of this state continuously for at least 90 days prior to the date of application.
 - iii. Have attained the legal drinking age.
 - iv. Have submitted proof under s. 77.61 (11).
 - v. 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 division or the department of safety and professional services. 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 "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, or an operator's permit.
 - vi. OWI violations will be taken into consideration by the Governing Body and will be considered in issuance of the Bartender license.
 - c. *Criminal offenders.* No license or permit 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.
10. **EFFECTIVE DATE** - This ordinance will be effective upon posting as provided by law.

Adopted on this 19th day of March, 2025

by the Town Board of the Town of Wayne, Washington County


Robert Schulte, Town Chairperson

Attested by:


Carol Gonwa, Town Clerk