

ORDINANCE NO. 2024-021
AMENDING CHAPTER 6 – ALCOHOLIC BEVERAGES

WHEREAS, the Village of Sister Bay finds it necessary to periodically review its ordinances to reflect changes in statute and current legislation; and,

WHEREAS, pursuant to its authority under Wis. Stats., §125.185, the Village of Sister Bay desires to establish standards under which provisional retail liquor licenses may be issued; and,

WHEREAS, the recent passage of Wisconsin Act 73 has rendered some portions of the existing village ordinance obsolete;

NOW, THEREFORE, the Village Board does hereby ordain as follows:

Section 1 – Availability for Public Inspection.

A copy of this Ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

Section 2 – Adoption of Code Amendments

The amendments to the current Alcoholic Beverages Ordinance, known as Chapter 6 of the Village of Sister Bay Municipal Code, be amended as set forth herein. Amendments are shown in red; a strikethrough represents a deletion.

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 is-

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) ~~for a restaurant in which the sale of alcoholic beverages accounts for less than fifty percent of gross receipts and which does not have a barroom.~~ 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 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

(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) Aschematic 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,
 - (e) An architect's rendering of the facility
3. Applicants for an Above-Quota "Class B" liquor licenses shall also submit all information required by applicants for traditional "Class B" liquor licenses.

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

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

(e) Qualifications of Applicants.

1. All individuals, partners, and all officers and directors of Wisconsin corporations applying for

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 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

- (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).

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.

to the Wisconsin Department of Revenue within ten (10) days of revocation. No other license issued under this Chapter may be granted within twelve (12) months of the date of revocation to the person whose license was revoked, and no part of the fee for any license so revoked may be refunded. The licensee shall surrender the license to the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in his or her office.

Section 3 – Ordinances in Conflict.

All other Ordinances in conflict herewith are hereby repealed.

Section 4 – Effective Date.

This Ordinance shall take effect and be in full force from and after its passage and publication according to law.

Section 5 – Severability.

If a Court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the previously mentioned Chapter shall not be affected thereby.

Passed and adopted this 19th day of November, 2024 by the Sister Bay Village Board of Trustees.

VILLAGE OF SISTER BAY

By: 
Nate Bell, President

ATTEST:



Heidi Teich, Village Clerk