

Chapter 6

ALCOHOL BEVERAGES*

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* **Cross References**--Businesses, ch. 18; drunkenness, § 54.103.

State Law References--Alcohol beverages generally, Wis. Stats. § 125.01 et seq.

ARTICLE I. IN GENERAL

Sec. 6.100. Provisions of state law adopted by reference.

(a) Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. ch. 125, as amended, relating to alcohol beverages, are adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this chapter by reference is required or prohibited by this chapter.

(b) Sections of Wis. Stats. ch. 125 adopted by reference shall include but not be limited to the following:

Wis. Stats. § 125.02	(Definitions)
Wis. Stats. § 125.04	(General licensing requirements)
Wis. Stats. § 125.07	(Underage and intoxicated persons; presence on licensed premises; possession; penalties)
Wis. Stats. § 125.09	(General restrictions)
Wis. Stats. § 125.11(1)	(Penalties--except for imprisonment)
Wis. Stats. § 125.12	(Revocations, suspensions, refusing to issue or renew)
Wis. Stats. § 125.13	(Report of suspension, revocation or imposition of penalty)
Wis. Stats. § 125.14	(Enforcement provisions)
Wis. Stats. § 125.17	(Issuance of operators licenses)
Wis. Stats. § 125.18	(Issuance of managers licenses)
Wis. Stats. § 125.185	(Provisional retail licenses)
Wis. Stats. § 125.25	(Class "A" licenses)
Wis. Stats. § 125.26	(Class "B" licenses)
Wis. Stats. § 125.27	(Class "B" permits)

Wis. Stats. § 125.28	(Wholesalers' licenses)
Wis. Stats. § 125.32	(General restrictions and requirements)
Wis. Stats. § 125.33	(Restrictions on dealings between brewers, wholesalers and retailers)
Wis. Stats. § 125.51	(Retail licenses and permits)
Wis. Stats. § 125.66	(Sale without license; failure to obtain permit; penalties)
Wis. Stats. § 125.67	(Evading provisions of law by giving away intoxicating liquor; penalties)
Wis. Stats. § 125.68	(General restrictions and requirements)
Wis. Stats. § 125.70	(Trade show samples)

(Ord. of 7-23-1984, § 2)

Sec. 6.101. Penalties.

(a) Any person who shall violate any of the provisions of Wis. Stats. ch. 125 adopted in this chapter by reference shall be assessed a forfeiture in an amount not exceeding the maximum fine provided in Wis. Stats. ch. 125 for such violation and in default of payment shall be confined in the county jail for a period not to exceed 90 days. Any person violating any other provision of this chapter shall upon conviction be punished by a forfeiture in an amount not exceeding \$500.00, together with the costs of prosecution, and in default of payment of such fine and costs shall be committed to the county jail for a period not to exceed 90 days.

(b) Upon written charges made and filed with the village clerk/treasurer by the chief of police or by any resident of the village that any person has violated any of the provisions of this chapter, the village may revoke, suspend or refuse to renew any license or permit allowing the sale of alcohol beverages to the premises upon which the violation takes place. The procedures of Wis. Stats. § 125.12(2) shall be followed before any such license may be revoked or suspended.

(c) In addition to the penalties provided in subsection (b) of this section, any person violating this chapter shall upon conviction pay a forfeiture of not less than \$100.00 nor more than \$300.00 together with the costs of prosecution, and in default of

payment shall be imprisoned in the county jail for a period of 30 days. Each day during which a violation shall continue shall constitute a new and separate offense.

(Ord. of 7-23-1984, § 4; Ord. of 12-5-1990, § 8)

ARTICLE II. LICENSES AND FEES

Sec. 6.102. License restrictions; delinquent taxes, assessments, other claims.

(a) *Premises.* No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the village are delinquent and unpaid.

(b) *Persons.* No initial or renewal alcohol license shall be granted to any person delinquent in payment:

- (1) Of any taxes, assessments or other claims owed to the village.
- (2) Of a forfeiture resulting from a violation of any ordinance.
- (3) To the state of any state taxes owed.

(c) *Required Period Open for Business.* Any establishment for which a Class “A” or Class “B” fermented malt beverage, “Class A” or “Class B” intoxicating liquor or “Class C” wine license has been granted shall be open for business and in full operation within 6 months of granting of such license. In the event any such business is not open and in full operation within 6 months of granting said license it shall be deemed revoked.

(Ord. No. 562, § 1, 6-13-1983, Ord. of 6-28-2006)

Sec. 6.103. Retail liquor and beer license fees.

(a) *Class A licenses.* The annual fees for class A licenses shall be as set by board resolution, and this fee shall be listed in the schedule of licenses and permit fees.

(b) *Class B licenses.* The annual fees for class B licenses shall be as set by board resolution, and this fee shall be listed in the schedule of licenses and permit fees.

(c) *Reserve Class B Liquor Licenses.* The fee for reserve Class B Liquor License shall be \$10,000.00 for the initial issuance except that the fee for the 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 (6) years is the fee established in

subdivision (b) for such a club or lodge. The annual fee for renewal of a Reserve Class B License is the fee established in subdivision (b).

1. The Village of Weston hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists, and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.
2. After the granting of any new Reserve Class B License and payment of the \$10,000.00 initial issuance fee, the applicant may file an application for an Economic Development Grant of \$9,300.00 with the Village Clerk. The Clerk shall determine whether the licensee is operating in compliance with the approved license. The Clerk may require the assistance of any other Village agency in making said determination. If the Clerk determines that the licensee is so operating, the Clerk shall authorize the approval of the \$9,300.00 Economic Development Grant. If the Clerk determines that the licensee is not in compliance with the approved license, no Economic Development Grant may be authorized, and the Clerk shall make such finding in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the Clerk's determination, the licensee may file a written notice of appeal upon the Clerk within ten (10) calendar days of the written notice of the Clerk's findings. Upon receiving such notice from the licensee, the Clerk shall relay said notice to the VILLAGE BOARD which shall hold a hearing thereon. The VILLAGE BOARD may affirm or reverse the Clerk's determination. If the Clerk's determination is upheld, an appeal thereon may be taken to the Circuit Court pursuant to §753.04, Wis. Stats. If the Clerk's determination is reversed, the Clerk shall authorize the payment of the Economic Development Grant.

(Code 1982, ord. Of 11-06-06 § 12.03)

Sec. 6.104. Issuance of operator's licenses.

(a) *Fee.* The fee for an operator's license shall be as set by board resolution, and this fee shall be listed in the schedule of licenses and permit fees and except as otherwise provided shall be issued for one year and shall expire on June 30 of the year for which issued.

(b) Operator's license requirement.

(1) In addition to the requirements of Wis. Stats. § 125.04(5), an operator's license shall be approved by the village board and issued by the village clerk/treasurer only to persons 18 years of age or over, of good character, who have been citizens of the United States and residents of this state continuously for not less than one year prior to the date of the filing of the application. Such licenses shall be operative only within the limits of the village. For the purpose of this subsection, any member of the immediate family of the licensee shall be considered as holding an operator's license.

(2) No operator's license shall be issued, except as otherwise provided, unless the applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they meet Wis. Stats. § 125.04(5)5. Applicants may be issued a provisional operator's license if they are enrolled in a training course.

(c) Good character, what constitutes. The term "good character" as used in subsection (b) of this section, shall be construed to mean a person who:

(1) Is likely to carry on, in conformity with all of the ordinances of the village and the laws of the state, the business for which the permit is issued.

(2) Has not previously been convicted within a period of ten years from the date of the application of a crime or any violation of the liquor laws of the village of the state.

(3) Is not frequently under the influence of intoxicating liquors.

(4) Keeps an orderly law-abiding house or premises.

(5) Within the preceding five years before the application has not violated any of the village's ordinances involving moral turpitude, including but not limited to violations of Wis. Stats. §§ 941.20, 943.01, 944.20, 944.21, 944.31, 944.34, 945.02, 946.40, 946.41, 946.70(1) and 947.01 adopted by reference in section 54.100.

(d) Provisional operator's license. The village clerk/treasurer shall issue a provisional operator's license to a person who has applied for an operator's license. The standards contained in subsections (b) and (c) of this section shall apply to any person issued a provisional operator's license. Such license shall be effective for a period of 60 days or until a regular operator's license is issued, whichever event shall first occur. The fee for a provisional operator's license shall be set by the board in the village fee schedule.

(Code 1982, § 12.04; Ord. of 5-20-1991, §§ 2, 3)

Sec. 6.105. Fermented malt beverages; closing hours and restricting hours of sale.

(a) *Closing hours.* No premises in the village for which a retail class B license has been issued shall be permitted to remain open between the hours of 1:00 a.m. and 8:00 a.m.; except for that portion of each year for which the standard time is advanced under Wis. Stats. § 175.095, the closing hours shall be between 2:00 a.m. and 8:00 a.m., and on January 1, when the closing hours shall be between 3:00 a.m. and 8:00 a.m.

(b) *Exception.* Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons and bowling alleys and golf courses shall be permitted to remain open for the conduct of their regular business but shall not be permitted to sell fermented malt beverages during the hours mentioned in subsection (a) of this section.

(c) *Other restrictions on hours of sale.* No premises in the village for which a retail class A license has been issued shall be permitted to sell fermented malt beverages between the hours of 1:00 a.m. and 8:00 a.m.; except during that portion of each year for which the standard time is advanced under Wis. Stats. § 175.095, no such sales shall be permitted between 2:00 a.m. and 8:00 a.m. and on January 1, when such sales shall be prohibited between the hours of 3:00 a.m. and 8:00 a.m. This subsection shall not prohibit the conduct of other regular business upon such premises but shall prohibit the sale of fermented malt beverages during those hours.

(Code 1982, § 12.07)

ARTICLE III. ADULT ENTERTAINMENT ESTABLISHMENTS*

Sec. 6.106. Legislative authorization.

This article is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of the village, pursuant to the state constitution and laws of the state and the authority of the village and exercising its right to regulate the sale and consumption of alcohol beverages, pursuant to the 21st Amendment to the Constitution of the United States.

(Ord. of 12-5-1990, § 2)

Sec. 6.107. Findings of fact.

The board finds that evidence has been propounded that indicates that nudity and sexual conduct and their depiction, coupled with alcohol in public places, beget undesirable behavior, and that prostitution, attempted rape, rape, murder and assaults on police officers have occurred in and around establishments dealing in alcohol beverages where nude and sexual conduct and their depiction are permitted.

(Ord. of 12-5-1990, § 4)

* **Cross References**--Adult-oriented establishments generally, § 18.103 et seq.

Sec. 6.108. Intent.

(a) It is found that the acts prohibited in section 6.110 encourage the conduct of prostitution, attempted rape, rape, murder, and assaults on police officers in and around establishments dealing in alcohol beverages, that actual and simulated nudity and sexual conduct and their depiction, coupled with alcohol in public places, beget undesirable behavior and conduct among patrons and employes with establishments dealing in alcohol beverages, which results in violation of law and dangers to the health, safety and welfare of the public.

(b) It is the intent of this article to prohibit nudity, gross sexuality, and their simulation and depiction in establishments dealing in alcohol beverages.

(Ord. of 12-5-1990, § 5)

Sec. 6.109. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Establishment dealing in alcohol beverages means any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement), including those licensed by the state for sale and/or service of alcohol beverages, and any bottle club; hotel; motel; restaurant; nightclub; country club; cabaret; meeting facility utilized by any religious, social, fraternal or similar organization; business or commercial establishment where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that they will be, or are intended to be mixed, combined with or drunk in connection or combination with an alcohol beverage on the premises of such business or commercial establishment; or business or commercial establishment where the consumption of alcohol beverages is permitted. A private residence, whether permanent or temporary in nature, is not an establishment dealing in alcohol beverages.

(Ord. of 12-5-1990, § 6)

Cross References--Definitions generally, § 1.101.

Sec. 6.110. Prohibited acts.

(a) No person shall expose to public view his genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or their simulation in an establishment dealing in alcohol beverages.

(b) No female person shall expose to public view any portion of her breast below the top of the areola or their simulation in the establishment dealing in alcohol beverages.

(c) No person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any person to expose to public view his genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or their simulation within the establishment dealing in alcohol beverages.

(d) No person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or their simulation within the establishment dealing in alcohol beverages.

(e) No person shall engage in and no person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing, fondling of the breasts, buttocks, anus or genitals or their simulation within an establishment dealing in alcohol beverages.

(f) No person shall cause and no person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, that depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or their simulation within any establishment dealing in alcohol beverages.

(Ord. of 12-5-1990, § 7)