

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Chapter 6

Alcoholic Beverages

Table of Contents

1		
2	Sec. 6.00 State Statutes Adopted.	2
3	Sec. 6.01 Definitions.	2
4	Sec. 6.02 Licenses Required.	2
5	Sec. 6.03 – Sec. 6.09 Reserved.	2
6	Sec. 6.10 Classes of Licenses.	2
7	Sec. 6.11 Provisional Licenses.	3
8	Sec. 6.12 License Fees.	4
9	Sec. 6.13 Issuance of Operator’s License.	4
10	Sec. 6.14 – Sec. 6.19 Reserved.	5
11	Sec. 6.20 License Requirements and Restrictions.	5
12	Sec. 6.21 Prohibited Activities.	7
13	Sec. 6.22 Restrictions on Temporary Class B Fermented Malt Beverage and/or Wine Picnic Licenses.	8
14	Sec. 6.23 – Sec. 6.29 Reserved.	8
15	Sec. 6.30 Regulation of Licensed Premises and Licenses.	9
16	Sec. 6.31 Quotas.	9
17	Sec. 6.32 Form and Expiration of Licenses.	10
18	Sec. 6.33 Transfer of Licenses.	10
19	Sec. 6.34 – 6.39 Reserved.	10
20	Sec. 6.40 Denial, Nonrenewal, Revocation and Suspension of Licenses.	10
21		

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Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Sec. 6.00 State Statutes Adopted.

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

Sec. 6.01 Definitions.

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

Sec. 6.02 Licenses Required.

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

Sec. 6.03 – Sec. 6.09 Reserved.

Sec. 6.10 Classes of Licenses.

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

1. Retail “Class A” Intoxicating Liquor License. A retail “Class A” intoxicating liquor license, when issued by the Village Clerk or Deputy Clerk under the authority of the Village Board, shall permit its holder to sell intoxicating liquors only in original packages or containers to be consumed off the premise so licensed.
2. Retail “Class B” Intoxicating Liquor License. A retail “Class B” intoxicating liquor license, when issued by the Village Clerk or Deputy Clerk under authority of the Village Board, shall permit its holder to sell in intoxicating liquors to be consumed by the glass on the premise so licensed. The Village Board has elected to come under the provisions of Wis. Stats., §125.51(3)(b), which authorizes the holder of a Retail “Class B” Intoxicating Liquor License to sell intoxicating liquor in the original package or container in any quantity to be consumed off premise. Intoxicating liquor may also be sold by the glass for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before it is removed from the premises. Wine may be sold for consumption off premise in the original package or otherwise in any quantity. Special classes of Retail “Class B” Liquor Licenses include Reserve “Class B” Licenses and Site-Specific “Class B” Liquor Licenses, commonly referred to as “Above-Quota” Licenses.
 - a. Reserve “Class B” Liquor License. Reserve “Class B” liquor licenses were created by the State of Wisconsin through special legislation in the late 1990’s and are available through population increases of 500 people based on estimates provided by the State Department of Administration (DOA) since the inception of the quota system. The availability of a Reserve “Class B” liquor license will be published on the Village website and announced at a minimum of two (2) Village Board meetings following the receipt of the DOA population estimate qualifying the Village for such license. Application will be made on state prescribed forms (AB-100, AB-101 and AB-200) and an auxiliary questionnaire prepared by the Municipality and provided by the Village Clerk or Deputy Clerk. The filing deadline will be March 1 of each year. Candidates will be provided with the date of the Village Board meeting at which those applications will then be reviewed. The availability of a Reserve “Class B” liquor license does not require the Village

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Board to grant it. The initial issuance fee for a Reserve “Class B” liquor license shall be \$20,000.

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

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

3. Class “A” Fermented Malt Beverage Retailer’s License. A Class “A” retailer’s fermented malt beverage license, commonly referred to as a Beer License, when issued by the Village Clerk or Deputy Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages for consumption off the premise where sold and in the original packages, containers or bottles.
4. Class “B” Fermented Malt Beverage Retailer’s License. A Class “B” fermented malt beverage retailer’s license, commonly referred to as a Beer License, when issued by the Village Clerk or Deputy Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percent of alcohol by volume without obtaining a special license to sell such beverages.
5. Retail “Class C” Wine Licenses. A “Class C” wine license, when issued by the Village Clerk or Deputy Clerk, authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. A “Class C” license may be issued to a person qualified under Wis. Stats., §125.04(5). A “Class C” wine license shall particularly describe the premises for which it is issued.
6. Temporary “Class B” Fermented Malt Beverage or Wine or Picnic Licenses. As provided in Wis. Stats., §125.26(1) and §125.26(6), and notwithstanding Wis. Stats., §125.68(3) temporary “Class B” fermented malt beverage and wine licenses may be issued by the Village Clerk or Deputy Clerk to bona fide clubs, county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans’ organizations. Such licenses are commonly referred to as Picnic Licenses. Each picnic license must authorize the sale of fermented malt beverages and/or wine containing not more than six percent alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle, at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

Sec. 6.11 Provisional Licenses.

A municipal governing body that issues licenses authorizing the retail sale of fermented malt beverages, intoxicating liquor or wine shall issue provisional retail licenses. The municipal governing body may, by ordinance establish standards under which provisional retail licenses shall be issued and shall, by ordinance, designate the municipal official having authority to issue provisional retail licenses.

- (a) Eligibility. A provisional retail license may be issued only to a person who has applied for a

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Class “A”, Class “B”, “Class A”, “Class B” or “Class C” license and authorizes only the activities that the type of retail license applied for authorizes.

(b) Application. Application for a provisional retail license shall be made to the Village Clerk on state-prescribed Alcohol Beverage License Application forms.

(c) Clerk or Designee Authorized to Issue. A provisional retail license may be issued to an applicant by the Village Clerk, Deputy Clerk or the clerk’s designee upon written application, subject to the provisions of this section.

(d) Standards.

1. The applicant must be at least 21 years of age, a resident of the state of Wisconsin, and must have applied for a retail license. If the application is a corporation or limited liability corporation, the designated agent must be at least 21 years of age and a resident of the state.
2. No provisional retail license will be granted if the applicant or a business applicant’s agent has been denied a retail license by the village board or if the applicant, pursuant to Wis. Stats., §111.321, 111.322 and 111.335, has an arrest or conviction record substantially related to the alcohol licensing activity.
3. No municipal official may issue a provisional “Class B” license if the municipality’s quota under Wis. Stats. §125.51 (4), Wis. Stats., prohibits the municipality from issuing a “Class B” license.
4. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

(e) Fee. The fee for a provisional retail license is \$15 (not to exceed \$15 pursuant to Wis. Stats., §125.185(e)).

(f) Term. A provisional retail license expires 60 days after its issuance or when the Class “A”, Class “B”, “Class A”, “Class B” or “Class C” license is issued to the holder, whichever is sooner.

(g) Revocation. The municipal official who issued the provisional retail license may revoke the license if they discover that the holder of the license made a false statement on the application, or, if the village board denies the applicant’s application for a retail license. Revocation of the provisional license shall become effective upon the mailing of a notice of revocation via first class mail to the last known address of the applicant, in an envelope containing the return address of the municipal official.

Sec. 6.12 License Fees.

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

Sec. 6.13 Issuance of Operator’s License.

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

1. The person is renewing an Operator’s License;
2. Within the past two years the person held a Class A, Class B, or Class C License or a Manager’s or Operator’s License or Permit;

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

3. Within the past two years the person has completed such a training course.
- (b) Pursuant to Wis. Stats. §125.17(1) the Village Clerk or Deputy Clerk is designated and authorized to issue operators' licenses required for the purpose of complying with Wis. Stats. §125.32(2) and §125.68(2) or §125.06(3g). Operator's licenses may be issued only upon written application. Village Board approval of Operator's Licenses under this paragraph shall not be required during the months of July through May, provided, however, that the Village Clerk or Deputy Clerk, at the Clerk's discretion, may refer any application to the Village Board for review and approval. Discretionary points to be brought before the Village Board are as follows:
1. Underage serving violation with the past two years;
 2. OWI with the past two years;
 3. Drug-related violations within the past two years;
 4. Untruthful response on operator license application.

Sec. 6.14 – Sec. 6.19 Reserved.

Sec. 6.20 License Requirements and Restrictions.

(a) Form of Application.

Applications 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, or, for operators' licenses, on forms prescribed by the Village of Sister Bay, and filed with the Village Clerk or Deputy Clerk. The applicant shall also prepare a drawing of the premises to be covered by the license and, if applicable, outdoor seating, outdoor serving locations, picnic areas and beer gardens. Only those areas or spaces as approved by the Village Board shall be permitted for sales or consumption. Plans shall show the number of patrons to be accommodated on said premises.

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

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

1. The applicant must demonstrate to the Village's satisfaction that the applicant meets the following criteria:
 - (a) He or she does own or is the agent for a full-service restaurant on the site for which the license is requested with a permanent, indoor seating capacity of 300 or more as licensed by the State, and provide written evidence from the State Building Inspector that they meet all State requirements; or,
 - (b) He or she does own or is the agent for a hotel on the site for which the license is requested with 50 or more rooms with sleeping accommodations with either an attached full-service restaurant with a seating capacity of 150 or more, or an attached banquet facility providing full-service meals with a seating capacity of 400 or more.
2. If the application is for a new establishment or an establishment to be constructed, the applicant shall provide the following:
 - (a) A schematic site and facility plan including the availability of seating and maximum number of people to be accommodated therein;
 - (b) Estimated value of land and improvements upon completion;
 - (c) Number of full-time, part-time and seasonal employees;
 - (d) Estimated annual payroll; and,

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

- 1 (e) An architect's rendering of the facility
- 2 3. Applicants for an Above-Quota "Class B" liquor licenses shall also submit all infor-
- 3 mation required by applicants for traditional "Class B" liquor licenses.
- 4 (d) Guidelines for Consideration of Reserve and Above-Quota "Class B" Liquor Licenses. The Vil-
- 5 lage Board may review applications for Reserve "Class B" and Above-Quota "Class B" liquor
- 6 licenses under the following guidelines, in addition to other factors deemed relevant for consider-
- 7 ation:
- 8 1. Economic and traffic impacts;
- 9 2. Compatibility with specific neighborhood and overall Village character;
- 10 3. Compliance with the Sister Bay Municipal Code;
- 11 4. Quality of business experience.
- 12 (e) Qualifications of Applicants.
- 13 1. All individuals, partners, and all officers and directors of Wisconsin corporations apply-
- 14 ing for licenses under this Chapter must satisfy all of the following qualifications:
- 15 (a) They must have attained the legal drinking age; and,
- 16 (b) They must have continuously been a Wisconsin resident for at least ninety (90) days
- 17 immediately prior to the date of the filing of the application, except no residency re-
- 18 quirements shall exist for officers and directors of corporations and non-profit organi-
- 19 zations.
- 20 2. All officers and directors of foreign corporations must meet the qualifications of (1) (a)
- 21 and (b) above.
- 22 3. All corporations must designate an agent pursuant to Wis. Stats., §125.04(6). The agent
- 23 must also satisfy the previously mentioned qualifications, and must, with respect to char-
- 24 acter, record, and reputation be satisfactory to the Department of Revenue. Each corpo-
- 25 rate agent must have full written authority and control of the premises.
- 26 (f) Qualifications for Renewal of Licenses.
- 27 1. All applicants for renewal of Retail Class A, Class B or Class C licenses shall, before
- 28 such application(s) is/are approved by the Village Board, furnish to the Board proof of
- 29 operation of a business by the applicant requiring such a license. The minimum period of
- 30 operation of such business during a license year shall be 150 days of eight (8) hours per
- 31 day. *If an applicant has not been open for 150 days in the previous year, they may pre-*
- 32 *sent their case in the subsequent application year as to the circumstances for the 150*
- 33 *days of required operation code violation. With a ¾ majority vote of the Village Board,*
- 34 *they shall be approved.*
- 35 2. In the situation where the applicant has held the license for a period of time less than the
- 36 license year, the applicant shall be entitled to all eight (8) hour days of operation during
- 37 the licensing year, whether such days of operation were by the applicant or predecessor in
- 38 title to the applicant's license.
- 39 (g) Inspection of Application and Premises. No license or renewal of license provided for in this
- 40 Chapter shall be issued without an inspection or re-inspection of the premises and a satisfactory
- 41 report being issued as herein required. The Sister Bay Liberty Grove Fire Inspector shall inspect
- 42 or cause to be inspected each applicant and premises to determine whether the applicant and the
- 43 premise sought to be licensed comply with the regulations, ordinances, and laws applicable
- 44 thereto, as well as the applicant's fitness for the license to be approved.
- 45 (h) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for
- 46 which taxes, (real or personal property), assessments, or other claims of the Village are delin-
- 47 quent and unpaid, or to any person delinquent in payment of such claims to the Village.
- 48 (i) Location of Premises.

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

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 or Permitted 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 or permitted operator to be on premise at all times that fermented malt beverages and/or intoxicating liquors are offered for sale. Permits are issued by the State of Wisconsin pursuant to 2023 Wisconsin Act 73 and are valid in all municipalities in the state. (Wis. Stats., §125.75)
- (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.
2. The provisions of this section do not apply to the following licensed establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominate business or attraction is not

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of employees engaging in nude erotic dancing.

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

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

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

Sec. 6.23 – Sec. 6.29 Reserved.

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Sec. 6.30 Regulation of Licensed Premises and Licenses.

- (a) Posting Licenses. Licenses issued under this Chapter shall be posted and displayed as provided in Wis. Stats., §125.04(10). Failure to post a license as required therein shall be a presumption of operating without a license.
- (b) Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time or on any such premises.
- (c) Employment of Underage Persons. No retail Class A, Class B, or Class C licensee shall employ any person to serve, sell, dispense, or give away any alcoholic beverage who has not attained 18 years of age.
- (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 purpose for which it is used. Provision for restrooms, hand-washing stations (if not in the restroom), and trash removal shall be required.
- (e) Closing Hours.
- (1) Class “A” fermented malt beverage licensed premises may not sell fermented malt beverages between the hours of 12:00 a.m. and 8:00 a.m.
 - (2) “Class A” intoxicating liquor licensed premises may not sell liquor between the hours of 9:00 p.m. and 8:00 a.m.
 - (3) Class “B” beer licensed premises must be closed between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the premises are not required to close.
 - (4) “Class B” intoxicating liquor licensed premises, including Reserve “Class B” or Above-Quota “Class B” licensed properties must be closed between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the premises are not required to close.
 - (5) “Class C” wine licensed premises must be closed between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, the premises are not required to close.
 - (6) Class “B” fermented malt beverage or “Class B” intoxicating liquor licensed premises may not sell package, container or bottle sales between 12:00 a.m. and 6:00 a.m. at for off-premises consumption.
 - (7) 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 as required by their specific license.
 - (8) No premise shall be permitted to sell alcoholic beverages outdoors between the hours of 10:30 p.m. and 9:00 a.m. The location where alcoholic beverages may be consumed outdoors shall be approved as part of the license application, and if applicable, by Conditional Use Permit as an Outdoor Entertainment Facility.
- (f) Violations by Licensees. A violation of this Chapter by Licensee or an authorized agent of a licensee shall constitute a violation by the licensee.

Sec. 6.31 Quotas.

“Class B” License: The number of persons and places that may be granted a retail “Class B” liquor license under this Chapter in the Village is limited as provided in Wis. Stats., §125.51(4) which currently allows 2 Regular “Class B” licenses and 1 Reserve “Class B” License. A population increase to 1225 persons, and subsequent increases of 500 people thereafter, per the Department of Administration’s annual population estimates, shall trigger the availability of additional Reserve “Class B” Licenses at a rate of one license per 500 persons increase in population. Any party interested in applying for said license(s) shall complete the necessary application and questionnaire. If the Board grants the Reserve “Class B” License, prior to issuance by the Village Clerk or the Deputy Clerk, the applicant shall pay the required \$20,000 fee per Wis. Stats., §125.04(8).

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

Sec. 6.32 Form and Expiration of Licenses.

All licenses shall be numbered in the order in which they are issued and shall clearly state 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.

Sec. 6.33 Transfer of Licenses.

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

Sec. 6.34 – 6.39 Reserved.

Sec. 6.40 Denial, Nonrenewal, Revocation and Suspension of Licenses.

1. Refusal to grant a license. State law does not confer upon a qualified applicant an absolute right to a license. If a governing body conducts a property review of the application, considers public sentiment and local concerns, and has a rational basis for denial, the courts should not interfere with the municipality’s decision to deny. When a governing body decides not to issue a new alcohol beverage license it must notify the applicant in writing and set forth reasons for the denial. Valid reasons for denial are based on concern for public health, safety, and welfare of the community. An applicant denied a license may reapply for the license or appeal the denial to circuit court.
2. Refusal to renew a license. The Village Board may refuse to renew any license issued under this Chapter under the procedures described herein upon the finding of a violation of this Chapter or Chapter 125 of the Wisconsin Statutes. Consideration for the granting or denial of a license will be based on:
 - a) The arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats., §111.321, §111.322 and §111.335;
 - b) The financial responsibility of the applicant regarding their wholesale vendors;
 - c) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d) The type and number of complaints associated with public nuisance or disorderly behavior on or near the licensed premise, including but not limited to noise, fighting, loitering and activity which is further described in Section §30.2 of the Municipal Code.
3. Denial of a license. An application may be denied based upon the applicant’s arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned), if the applicant has habitually been a law offender, or if the applicant has falsified the application. For purposes of this licensing procedure, “habitually been a law offender” is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and the facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.
4. Revocation or suspension of a license. A license may be revoked or suspended pursuant to Wis. Stats., §125.12(2) or any other applicable state or federal alcohol beverage law. Proceedings for revocation, suspension or non-renewal shall be governed by Wis. Stats., §125.12. When a license is revoked under this

Village of Sister Bay Code of Ordinances

Alcoholic Beverages

1 section, the revocation shall be recorded by the Village Clerk or Deputy Clerk and reported to the Wis-
2consin Department of Revenue within ten (10) days of revocation. No other license issued under this
3Chapter may be granted within twelve (12) months of the date of revocation to the person whose license
4was revoked, and no part of the fee for any license so revoked may be refunded. The licensee shall sur-
5render the license to the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk shall have the
6right to take physical possession of the suspended or revoked license wherever it may be found and file it
7in his or her office.
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