

CHAPTER 12. INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSES

SECTION 12.01 ALCOHOL BEVERAGE REGULATIONS

(1) State Statutes Adopted

The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of 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 section by reference. A violation of any of such provisions shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure, to the extent legally practicable, uniform statewide regulations of sales of alcohol beverages in the State of Wisconsin.

(2) Licenses, Permits, and Authorization Required

- (a) Except as provided by s. 125.06, Wis. Stats., no person shall, within the City of Mondovi, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter.
- (b) Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale.

(3) Classes of Licenses and Fees

(Amended 03/1989)

The following classes and denominations of licenses may be issued by the City Clerk under the authority of the City Council after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in s. 125.17, 125.25, 125.26, 125.28, 125.51, and 125.57, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

Class of License	Cost
Class "A" Fermented Malt Beverage Retailer's License	\$100.00
Class "B" Fermented Malt Beverage Retailer's License	\$100.00 per year

Note: Also Available in a six (6) month license. A license may be issued at any time for 6 months in any calendar year, for which $\frac{3}{4}$ of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which it is issued.

Picnic	\$10.00 per day
Wholesaler's Fermented Malt Beverage License	\$25.00 per year
Retail "Class A" Liquor License	\$100.00 per year
Retail "Class B" Liquor License	\$500.00 per year

Note: Permits its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.

A license may be issued after July 1st in any license year. The license shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30th.

Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which it was issued.

Pharmacists	\$10.00 per year
Operators	\$20.00

Note: Operators' licenses may be granted to individuals by the City Council for the purposes of complying with s. 125.32 (2) and 125.68 (2), Wis. Stats.

Operators' licenses may be issued only on written application forms provided by the Clerk.

Operators' licenses shall be valid for 1 year and shall expire on June 30th of each year.

After July 1st, 1989, all persons applying for or then holding operators' licenses in any establishment licensed under this chapter shall complete, within one year from the time of initial issue or renewal of an operators' license or July 1st, 1990, whichever is later, a mandatory alcohol awareness and training program approved by the Common Council.

A provisional operators' license may be issued by the Common Council to any applicant who is enrolled in but has not yet completed the training course required provided that the applicant is otherwise qualified for such license. Satisfactory proof of enrollment in the course shall accompany the application. The provisional license shall expire 60 days after

its issuance or when a regular operator's license is issued, whichever occurs first. The City Clerk or the designated agent of the City Clerk may revoke the provisional license if he/she discovers that the holder of the license made a false statement on the application. The City Clerk or the designated agent of the City Clerk shall revoke the provisional license if the applicant fails to successfully complete the course in which he or she is enrolled.

- (3a) If a special meeting of the City Council is necessary to approve any license described in the subsection (3) by the approval date requested by the applicant, there shall be an additional fee of \$25.00.

(4) License Application

- (a) Application 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 governing body for operators' licenses and filled with the City 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 shall be signed and sworn to by the applicant as provided by s. 887.01, Wis. Stats.
- (c) Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk to the State department of Revenue.

(5) License Restrictions

- (a) Licenses shall be issued only to persons eligible therefor under ss. 125.04 and 125.33 (3) (b), Wis. Stats.
- (b) No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital, or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this paragraph does not apply to any of the following.
- (i) Premises covered by a license or permit on June 30th, 1947.
- (ii) Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- (iii) A restaurant located within 300 feet of a church or school. This subdivision applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

- (c) No retail “Class A” 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 of the provisions of this section during a one year period 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.
- (d) No retail “Class A” 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 Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the City.
- (e) The number of persons and places that may be granted a retail “Class B” liquor license under this section is limited as provided in s. 125.51 (40), Wis. Stats.
- (f) 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 person not eligible for a license under this section.
- (g) No license hereunder shall be granted to any person who has not attained the legal drinking age.
- (h) 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) No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid, or to any person or entity for which City taxes, assessments, other claims of the City, or payment of a forfeiture resulting from a violation or any ordinance of the City, are delinquent and unpaid.
- (j) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) Form and Expiration of Licenses

All licenses shall be numbered in the order 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 30th thereafter except as otherwise provided. The City Clerk shall affix his or her affidavit as required by s. 125.04 (4), Wis. Stats.

(7) Transfer of Licenses

- (a) No license shall be transferable as to licensee except as provided in s. 125.04 (2), Wis. Stats.
- (b) Licenses issued pursuant to this section may be transferred as provided in s. 125.04 (12), Wis. Stats. 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.

(8) Posting and Care of Licenses

Every license or permit required under this section shall be framed and posted and at all times displayed as provided in s. 125.04 (10), Wis. Stats. 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.

(9) Regulation of Licensed Premises and Licensees

- (a) Each licensed and permitted 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 such premises.
- (b) No licensee shall employ any person who has not attained the legal drinking age to serve, sell, dispense or give away any alcohol beverage.
- (c) No club shall sell intoxicating liquors or fermented malt beverage except to members and guests invited by members.
- (d) 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 used.
- (e) Under aged persons permitted on “Class B” premises during certain times.
 - (i) In addition to the exceptions contained in Ch. 125 of the Wis. Stats., an under aged person may enter or remain in a room on class “B” or “Class B” licensed premises on a date specified by the licensee or during times when no intoxicating liquors are consumed, sold, or given away. During those times, the licensee, an agent named in the license if the licensee is a corporation or a person who has an operator’s license, shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. An under aged person may enter and remain on a class “B” or “Class B” premises under this paragraph only if the chief of police issues to the class “B” or “Class B” licensee a written authorization permitting under aged persons to be present under this subparagraph on the date specified in the authorization.
 - (ii) Before issuing an authorization, the chief of police shall make a determination that the presence of under aged persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which under aged persons will be present on the premises. The request for written authorization shall be made at least five (5) days prior to that date. The chief of police shall specify on each such authorization terms and conditions necessary to fulfill the requirements of this section.

(10) Closing Hours

No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

- (a) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- (b) If a retail Class “A” or “Class A” license, follow the hours set by Wisconsin State Statutes, as of June 4th, 2012, closed hours for Class “A” premises shall be between 12:00 a.m. and 6:00 a.m., and “Class A” licensed premises shall be between 9:00 p.m. and 6:00 a.m. In the event State Statute is amended by the Legislator from this date forward, this ordinance shall automatically codify and read consistent with State law related to hours of operation.
- (c) If a retail Class “B” or “Class B” license, between 2:00 a.m. and 6:00 a.m. except as provided in this paragraph and paragraph (3). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. On January 1st, premises operating under a Class “B” or “Class B” license are not required to close.
- (d) Between 12:00 a.m. and 6:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class “B” or “Class B” licensed premises in an original unopened package, container or bottle for consumption away from the premises.
- (e) Hotels and restaurants whose principle 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.

(11) Revocation and Suspension of Licenses

- (a) Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by s. 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Ch. 125 or 139, Wis. Stats., or any other state or federal liquor or fermented malt beverage laws.
- (c) See subsection (5) (h) of this section for the effects of revocation.

(12) Nonrenewal of Licenses

Before renewal of any license issued under this section is refused, the license shall be given written notice of any charges of violation 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 City Council.

(13) Violations by Agents and Employees

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