

CHAPTER 11
ALCOHOL BEVERAGES

- 11.01 Regulation of Intoxicating Liquor and Fermented Malt Beverages
- 11.02 Liquor and Related License Fees
- 11.03 License Application
- 11.04 Revocation, Suspension and Non-Renewal of Licenses
- 11.05 Restrictions on Granting Intoxication Liquor and Fermented Malt Beverage Licenses
- 11.06 Regulation of licensed premises and licenses
- 11.07 Hours for Selling and Operation
- 11.08 Free Alcohol Beverages in Restaurants
- 11.09 Place-to-Place Deliveries
- 11.10 Drinking and Open Possession of Intoxicating Beverages Prohibited
- 11.11 Suspension, Revocation and Discontinued use or Non-use of License
- 11.12 Wearing Apparel Required
- 11.13 Penalties

Chapter 11 Board Action

Adopted December 20, 2011 as part of Village Incorporation

Revised June 4, 2012, Ordinance 2012-O-06

Revised May 5, 2014, Ordinance 2014-O-11

11.01 REGULATION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

- (1) STATUTES ADOPTED The provisions of Chapter 125 Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages. A violation of any such provisions shall constitute a violation of this chapter.
- (2) MODIFICATIONS TO STATUTES. Any future amendments, modifications, revisions, additions or deletions of the Chapters of the Wisconsin Statutes incorporated herein shall be incorporated herein and made a part of this Code in order to secure uniformity with state laws regarding intoxicating liquors and fermented malt beverages.

11.02 LIQUOR AND RELATED LICENSE FEES Unless otherwise indicated, fees for licenses issued under this Chapter shall be as follows:

- (1) CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE - \$100.00 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.
- (2) CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE - \$100.00 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.
 - (a) Special Event - \$10.00 per day, which may be waived at the discretion of the Village.
- (3) WHOLESALER'S FERMENTED MALT BEVERAGE LICENSE -\$25.00 per year.
- (4) RETAIL "CLASS A" INTOXICATING LIQUOR LICENSE - \$500.00 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.
- (5) RETAIL "CLASS B" INTOXICATING LIQUOR LICENSE - \$500.00 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) RESERVE "CLASS B" INTOXICATING LIQUOR LICENSE - \$10,500.00 for initial License. Renewals shall be \$500.00 per year. The initial fee shall not be prorated if issued for less than one year. Renewals shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (7) RETAIL "CLASS C" WINE RETAILER LICENSE - \$100.00 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.
- (8) Provisional Class "A" beer, "Class A" liquor, Class "B" beer and "Class B" liquor - \$15.00. Provisional license expires 60 days after its issuance or when the retail license applied for is issued, whichever is sooner.
- (9) OPERATORS. Fees for an Operator's License shall be on a bi-annual basis, the fee being \$48.00 for an initial or renewal license. However, said fee shall be prorated if application is made during the licensing period as set forth in Sec. 125.17(3), Wis. Stats., such that the fee shall be \$2.00 per month, or any portion thereof, until the end of the licensing period. At no time shall the license be less than \$10.00. Provisional Operator's license - \$10.00

11.03 LICENSE APPLICATION

- (1) 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 and filed with the Village Clerk. The fee prescribed for such license in Section 11.01 shall accompany the application. The premises shall be particularly described, including every building, room and/or storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall. This shall include land area under his/her control where alcohol beverages will be sold, served, consumed, or stored.
- (2) Application to be notarized. Applications shall be signed and sworn to by the applicant as provided by 887.01, Wis. Stats.

- (3) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.
- (4) Subsequent Changes. If any fact given in the application subsequently changes, the licensee shall file a notice in writing of such change with the Clerk within 10 days.
- (5) 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, except as otherwise provided. The Village Clerk shall affix his or her affidavit as required by 125.04(4), Wis. Stats.
- (6) As to Person. No license shall be transferable as to licensee except as provided by 125.04(12)(b), Wis. Stats.
- (7) As to Place. Licenses issued pursuant to this chapter may be transferred as provided in 125.04(12), Wis. Stats. 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.
- (8) Posting and Care of Licenses. Every license issued under this chapter shall be posted and at all times displayed as provided in 125.04(10), Wis. Stats. 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.

11.04 REVOCATION, SUSPENSION AND NON-RENEWAL OF LICENSES

Suspension, revocation and non-renewal of any license shall be in accordance with Sec. 125.12 Stats.

11.05 RESTRICTIONS ON GRANTING INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES AND RELATED LICENSES

- (1) Health and Sanitation. No License shall be issued for any premises which does not comply with the State Building and Plumbing Codes, Sec. 125.68 (5) Wis. Stats., Wisconsin Administrative Code and the rules and regulations as to health and sanitation adopted by the Village Board and the

County Health Department. Licensed or permitted locations must comply with sec. 125.68(3) Stats.

(2) DELINQUENT TAXES, ASSESSMENTS, ETC.

(a) PREMISES. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other fees of the Village of Bloomfield are unpaid.

(b) PERSONS. No initial or renewal alcohol license shall be granted to any person, as defined in Sec. 125.02, Stats. Who is:

(i) Delinquent in payment of any taxes, assessments or other claims owed to the Village of Bloomfield.

(ii) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village of Bloomfield.

(iii) Delinquent in payment to the State of Wisconsin of any taxes owed.

11.06 RESTRICTION OF LICENSED PREMISES AND LICENSES

(1) STATUTORY COMPLIANCE REQUIRED. A holder of any license under this section shall comply with Chapter 125, Stats.

(2) PREMISES REQUIREMENT.

(a) Any applicant for a liquor license who does not, at the time of said application, have a building constructed for the purpose of utilizing said license, may be granted said license, provided, however, said license shall not be issued to said applicant until a building constructed for the purpose of utilizing said license has been completed and passes all inspections, rules, regulations, ordinances, and state and federal laws, including, but not limited to fire, sanitary, electrical and building codes.

(b) Outdoor Extension. An extension of a Class "B", "Class B", or "Class C" establishment where beverages are served and/or consumed in an designated outdoor

area, provided that the establishment meets the following standards:

- (i) The designated area is at least 125' from any Residential Zoned lot line, which does not include a residence owned by the applicant of the license.
- (ii) At least 40% of the sales are attributed to the sale of food, which will be determined by submittal to the Village Board of copies of the most recent two (2) quarters sales tax returns for said establishment within 90 days of their initial provisional application and again with their annual renewals.
 - (a) Confidential pledge. The Village pledges to the applicant that the Village shall keep confidential all tax returns filed with the Village confidential, as permitted by law. See 60 Wis. Op. Att'y Gen. 284 (1971) and sec. 71.78(4)(c) Wis. Stat. Any review of tax information shall only be done in closed session pursuant to sec. 71.78(4)(c) Wis. Stat.
- (iii) The designated area complies with all Federal, State, and local Zoning Codes, including setbacks from Wetlands and Shoreland Zoning regulations.
- (iv) The designated area shall be completely surrounded by a fence in compliance with the Building and Zoning Code and a permit shall be required for same.
- (v) The outdoor area hours shall close on or before 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday.
- (vi) The entrance to the outdoor designated area shall be only accessible from the inside of the establishment.
- (vii) The applicant shall provide a detailed sketch, including any plans for an outdoor bar, with their initial application and any subsequent changes on their renewal application.

- (viii) The applicant shall use the Original Application or Renewal Application form as prescribed by the State of Wisconsin and include the outdoor serving area on the detail or description of premises.
- (ix) The designated area lighting should be in compliance with all applicable regulations or codes.
- (x) The designated outdoor area shall be prohibited from having any outdoor music or other amplified entertainment.
- (xi) The designated outdoor area must comply with the State, County and local regulations and Ordinances pertaining to service, seating, fire codes, or any other business activity.
- (xii) The designated outdoor area shall be approved by the following departments or offices and said approval should be in writing, as follows:
 - 1. Zoning Administrator.
 - 2. Building Inspector (*only required if installing fencing, lighting or other building renovations to accommodate designated outdoor area*).
 - 3. Fire Chief, or his/her designee.
 - 4. Police Chief, or his/her designee.
- (xiii) There shall be adequate parking to provide for the additional patron capacity.
- (xiv) If any or all of the above standards are not met, or if there is any violation of this or any other ordinance(s), there shall be a hearing for suspension or revocation of the outdoor extension license by the Village Board.

(c) ISSUANCE OF LICENSE.

(i) Except as provided for in Section (C) in this section, no liquor license shall be issued unless:

1. The applicant has a building or structure to utilize said license; or

2. The applicant is without a building or structure at the time of application but complies with Section (2) (b) (i) above; and

(d) EXTENSION OF TIME. Any period of time set forth in this section requiring that a certain act or acts be performed as a condition of the granting or issuance of a liquor license, may be extended at the discretion of the Village Board, upon the written petition of the applicant for said license, but in no event shall any time period as set forth herein be shortened.

(e) COMPLIANCE REQUIRED. No liquor license shall be issued unless all provisions of this section are met by the applicant.

(3) TRANSFER OF LICENSE. No person granted or issued a valid liquor license in the Village may transfer or convey said license, except that any person or entity holding a valid Village license in the Village may apply to the Village Board to transfer said license from one location to another within the Village. The Village Board may, in its discretion, approve said application and issue a new license, provided the applicant furnishes the Village Board with a proper description of the premises for which the license is to be issued and pays costs of publication and administration for said application.

(4) DESTRUCTION OF EXISTING BUILDING OR STRUCTURE. In the event any person or entity that has been granted or issued a valid liquor license, and during the period which that license was in existence, said building or structure which was being operated in conjunction with said liquor license shall be destroyed for any reason whatsoever, the liquor license shall remain valid for the duration or term that said license was originally issued. At the expiration of term of said liquor license, said individual or entity may apply and have granted a liquor license, however,

- (a) Construction of said building commences within 180 days from the date of granting of said liquor license; and
 - (b) Within 545 days from the granting of said license, said building construction is completed in conformity with (2) (a) herein and is operational and open to the public for the purpose which the building was intended to be used, whereupon said license may then be issued.
- (5) VIOLATION AND PENALTY. Any person who shall violate this Chapter 125 of the Wisconsin Statute and as thereafter amended, and the alcohol licensing regulation of set forth hereing shall, upon violation, forfeit said license and said license shall revert to the Village and the Village may grant or issue said revoked license to any other applicant who qualifies for the granting and issuance of said license in accordance with the ordinances and by-laws of the Village and the laws of the State of Wisconsin.

11.07 HOURS FOR SELLING AND OPERATION.

- (1) The Village of Bloomfield does hereby adopt the Wisconsin State Statutes hours of prohibition on the sale of alcoholic beverage in their original unopened packages, containers or bottles or for consumption away from the premises.
- (2) The Village of Bloomfield does hereby adopt the Wisconsin State Statutes hours of operation.
- (3) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

11.08 FREE ALCOHOL BEVERAGES IN RESTAURANTS. No person holding a permit to operate a restaurant may give away or permit to be given away any alcohol beverages on the restaurant premises.

11.09 PLACE-TO-PLACE DELIVERIES. No person shall peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

11.10 DRINKING AND OPEN POSSESSION OF INTOXICATING BEVERAGES PROHIBITED.

- (1) It shall be unlawful for any person to drink from or open a container of fermented malt beverage or intoxicating liquor in a parked, standing or moving vehicle on a public highway or area held open to public use.
- (2) No person unless he is a parent, guardian, or spouse of a minor, may knowingly possess, transport or have under his control, any fermented malt beverage or liquor, while accompanied by any person under State of Wisconsin's legal drinking age.
- (3) It shall be unlawful for any person to carry, exposed to view, any open can, bottle or other container containing malt beverage or intoxicating liquor, or to drink from the same, on any public walk, street or in any park or other public place in the Village of Bloomfield, unless permitted by special event permit from the Village.
- (4) Any person violating any of the above shall be liable to forfeiture of the sum of not less than Twenty-five (\$25.00) dollars nor more than Five hundred (\$500.00) dollars, and upon default thereof, shall be confined in the County Jail for a term not to exceed Thirty (30) days.

11.11 SUSPENSION, REVOCATIONS AND DISCONTINUED USE OR NON-USE OF LICENSE

- (1) SUSPENSION AND REVOCATION OF LICENSES. In addition to other provisions of this Municipal Code and Chapter 125, Stats., the following shall constitute grounds to suspend or revoke an intoxicating liquor or fermented malt beverage license issued pursuant to this Municipal Code:
 - (a) Closing of the premises to which a license has been issued, such closure being for ninety or more consecutive days, unless specifically authorized by the Village Board.
 - (b) Non-use of a license for ninety or more consecutive days subsequent to the granting of such license.
 - (c) Any other failure to use such license for ninety or more consecutive days.

- (d) Any other Violation of this Chapter.
- (2) OTHER REMEDIES. This section shall not limit or abrogate the rights of the Village or licensee as otherwise set forth in this Municipal Code.
- (3) NOTICE REQUIRED. The licensee shall notify the Village Clerk of any non-use or closure of licensed premises for sixty or more consecutive days. Any failure of the licensee to provide such notice shall be grounds for possible action to suspend or revoke such license.

11.12 WEARING APPAREL REQUIRED

- (1) REGULATION OF LICENSED PREMISES. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, officer or agent of a licensed entity, waiter, waitress, entertainer, dancer, or any other employee, shall observe the following applicable minimum standards for such licensed premises:
 - (a) The costume, uniform, or attire of any female shall completely cover the breasts, completely cover the mons pubis genitals, and the buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.
 - (b) The costume, uniform, or attire of any male shall completely cover the public area, genitals, and buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.
- (2) APPLICABILITY. It shall be the responsibility of the licensee to maintain such minimum standards on the licensed premises. Any violation taking place upon a licensed premise shall be deemed to be a violation by both the violator and the licensee.

11.13 PENALTIES. Any violation of this Chapter may result in penalties as described pursuant to Chapter 25.04 of these ordinances.