

Village of Almena, WI
Tuesday, July 30, 2024

Chapter 100. Alcohol Beverages

[HISTORY: Adopted by the Village Board of the Village of Almena as § 12.03 of the former Village Code. Amendments noted where applicable.]

§ 100-1. Statutory provisions adopted.

The provisions of Ch. 125, Wis. Stats., and any amendments thereto, relating to the sale of alcohol beverages, exclusive of any provisions relating to the penalty to be imposed for the violation of such statutes, are adopted and made a part of this chapter by reference. A violation of said provisions shall constitute a violation of this chapter.

§ 100-2. Licenses required.

- A. When required. No person except as provided by Wisconsin Statutes shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any alcohol beverage, 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, ordinances and regulations of the state and Village applicable thereto.
- B. Separate license required for each place of sale. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

§ 100-3. Classes of licenses and fees.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

There shall be the following classes and denominations of licenses which, when issued by the Village Treasurer under the authority of the Village Board, after payment of the fee set by the Village Board within statutory limits, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided by Wisconsin Statutes:

- A. Class "A" or Class "B" fermented malt beverage retailer's license, Class "B" picnic license, retail "Class A" or "Class B" liquor license.
- B. Operator's license.
 - (1) No person, who is not a permittee or licensee, shall dispense or serve any alcohol beverage within the Village without an operator's license issued by the Village.
 - (2) An operator's license shall be issued only upon written application on a form to be provided by the Village.
 - (3) Such license shall be granted or denied by a majority vote of the Board, based upon the standards for issuance of a license or permit under § 125.04(5)(d), Wis. Stats. and as thereafter amended.

- (4) An operator's license shall be valid for one year from the date of issuance, except that such license shall expire on June 30 of the next year after issuance.
- (5) The application fee shall be \$10.
- (6) No operator's license shall be granted or issued unless the applicant has successfully completed, and provides evidence thereof, the training course required by § 125.17(6), Wis. Stats., unless the applicant qualifies for one of the exceptions to said training requirement set forth in said statute section; provided, however, that said exceptions to the training requirements shall not apply to any applicant who has been guilty of any violation of any alcohol beverage statute or ordinance.

C. Temporary operator's license.

- (1) Upon oral or written application to the Village Board a temporary operator's license may be issued as provided in § 125.17(4), Wis. Stats.
- (2) Such license shall be granted or denied upon majority vote of the Village Board based upon the standards for issuance of a license or permit under § 125.04(5)(d), Wis. Stats., and as thereafter amended.
- (3) There shall be no fee for such a license.

D. Provisional operator's license.

- (1) Upon request of an applicant for an operator's license a provisional operator's license may be issued by the Village Board President or by the Village Clerk.
- (2) A provisional operator's license shall not be issued to any person who has been denied an operator's license at the most recent application therefor.
- (3) A provisional operator's license shall be issued to an applicant who will, upon successful completion of the training course required by § 125.17(6), Wis. Stats., be issued an operator's license. Proof of registration for such training course shall be provided to the Village Clerk before a provisional operator's license shall be issued.
- (4) A provisional operator's license shall expire upon issuance of the operator's license or 60 days after issuance of said provisional operator's license, whichever is sooner.
- (5) If the holder of a provisional operator's license fails to attend the required training course, that failure to attend shall make said license void as of the date the holder thereof first fails to attend without the permission of the course instructor.
- (6) A provisional operator's license shall be revoked by the issuing officer upon discovery that the applicant has made any false statements on the application for an operator's or provisional operator's license and if the applicant fails to successfully complete the required training course.
- (7) The fee for a provisional operator's license shall be \$15, or such higher amount as may be authorized by statute. This fee shall be in addition to the fee for an operator's license.

§ 100-4. License application.

- A. Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing 15 days before action by the Village Board on forms prescribed by the State Department of Revenue and filed with the Village 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. Applications shall be signed and sworn to by the applicant as provided by § 125.04(3)(bm), Wis. Stats.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- C. Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.

§ 100-5. License restrictions.

- A. Statutory requirements. Class "A" and "Class A" and Class "B" and "Class B" licenses shall be issued only to persons eligible therefor under Wisconsin Statutes.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- B. Location.

- (1) No retail Class "A", "Class A", Class "B" 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.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (2) This subsection shall not apply to premises licensed as such on June 30, 1974, 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.

- C. Violators of liquor or beer laws or ordinances. No retail Class "A", "Class A", Class "B" or "Class 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 chapter 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.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- 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 Safety and Professional Services pertaining to buildings and plumbing, to the rules and regulations of the State Department of Agriculture, Trade and Consumer Protection applicable to restaurants and to all such ordinances and regulations adopted by the Village.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- E. License quota. The number of persons and places that may be granted a retail Class "B" or "Class B" liquor license under this chapter is limited as provided in Wisconsin Statutes.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- 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 persons not eligible for a license under this chapter.

- G. Age requirement. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age, except that an operator's license may be issued to a person who has attained the age of 18 as authorized by § 125.04(5)(d) Wis. Stats.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- H. Effect of revocation of license. Whenever any license has been revoked, at least six months from the time of such 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 of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.

- J. Class "B" or "Class B" licensed premises to be on street level. A retail Class "B" or "Class B" license shall be issued only for that portion of a premises located on the street level. This restriction shall not apply to a bona fide club, society or lodge in existence not less than six months prior to application nor prohibit any hotel holding a state permit from supplying beverages in original containers to bona fide patrons in rooms rented by such patrons.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- K. Issuance for sales in dwellings prohibited. No license shall be issued to any person for the purpose of possession, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat, or residential apartment.

§ 100-6. Form and expiration of licenses.

All licenses shall be numbered in the form 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 Village Clerk shall affix his affidavit as required by Wisconsin Statutes.

§ 100-7. Transfer of licenses.

- A. As to person. No license shall be transferable as to licensee except as provided by Wisconsin Statutes.
- B. As to place. Licenses issued pursuant to this chapter may be transferred as provided in Wisconsin Statutes. 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.

§ 100-8. Posting and care of licenses.

Every license issued under this chapter shall be posted and at all time displayed as provided in Wisconsin Statutes. 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.

§ 100-9. Regulation of licensed premises and licensee.

- A. Gambling and disorderly conduct prohibited. Each licensed 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 licensed premises.
- B. Employment of minors. No retail Class "B" licensee shall employ any person under 18 years of age.
- C. Sales by clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests accompanied 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 purposes for which used.

§ 100-10. Closing hours.

[Amended 4-10-2012; 6-11-2019 by Ord. No. 2019-1]

Closing hours shall be established in conformance with § 125.32(3), Wis. Stats., and further restricted as follows:

A. Class "B", "Class B" and "Class C" licenses.

- (1) No premises for which a retail Class "B" fermented malt beverage, "Class B" liquor or "Class C" wine license has been issued shall be permitted to remain open for the sale of fermented malt beverages or liquor or any other purpose between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday except on January 1, when the closing hours shall be between 3:00 a.m. and 6:00 a.m.
- (2) Between 12:00 a.m. and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a Class "B", "Class B" or "Class C" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles for consumption away from the premises.
- (3) Hotels and restaurants, whose principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses, golf clubhouses, movie theaters and painting studios may remain open for the conduct of their regular business but shall not sell any intoxicating liquor or fermented malt beverages during the closing hours of Subsection **A(1)** and **(2)** above.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

B. Class "A" and "Class A" licenses.

- (1) No premises for which a retail Class "A" fermented malt beverage license has been issued shall be permitted to remain open for the sale of fermented malt beverages between the hours of 12:00 a.m. and 6:00 a.m.
- (2) No premises for which a retail "Class A" liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 6:00 a.m.
- (3) Grocery stores, convenience stores or a specialty store which has been issued a Class "A" fermented malt beverage and/or a "Class A" liquor license may remain open for the conduct of their regular business but shall not sell any fermented malt beverages or intoxicating liquor during the closing hours of Subsection **B(1)** and **(2)** above.

§ 100-11. 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 of such license may be instituted in the manner and under the procedure established by Wisconsin Statutes 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 chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offence under this chapter or for a violation of Ch. 125, Wis. Stats., or any other state or federal alcohol laws or of any felony.
- C. Effect of revocation. See § **100-5H** of this chapter.

§ 100-12. 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 against him/her or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

§ 100-13. Violations by agents and employees.

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

§ 100-14. Violations and penalties.

Any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 1-4 of this Municipal Code. In addition any license held under this chapter may be revoked.