

**Village of Sister Bay Code of Ordinances**  
**Alcoholic Beverages**

**Chapter 6**  
**Alcoholic Beverages**

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### 1 **Sec. 6.00 State Statutes Adopted.**

2 The provisions of Wis. Stats., Chapter 125, defining and regulating the sale, procurement, dispensing and transfer  
3 of alcoholic beverages, including provisions relating to the penalty to be imposed or the punishment for violation  
4 of such Statutes, are adopted and made a part of this Chapter by reference. A violation of any of such provisions  
5 shall constitute a violation of this Chapter. Any future amendments, revisions, or modifications of the Statutory  
6 regulations in Chapter 125 incorporated herein are intended to be made a part of this Chapter in order to secure, to  
7 the extent legally practicable, uniform statewide regulation of alcoholic beverages.

### 8 **Sec. 6.01 Definitions.**

9 The definitions contained in Wis. Stats., §125.02 are hereby adopted and made a part of this Chapter by reference.  
10 “Village Clerk”, “Deputy Clerk” and “Village Board” refer to the Village Clerk, Village Deputy Clerk and the  
11 Board of Trustees of the Village of Sister Bay.

### 12 **Sec. 6.02 Licenses Required.**

13 No person, except as authorized by this Chapter and Chapter 125 of the Wisconsin Statutes, shall, within the Vil-  
14 lage of Sister Bay, serve, sell, distribute, vend, offer, or keep for sale at retail, or engage in any other activity for  
15 which a license is authorized under this Chapter.

### 16 **Sec. 6.03 – Sec. 6.09 Reserved.**

### 17 **Sec. 6.10 Classes of Licenses.**

18 There shall be the following classes of licenses, which, when issued by the Village Clerk or Deputy Clerk under  
19 the authority of the Village Board, and after application for said license and payment of the fees prescribed in Sec.  
20 6.11 of this Chapter, shall permit the holder to serve, sell, distribute, vend, offer, or keep for sale deal, alcoholic  
21 beverages as provided in Chapter 125 of the Wisconsin Statutes.

- 22 1. Retail “Class A” Intoxicating Liquor License. A retail “Class A” intoxicating liquor license, when is-  
23 sued by the Village Clerk or Deputy Clerk under the authority of the Village Board, shall permit its  
24 holder to sell intoxicating liquors only in original packages or containers to be consumed off the premise  
25 so licensed.
- 26 2. Retail “Class B” Intoxicating Liquor License. A retail “Class B” intoxicating liquor license, when is-  
27 sued by the Village Clerk or Deputy Clerk under authority of the Village Board, shall permit its holder to  
28 sell in intoxicating liquors to be consumed by the glass on the premise so licensed. The Village Board  
29 has elected to come under the provisions of Wis. Stats., §125.51(3)(b), which authorizes the holder of a  
30 Retail “Class B” Intoxicating Liquor License to sell intoxicating liquor in the original package or con-  
31 tainer in any quantity to be consumed off premise. Intoxicating liquor may also be sold by the glass for  
32 consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evi-  
33 dent seal before it is removed from the premises. Wine may be sold for consumption off premise in the  
34 original package or otherwise in any quantity. Special classes of Retail “Class B” Liquor Licenses in-  
35 clude Reserve “Class B” Licenses and Site-Specific “Class B” Liquor Licenses, commonly referred to as  
36 “Above-Quota” Licenses.
  - 37 a. Reserve “Class B” Liquor License. Reserve “Class B” liquor licenses were created by the State  
38 of Wisconsin through special legislation in the late 1990’s and are available through population  
39 increases of 500 people based on estimates provided by the State Department of Administration  
40 (DOA) since the inception of the quota system. The availability of a Reserve “Class B” liquor  
41 license will be published on the Village website and announced at a minimum of two (2) Village  
42 Board meetings following the receipt of the DOA population estimate qualifying the Village for  
43 such license. Application will be made on state prescribed forms (AT-106, AT-103, and AT-104)  
44 and an auxiliary questionnaire prepared by the Municipality and provided by the Village Clerk  
45 or Deputy Clerk. The filing deadline will be March 1 of each year. Candidates will be provided  
46 with the date of the Village Board meeting at which those applications will then be reviewed.

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1 The availability of a Reserve “Class B” liquor license does not require the Village Board to  
2 grant it. The initial issuance fee for a Reserve “Class B” liquor license shall be \$20,000.

- 3 b. Site Specific “Class B” Liquor Licenses, also known as “Above-Quota” licenses. The Village  
4 Board may, at its discretion and as permitted by applicable law, issue Site Specific “Class B”  
5 liquor licenses, also known as “Above-Quota” licenses, to the following applicants if such ap-  
6 plicants otherwise meet all lawful requirements for obtaining a liquor license:
- 7 i. Full-service restaurants with an indoor, permanent seating capacity of 300 or more as li-  
8 censed by the State, and with written evidence from the State Building Inspector that they  
9 meet all State requirements; or
  - 10 ii. Hotels with 50 or more rooms with sleeping accommodations with either an attached full-  
11 service restaurant with a seating capacity of 150 or more, or an attached banquet facility  
12 providing full-service meals with a seating capacity of 400 or more, or
  - 13 iii. An opera house or theater for the performing arts operated by a nonprofit organization as  
14 defined in Sec. 134.695(1)(am).

15 The initial fee for issuance of a site-specific “Class B” liquor license shall be \$20,000. Annual renewal  
16 fees for such licenses shall be as provided by State Statute.

- 17 3. Class “A” Fermented Malt Beverage Retailer’s License. A Class “A” retailer’s fermented malt bever-  
18 age license, commonly referred to as a Beer License, when issued by the Village Clerk or Deputy Clerk  
19 under the authority of the Village Board, shall entitle the holder thereof to possess, sell, or offer for sale  
20 fermented malt beverages for consumption off the premise where sold and in the original packages, con-  
21 tainers or bottles.
- 22 4. Class “B” Fermented Malt Beverage Retailer’s License. A Class “B” fermented malt beverage retailer’s  
23 license, commonly referred to as a Beer License, when issued by the Village Clerk or Deputy Clerk un-  
24 der the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fer-  
25 mented malt beverages, either to be consumed upon the premises where sold or away from such prem-  
26 ises. The holder may also sell beverages containing less than one-half of a percent of alcohol by volume  
27 without obtaining a special license to sell such beverages.
- 28 5. Retail “Class C” Wine Licenses. A “Class C” wine license, when issued by the Village Clerk or Deputy  
29 Clerk, authorizes the retail sale of wine by the glass or in an opened original container for consumption  
30 on the premises where sold. A “Class C” license may be issued to a person qualified under Wis. Stats.,  
31 §125.04(5) for a restaurant in which the sale of alcoholic beverages accounts for less than fifty percent of  
32 gross receipts and which does not have a barroom. A “Class C” wine license shall particularly describe  
33 the premises for which it is issued.
- 34 6. Temporary “Class B” Fermented Malt Beverage or Wine or Picnic Licenses. As provided in Wis. Stats.,  
35 §125.26(1) and §125.26(6), and notwithstanding Wis. Stats., §125.68(3) temporary “Class B” fermented  
36 malt beverage and wine licenses may be issued by the Village Clerk or Deputy Clerk to bona fide clubs,  
37 county or local fair associations or agricultural societies, churches, lodges or societies that have been in  
38 existence for at least six months before the date of application and to posts of veterans’ organizations.  
39 Such licenses are commonly referred to as Picnic Licenses. Each picnic license must authorize the sale  
40 of fermented malt beverages and/or wine containing not more than six percent alcohol by volume in an  
41 original package, container or bottle or by the glass if the wine is dispensed directly from an original  
42 package, container or bottle, at a particular picnic or similar gathering, at a meeting of the post, or during  
43 a fair conducted by the fair association or agricultural society.

### 44 **Sec. 6.11 License Fees.**

45 None of the previously mentioned licenses will be issued unless all applicable licensing fees, and the publication  
46 fee, have been paid in full. Publication fee shall be paid at the time of application. Except as otherwise provided  
47 in this Chapter, the full license fee shall be charged for the whole or fraction of any year per the fee schedule es-  
48 tablished by the Village of Sister Bay.

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### 1   **Sec. 6.12 Issuance of Operator’s License.**

2       (a) Except as provided in (b) below, the Village Clerk or Deputy Clerk may not issue an Operator’s License  
3       unless the applicant has successfully completed a responsible beverage server training course that is of-  
4       fered by a Vocational, Technical and/or Adult Education District and conforms to curriculum guidelines  
5       specified by the Board of Vocational, Technical and Adult Education, or a comparable training course  
6       that is approved by the Educational Approval Board, or fulfills one of the following requirements:

- 7           1. The person is renewing an Operator’s License;
- 8           2. Within the past two years the person held a Class A, Class B, or Class C License or a Manager’s  
9           or Operator’s License;
- 10          3. Within the past two years the person has completed such a training course.

11       (b) Pursuant to Wis. Stats. §125.17(1) the Village Clerk or Deputy Clerk is designated and authorized to is-  
12       sue operators’ licenses required for the purpose of complying with Wis. Stats. §125.32(2) and §125.68(2)  
13       or §125.06(3g). Operator’s licenses may be issued only upon written application. Village Board ap-  
14       proval of Operator’s Licenses under this paragraph shall not be required during the months of July  
15       through May, provided, however, that the Village Clerk or Deputy Clerk, at the Clerk’s discretion, may  
16       refer any application to the Village Board for review and approval. Discretionary points to be brought  
17       before the Village Board are as follows:

- 18           1. Underage serving violation with the past two years;
- 19           2. OWI with the past two years;
- 20           3. Drug-related violations within the past two years;
- 21           4. Untruthful response on operator license application.

### 22   **Sec. 6.13 – Sec. 6.19 Reserved.**

### 23   **Sec. 6.20 License Requirements and Restrictions.**

24       (a) Form of Application.

25       Applications for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made  
26       in writing on forms prescribed by the State Department of Revenue, or, for operators’ licenses, on forms  
27       prescribed by the Village of Sister Bay, and filed with the Village Clerk or Deputy Clerk. The applicant  
28       shall also prepare a drawing of the premises to be covered by the license and, if applicable, outdoor seat-  
29       ing, outdoor serving locations, picnic areas and beer gardens. Only those areas or spaces as approved by  
30       the Village Board shall be permitted for sales or consumption. Plans shall show the number of patrons to  
31       be accommodated on said premises.

32       (b) Filing of Application. All applications shall be filed with the Village Clerk or Deputy Clerk. At the time  
33       of filing the applicant shall pay to the Village Clerk or Deputy Clerk the cost of publication of the appli-  
34       cation and provide all required documentation as established in this Chapter. All applications must be on  
35       file with the Village Clerk or Deputy Clerk at least fifteen (15) calendar days before the Village Board  
36       may grant or deny the application.

37       (c) Application for Above-Quota “Class B” Liquor License: Applications for an Above-Quota “Class B”  
38       liquor license must provide the following information upon application to the Village:

- 39           1. The applicant must demonstrate to the Village’s satisfaction that the applicant meets the follow-  
40           ing criteria:
  - 41               (a) He or she does own or is the agent for a full-service restaurant on the site for which the li-  
42               cense is requested with a permanent, indoor seating capacity of 300 or more as licensed by  
43               the State, and provide written evidence from the State Building Inspector that they meet all  
44               State requirements; or,
  - 45               (b) He or she does own or is the agent for a hotel on the site for which the license is requested  
46               with 50 or more rooms with sleeping accommodations with either an attached full-service

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1 restaurant with a seating capacity of 150 or more, or an attached banquet facility providing  
2 full-service meals with a seating capacity of 400 or more.

- 3 2. If the application is for a new establishment or an establishment to be constructed, the applicant  
4 shall provide the following:

- 5 (a) A schematic site and facility plan including the availability of seating and maximum  
6 number of people to be accommodated therein;  
7 (b) Estimated value of land and improvements upon completion;  
8 (c) Number of full-time, part-time and seasonal employees;  
9 (d) Estimated annual payroll; and  
10 (e) An architect's rendering of the facility

- 11 3. Applicants for an Above-Quota "Class B" liquor licenses shall also submit all information re-  
12 quired by applicants for traditional "Class B" liquor licenses.

- 13 (d) Guidelines for Consideration of Reserve and Above-Quota "Class B" Liquor Licenses. The Village  
14 Board may review applications for Reserve "Class B" and Above-Quota "Class B" liquor licenses under  
15 the following guidelines, in addition to other factors deemed relevant for consideration:

- 16 1. Economic and traffic impacts;  
17 2. Compatibility with specific neighborhood and overall Village character;  
18 3. Compliance with the Sister Bay Municipal Code;  
19 4. Quality of business experience.

- 20 (e) Qualifications of Applicants.

- 21 1. All individuals, partners, and all officers and directors of Wisconsin corporations applying for  
22 licenses under this Chapter must satisfy all of the following qualifications:  
23 a) They must have attained the legal drinking age; and,  
24 b) They must have continuously been a Wisconsin resident for at least ninety (90) days immedi-  
25 ately prior to the date of the filing of the application, except no residency requirements shall ex-  
26 ist for officers and directors of corporations and non-profit organizations.  
27 2. All officers and directors of foreign corporations must meet the qualifications of (1) (a) and (b)  
28 above.  
29 3. All corporations must designate an agent pursuant to Wis. Stats., §125.04(6). The agent must  
30 also satisfy the previously mentioned qualifications, and must, with respect to character, record,  
31 and reputation be satisfactory to the Department of Revenue. Each corporate agent must have  
32 full written authority and control of the premises.

- 33 (f) Qualifications for Renewal of Licenses.

- 34 1. All applicants for renewal of Retail Class A, Class B or Class C licenses shall, before such ap-  
35 plication(s) is/are approved by the Village Board, furnish to the Board proof of operation of a  
36 business by the applicant requiring such a license. The minimum period of operation of such  
37 business during a license year shall be 150 days of eight (8) hours per day. *If an applicant has*  
38 *not been open for 150 days in the previous year, they may present their case in the subsequent*  
39 *application year as to the circumstances for the 150 days of required operation code violation.*  
40 *With a ¾ majority vote of the Village Board, they shall be approved.*  
41 2. In the situation where the applicant has held the license for a period of time less than the license  
42 year, the applicant shall be entitled to all eight (8) hour days of operation during the licensing  
43 year, whether such days of operation were by the applicant or predecessor in title to the appli-  
44 cant's license.

- 45 (g) Inspection of Application and Premises. No license or renewal of license provided for in this Chapter  
46 shall be issued without an inspection or re-inspection of the premises and a satisfactory report being is-

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sued as herein required. The Sister Bay Liberty Grove Fire Inspector shall inspect or cause to be inspected each applicant and premises to determine whether the applicant and the premise sought to be licensed comply with the regulations, ordinances, and laws applicable thereto, as well as the applicant's fitness for the license to be approved.

(h) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, (real or personal property), assessments, or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.

(i) Location of Premises.

1. Prohibitions on Close Proximity to Schools, Hospitals or Churches. No retail Class A or Class B fermented malt beverage license or liquor license, or Class C wine license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital, or church, except that this prohibition may be waived by a majority vote of the Village Board. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church, or hospital to the closest entrance to such premises. The prohibition in this paragraph does not apply to any of the following:

a) Premises covered by a license on June 30, 1947 and in operation annually thereafter.

b) Premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

2. Issuance For Sales In Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcoholic beverages in any dwelling, house, flat, residential apartment, or other building, which is not a tavern, restaurant, supper club, store, or other type of building where alcoholic beverages are normally sold or consumed by the public.

(j) Licensed Operators. No license shall be granted for any business which fails to provide for, or make application annually by June 1, for at least one licensed operator to be on premise at all times that fermented malt beverages and/or intoxicating liquors are offered for sale.

(k) Restrictions on Outdoor Sales During Festivals. Each year the Village approves a schedule of public festivals that occur on Village property or Village rights-of-ways. The sale of fermented malt beverages and intoxicating liquors during those festivals shall be subject to such restrictions as the Village Board shall establish and approve in a uniform manner for all license holders including picnic licenses for those festivals and events. The additional restrictions may include, but not be limited to:

1) Section 6.22(a)(3) Fencing, Security and Operations;

2) Section 6.22(a)(4) Underage Persons Prohibited;

3) Section 6.30(e) Closing Hours;

4) Section 6.30(d) Safety and Sanitation;

5) The sale of alcoholic beverages in non-breakable disposable containers and or a limit the size of the containers in fluid ounces.

### **Sec. 6.21 Prohibited Activities.**

#### Nude Dancing Prohibited.

1. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premise of a Class A or Class B fermented malt beverage or liquor or Class C wine licensed establishment which:

a) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or,

b) Shows any portion of the female breast below a point immediately above the top of the areola; or,

c) Shows the covered male genitals in a discernibly turgid state.

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- 1     2. The provisions of this section do not apply to the following licensed establishments: theaters, performing  
2     arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of  
3     serious artistic merit are offered on a regular basis and in which the predominate business or attraction is not  
4     the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratifi-  
5     cation to such customers, and where the establishment is not distinguished by an emphasis on, or the adver-  
6     tising or promotion of employees engaging in nude erotic dancing.

### 7     **Sec. 6.22 Restrictions on Temporary Class B Fermented Malt Beverage and/or Wine Picnic Licenses.**

8     It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcoholic bever-  
9     age upon any Village-owned or privately-owned property within the Village of Sister Bay, except through the is-  
10    surance of a Picnic License issued by the Village in accord with the Wisconsin Statutes and as set forth in this sec-  
11    tion. A Picnic License authorizing the sale and consumption of fermented malt beverages and/or wine on Village-  
12    owned property or privately-owned property may be authorized by the Village Board, Village Clerk, or Deputy  
13    Clerk provided the following requirements are met:

- 14    1. Compliance with Eligibility Standards. The organization shall meet the eligibility requirements of a bona  
15    fide club, association, lodge or society as set forth in Wis. Stats., §125.26(6), and shall fully comply with the  
16    requirements of this section. Members of an organization which are issued a Picnic License and who are is-  
17    sued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and  
18    regulations apply and what the responsibilities of the bartenders and organization will be.
- 19    2. Posting of Signs and Licenses. All organizations issued a Picnic License shall post in a conspicuous location  
20    at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented  
21    malt beverages or wine will be served to any person without proper identification.
- 22    3. Fencing, Security and Operations.
- 23       (a) If necessary, due to the physical characteristics of the site, the Village Board may require that organi-  
24       zations install a double fence around the main point of sale to control ingress and egress and continu-  
25       ously station a licensed operator, security guard or other competent person at the entrance for the pur-  
26       pose of checking age identification. Where possible there shall be only one point of ingress and  
27       egress. When required, the double fence shall be a minimum of four feet high and there shall be a  
28       minimum of six feet between fences.
- 29       (b) In lieu of or in addition to the fencing, the Village Board may require the organization to provide  
30       some physical means of identifying individuals who are of legal age, such as through the use of wrist  
31       bands.
- 32       (c) The Village Board may require organizations to provide on-site security provided by the Door  
33       County Sheriff's Department.
- 34       (d) The Village Board may require the sale of alcoholic beverages in non-breakable disposable contain-  
35       ers and or limit the size of the containers in fluid ounces.
- 36    4. Underage Persons Prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to  
37    assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter  
38    or linger in the area of any point of sale .
- 39    5. Licensed Operators Requirement. A licensed operator shall be stationed on the premise at all times.
- 40    6. Waiver. The Village Board may waive or modify the requirements of this section due to the physical charac-  
41    teristics of the licensed site.
- 42    7. Insurance. The applicant for a Picnic License may be required to indemnify, defend and hold the Village and  
43    its employees and agents harmless against all claims, death of any person or any damage to property caused  
44    by or resulting from the activities for which the license is granted. As evidence of the applicant's ability to  
45    perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive  
46    General Liability Insurance with the Village of Sister Bay. The applicant may also be required to furnish a  
47    performance bond prior to being issued the license.

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1 **Sec. 6.23 – Sec. 6.29 Reserved.**

2

3 **Sec. 6.30 Regulation of Licensed Premises and Licenses.**

- 4 (a) Posting Licenses. Licenses issued under this Chapter shall be posted and displayed as provided in Wis.  
5 Stats., §125.04(10). Failure to post a license as required therein shall be a presumption of operating without  
6 a license.
- 7 (b) Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly man-  
8 ner, and no disorderly, riotous or indecent conduct shall be allowed at any time or on any such premises.
- 9 (c) Employment of Underage Persons. No retail Class A, Class B, or Class C licensee shall employ any person  
10 to serve, sell, dispense, or give away any alcoholic beverage who has not attained 18 years of age.
- 11 (d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sani-  
12 tary manner and shall be a safe and proper place for the purpose for which it is used. Provision for re-  
13 strooms, hand-washing stations (if not in the restroom), and trash removal shall be required.
- 14 (e) Closing Hours.
- 15 (1) Class “A” fermented malt beverage licensed premises may not sell fermented malt beverages  
16 between the hours of 12:00 a.m. and 8:00 a.m.
- 17 (2) “Class A” intoxicating liquor licensed premises may not sell liquor between the hours of 9:00  
18 p.m. and 8:00 a.m.
- 19 (3) Class “B” beer licensed premises must be closed between 2:00 a.m. and 6:00 a.m. Mondays  
20 through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the  
21 premises are not required to close.
- 22 (4) “Class B” intoxicating liquor licensed premises, including Reserve “Class B” or Above-  
23 Quota “Class B” licensed properties must be closed between 2:00 a.m. and 6:00 a.m. Mondays  
24 through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the  
25 premises are not required to close.
- 26 (5) “Class C” wine licensed premises must be closed between 2:00 a.m. and 6:00 a.m. Mondays  
27 through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the  
28 premises are not required to close.
- 29 (6) Class “B” fermented malt beverage or “Class B” intoxicating liquor licensed premises may  
30 not sell package, container or bottle sales between 12:00 a.m. and 6:00 a.m. at for off-premises con-  
31 sumption.
- 32 (7) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons  
33 and bowling alleys and golf courses may remain open for the conduct of their regular business, but  
34 no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours as re-  
35 quired by their specific license.
- 36 (8) No premise shall be permitted to sell alcoholic beverages outdoors between the hours of  
37 10:30 p.m. and 9:00 a.m. The location where alcoholic beverages may be consumed outdoors shall  
38 be approved as part of the license application, and if applicable, by Conditional Use Permit as an  
39 Outdoor Entertainment Facility.
- 40 (f) Violations by Licensees. A violation of this Chapter by Licensee or an authorized agent of a licensee shall  
41 constitute a violation by the licensee.

42 **Sec. 6.31 Quotas.**

43 “Class B” License: The number of persons and places that may be granted a retail “Class B” liquor license under  
44 this Chapter in the Village is limited as provided in Wis. Stats., §125.51(4) which currently allows 2 Regular  
45 “Class B” licenses and 1 Reserve “Class B” License. A population increase to 1225 persons, and subsequent in-  
46 creases of 500 people thereafter, per the Department of Administration’s annual population estimates, shall trigger



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1 the availability of additional Reserve “Class B” Licenses at a rate of one license per 500 persons increase in popu-  
2 lation. Any party interested in applying for said license(s) shall complete the necessary application and question-  
3 naire. If the Board grants the Reserve “Class B” License, prior to issuance by the Village Clerk or the Deputy  
4 Clerk, the applicant shall pay the required \$20,000 fee per Wis. Stats., §125.04(8).

### 5 **Sec. 6.32 Form and Expiration of Licenses.**

6 All licenses shall be numbered in the order in which they are issued and shall clearly state the specific premises  
7 for which granted, the date of issuance, the fee paid, and the name of the licensee, and, unless sooner revoked,  
8 shall expire on June 30 thereafter, except as otherwise provided.

### 9 **Sec. 6.33 Transfer of Licenses.**

- 10 (a) From Place to Place. Every alcoholic beverage license may be transferred to another place or premises  
11 within the Village. Transfers shall be approved by the Village Board upon application on forms furnished  
12 by the State Department of Revenue and the payment of the fee prescribed by Wis. Stats., §125.04(12)(a).  
13 Proceedings considering such transfer shall be conducted in the same manner and form as the original ap-  
14 plication. No retail licensee is entitled to more than one transfer during the license year. This paragraph  
15 does not apply to Reserve “Class B” licenses.
- 16 (b) From Person to Person. Licenses issued under this Chapter may be transferred to another person only un-  
17 der the terms and conditions of Wis. Stats., §125.04(12)(b).

### 18 **Sec. 6.34 – 6.39 Reserved.**

### 19 **Sec. 6.40 Denial, Nonrenewal, Revocation and Suspension of Licenses.**

- 20 1. Refusal to grant a license. State law does not confer upon a qualified applicant an absolute right to a li-  
21 cense. If a governing body conducts a property review of the application, considers public sentiment and  
22 local concerns, and has a rational basis for denial, the courts should not interfere with the municipality’s  
23 decision to deny. When a governing body decides not to issue a new alcohol beverage license it must  
24 notify the applicant in writing and set forth reasons for the denial. Valid reasons for denial are based on  
25 concern for public health, safety, and welfare of the community. An applicant denied a license may reap-  
26 ply for the license or appeal the denial to circuit court.
- 27 2. Refusal to renew a license. The Village Board may refuse to renew any license issued under this Chapter  
28 under the procedures described herein upon the finding of a violation of this Chapter or Chapter 125 of  
29 the Wisconsin Statutes. Consideration for the granting or denial of a license will be based on:
- 30 a) The arrest and conviction record of the applicant, subject to the limitations imposed by Wis.  
31 Stats., §111.321, §111.322 and §111.335;
- 32 b) The financial responsibility of the applicant regarding their wholesale vendors;
- 33 c) The appropriateness of the location and the premises where the licensed business is to be con-  
34 ducted; and
- 35 d) The type and number of complaints associated with public nuisance or disorderly behavior on  
36 or near the licensed premise, including but not limited to noise, fighting, loitering and activity  
37 which is further described in Section §30.2 of the Municipal Code.
- 38 3. Denial of a license. An application may be denied based upon the applicant’s arrest and conviction rec-  
39 ord if the applicant has been convicted of a felony (unless duly pardoned), if the applicant has habitually  
40 been a law offender, or if the applicant has falsified the application. For purposes of this licensing proce-  
41 dure, “habitually been a law offender” is generally considered to be an arrest or conviction of at least two  
42 (2) offenses which are substantially related to the licensed activity within the five (5) years immediately  
43 preceding the license application. Because a license is a privilege, the issuance of which is a right granted  
44 solely to the Village Board, the Village Board reserves the right to consider the severity, and the facts and  
45 circumstances of the offense when making the determination to grant, deny or not renew a license. Fur-  
46 ther, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or

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1 more offenses which are substantially related to the licensed activity within the five (5) years immedi-  
2 ately preceding, act to suspend such license for a period of one (1) year or more.

- 3 4. Revocation or suspension of a license. A license may be revoked or suspended pursuant to Wis. Stats.,  
4 §125.12(2) or any other applicable state or federal alcohol beverage law. Proceedings for revocation, sus-  
5 pension or non-renewal shall be governed by Wis. Stats., §125.12. When a license is revoked under this  
6 section, the revocation shall be recorded by the Village Clerk or Deputy Clerk and reported to the Wis-  
7 consin Department of Revenue within ten (10) days of revocation. No other license issued under this  
8 Chapter may be granted within twelve (12) months of the date of revocation to the person whose license  
9 was revoked, and no part of the fee for any license so revoked may be refunded. The licensee shall sur-  
10 render the license to the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk shall have the  
11 right to take physical possession of the suspended or revoked license wherever it may be found and file it  
12 in his or her office.

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