

ORDINANCE NO. 10 - 2025
AN ORDINANCE AMENDING SECTION 70-36, ARTICLE II OF CHAPTER 6, AND
SECTION 90-92 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION
GROVE, RELATING TO THE REGULATION OF ALCOHOL BEVERAGES AND OPEN
INTOXICANTS.

The Village Board of the Village of Union Grove ordains as follows:

1. That Section 70-36 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows on attached **Exhibit A** incorporated herein by reference.
2. That Article II of Chapter 6 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows on attached **Exhibit B** incorporated herein by reference.
3. That Section 90-92 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows:

“(f) No open intoxicants will be permitted on any public sidewalk or right-of-way, including areas where outdoor seating is permissible, except as allowed by a duly-issued alcohol license for such sidewalk seating area and as provided in Section 70-36(c) of this Municipal Code.”
4. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 13th day of October, 2025.

VILLAGE OF UNION GROVE

By: 

Steve Wicklund, Village President

Attest: 

Stephanie Kohlhausen, Village Clerk

EXHIBIT A

Sec. 70-36. Drinking intoxicants in public or within parked motor vehicle.

- (a) It shall be unlawful for any person to sell or serve or give to another person or offer to sell or serve or give to another person any fermented malt beverage or intoxicating liquor while upon any public street or sidewalk or within a parked motor vehicle located on any street within the village, unless such area is part of a licensed premises.
- (b) It shall be unlawful for any person to consume any fermented malt beverage or intoxicating liquor while upon any public street or sidewalk or within a parked vehicle located on any street with the village, unless such area is part of a licensed premises.
- (c) Exception to open container, parks, and public places prohibitions. When there is a special event and such special event permit has been approved by the Village Board, the Board may waive or eliminate the prohibitions set forth in Sections 6-1 through 6-3 for the area defined in the special event permit for the duration of the event for which the permit was issued. The Village Board, in its discretion, may set reasonable conditions on a special event permit that are in line with Sections 6-1 through 6-3, above.

(Code 1960, § 12.01(5)(d))

Cross references: Alcohol beverages, ch. 6; streets, sidewalks and other public places, ch. 90; stopping, standing and parking generally, § 102-36 et seq.

EXHIBIT B

Article II. Intoxicating Liquor And Fermented Malt Beverages

Division 1. Generally

Sec. 6-26. State statutes and administrative code adopted.

The provisions of Chapter 125, Wis. Stats., and the provisions of any future administrative rules adopted pursuant to Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including the penalty provisions therein, except the fees and those penalties which impose a fine or term of imprisonment, are hereby adopted and, by reference, made part of this Code. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure statewide regulation of licensing and sale of alcohol beverages.

Sec. 6-27. Violations by agents and employees.

A violation of this article by any authorized agent or employee of a licensee shall constitute a violation by the licensee.

(Code 1960, § 11.01(15))

Secs. 6-28--6-55. Reserved.

Division 2. Licenses

Sec. 6-56. Required.

(a) *Generally.* No person, except as provided by Wis. Stats. § 125.06, shall serve, sell, manufacture, rectify, brew or engage in any other activity for which a license, permit or other authorization is required by this division or by Wis. Stats. ch. 125, without holding the appropriate license, permit or other authorization as provided in this division. Refer to Wis. Stats. § 125.04(1).

(b) *Separate license for each place of sale.* 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 location or premises where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. Refer to Wis. Stats. § 125.04(9).

(Code 1960, § 11.01(2))

Sec. 6-57. Classification; fees.

The classes of licenses listed in this section may be issued by the village clerk under the authority of the village board after payment of the required fee. All fees are listed in the fee schedule on file in the village clerk's office. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year. When issued the license shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, 125.51 and 125.57. Classes of licenses shall be as follows:

- (1) Class "A" fermented malt beverage retailer's license. See Wis. Stats. § 125.25.
- (2) Sampling on a Class "A" premises
 - a. Class "A" The provision of wine taste samples, of not more than three fluid ounces each, free of charge, by a "class A" licensee to customers and visitors for consumption on the premises is permissible as follows:
 - b. No "class A" licensee may provide more than two taste samples per day to any one person. This subsection applies only between the hours of 11:00 a.m. — 7:00 p.m. Notwithstanding Wis. Stats. § 125.07(1)(a)1, no "class A" licensee may provide taste samples under this subsection to any underage person.
 - c. No "class A" licensee may provide, as taste samples under this Subsection (2), wine that the "class A" licensee did not purchase from a wholesaler.
 - d. Notwithstanding any other provisions contained in this section, the authority provide wine taste samples is conditioned that:
 1. The Village Board shall require an operator's/bartender's license to conduct the wine tasting.
 2. The Village Board may limit the location of wine tasting to the liquor department only.
 3. The Police Chief shall be notified prior to the wine tasting.
 4. An application must be completed by the "class A" license holder.
- (3) Class "B" fermented malt beverage retailers license.
 - a. Reserve class "B" fermented malt beverage retailers license.
 1. Six month: A license may be issued at any time for six months in any calendar year, for which three-quarters of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
 2. Picnic: \$10.00 per day.
- (4) Wholesaler's fermented malt beverage license. See Wis. Stats. § 125.28.

- (5) Retail "class A" liquor license. See Wis. Stats. § 125.51(2). Only ten such licenses shall be granted at any one time. No "Class A" license shall be issued for a premises which also sells or dispenses gasoline or other fuel for use by motor vehicles.
- (6) Retail "Class B" Liquor License.
- a. Reserve "Class B" Liquor License. A retail "Class B" liquor license shall permit 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. See Chapter 125.51(3), Wis. Stats.
1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months, or fractions thereof, remaining until the following June 30.
2. License valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.
- (7) Temporary "Class B" Retailer's License. The Clerk is authorized pursuant to §§ 125.26(6) and 125.51(10) to issue a license for the sale of fermented malt beverages or wine at picnics or other community events. Any application for a Temporary Class "B" Retailer's License shall be submitted at least 10 days prior to the event date for approval by the Clerk, except that any approval which would require Village Board action shall be submitted at least 30 days prior to the event date. Conditions for the issuance of a license in addition to the requirements of Chapter 125, Wis. Stats., shall be as follows:
- a. At least one holder of a full operator's license issued pursuant to Section 35.05(1) shall at all times be present in the licensed premises where fermented malt beverages and wine are sold or offered for sale at an event for which a Class "B" fermented malt beverage or Class "B" wine picnic license has been issued. For any wine or beer walk event, at least one holder of a full operator's license shall be present per 10 locations and at least one holder of a temporary or provisional operator's license shall be present at each location.
- b. The organization must provide sufficient security personnel satisfactory to the Village to ensure that fermented malt beverages and wine are not consumed outside of the approved areas specified for the consumption of such beverages and that

minors are not present in the licensed premises except as permitted in Chapter 125, Wis. Stats.

- c. The licensed premises may be required to be fenced at the discretion of the Village Board. This requirement may include, but is not limited to, double fencing a minimum of six (6) feet apart.
- d. The organizers shall post notices at each exit of the licensed premises stating, "No beer or wine will be carried in an open container beyond this point."
- e. The organizers shall post notices at each entrance of the licensed premises stating, "No carry-in alcohol allowed."
- f. The Village may require the organizer to provide adequate sanitary facilities, lighting, and other measures to ensure the health, safety and convenience of the public while attending the event.
- g. The Village may implement additional requirements for the welfare and safety of the general public, which shall be incorporated into the terms of the license upon issuance.
- h. The licensee shall, prior to the commencement of the event, notify the police department and Village that event set-up has been completed so that a compliance inspection may occur. No fermented malt beverages or wine may be sold until the final inspection occurs.

(8) Full Service Retail Outlets.

- a. Full-Service Retail Outlet Defined. "Full-Service Retail Outlet" shall be defined as set forth in §§ 125.29(7), 125.52(4), and 125.53(3), Wis. Stats. Full-Service Retail Outlet does not include on-premise sales by a brewer, winery, manufacturer, or rectifier.
- b. Temporary Full-Service Retail Outlet Defined. A "Temporary Full-Service Retail Outlet" means a Full-Service Retail Outlet which is exempt from the relocation limitations pursuant to §§ 125.29(7)(g)5., 125.52(4)(g)5., and 125.53(3)(g)5., Wis. Stats., provided the Full-Service Retail Outlet will be located on the proposed premises for a period not to exceed four days.
- c. Application Process, Standards and Criteria for Approval. Any application for a Full-Service Retail Outlet shall be presented to the Village on the then current form established by the Department of Revenue, Division of Alcohol Beverages. The standards and criteria for approval shall be as set forth in this Chapter 6.

- d. Application Deadlines. Any application for a Full-Service Retail Outlet shall be submitted at least 15 days prior to the requested issuance of the license. Any application for a Temporary Full-Service Retail Outlet shall be submitted as set forth in subsection (6).
 - e. Requirements and Restrictions. The Village may establish requirements and restrictions on any Full-Service Retail Outlet consistent with the provisions set forth in this Chapter 6.
 - f. Scope of Alcohol Beverages Offered for Sale. Pursuant to §§ 125.29(7)(d)2., 125.52(4)(d)2., and 125.53(3)(d)2., Wis. Stats., the Village may limit the scope of alcohol beverages offered for sale at a Full-Service Retail Outlet with respect to alcohol beverages that are not of the same type as those produced by the person holding the production permit(s).
 - g. Approval By Village Clerk of Temporary Full-Service Retail Outlets. Unless prohibited by the Wisconsin Statutes and/or Wisconsin Administrative Code, the Village Clerk may approve an application for a Temporary Full-Service Retail Outlet for the sale of fermented malt beverages and wine in the same manner as set forth in subsection (6). Any application for a Temporary Full-Service Retail Outlet not covered by this Section shall be approved by the Village Board.
- (9) Operators' licenses. See section 125.17, Wis. Stats.
- a. *Required.* No premises shall be open for business under any "Class A", Class "A", "Class B", Class "B", or "Class C" license or temporary retail license or provisional retail license unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who has an operator's license issued by the Village or operator's permit issued by the Division of Alcohol Beverages and who is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquor to customers. For the purpose of this section, any person holding a manager's license under Wis. Stat. § 125.18, or any member of the licensee's or permittee's immediate family who has attained the age of 18, shall be considered the holder of an operator's license. No person other than the licensee or agent may serve fermented malt beverages or intoxicating liquor in any place operated under any "Class A", Class "A", "Class B", Class "B", or "Class C" license or temporary retail license or provisional retail license unless he or she has an operator's license issued by the Village or operator's permit issued by the Division of Alcohol Beverages, is considered to have an operator's license under this subsection, or is at least 18 years of age and is under the immediate supervision of the licensee,

agent, or a person holding an operator's license or operator's permit, who is on the premises at the time of the service.

- b. Operators' licenses may be granted and issued to individuals by the clerk for the purposes of complying with section 125.32(2) and 125.68(2), Wis. Stats. and operator's permits may be issued by the Division of Alcohol Beverages ("DAB").
- c. Operators' licenses may be issued only on written application on forms provided by the village clerk.
- d. Operators' licenses shall be valid for two years and shall expire on June 30 of odd years. Prior to the grant and issuance of a operator's license, both initially and upon renewal, the village clerk shall conduct a background investigation, the village clerk shall either grant and issue the license or cause the name of the applicant to be placed on the agenda of the Committee on Administration for action to either grant or deny such license application if the village clerk determines further review of an application is necessary.
- e. Temporary Operator's License. A temporary operator's license may be issued by the village clerk in accordance with section 125.17(4), Wis. Stats.
 - 1. The license may be issued only to operators employed by or donating their services to nonprofit organizations.
 - 2. No person may hold more than two temporary operator's licenses per year.
 - 3. The license is valid for any period from 1 day to 14 days, and the period for which it is valid shall be stated on the license.
 - 4. The fees for a temporary operator's license shall be as provided in the Village's schedule of fees as amended from time to time. It shall be non-refundable and shall not apply toward any other operator's license under this section.
- f. Provisional Operator's License. The village clerk shall be authorized to issue a provisional operator's license in accordance with section 125.17(5) Wis. Stats. The fee charged is in addition to the fee for the operator's license.
 - 1. The Clerk is authorized to issue a provisional operator's license to a person who has submitted an initial application for an operator's license under subsection a through c of this Section, provided that, based on the

information contained in the application, the person meets the qualifications in Section 6-58(f) for issuance of licenses related to alcohol beverages, and provided further that the person has not previously been denied an operator's license by the Village.

2. The fee for provisional operators' licenses shall be as provided in the Village's schedule of fees as amended from time to time which shall be non-refundable and shall not apply towards any other operator's license under this section.
3. A provisional operator's license shall expire 60 days after its issuance or license under subsection (1) of this section is issued to the holder, whichever is sooner.
4. The Clerk may revoke a provisional operator's license if it is discovered that the holder of the license made a false statement on the application.

(Code 1960, § 11.01(3); Ord. of 1-21-98, § 1; Amd. of 4-28-03(1), § 1)

Sec. 6-58. License application and issuance; restrictions.

(a) *Generally.* The licenses required under this division may be issued, subject to the criteria and restrictions in this section.

(b) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under Wis. Stats. § 125.04.

(c) *Location.*

- (1) No retail "class A" or "class B," class "A" or class "B" license shall be issued for premises not in compliance with Wis. Stats. § 125.68(3).
- (2) This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet of the premises by any school building, hospital building or church building.

(d) *Violation of federal or state laws or this article.* No retail "class A," "class B," class "A," 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 this article during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(e) License Application and Issuance.

1. Applications for all licenses and permits under this chapter shall be processed through the office of the Clerk. Applications must be accurately completed, providing all information requested.
2. The appropriate license or permit fee shall be submitted to the Clerk at the time of submitting the application.
3. Consistent with § 125.04(3)(f), Wis. Stats., all applications for licenses to sell alcohol beverages shall be filed with the Clerk at least 15 days prior to the granting of the license.
4. The Police Chief, Fire Chief and Building Inspector, or their designees, shall investigate each new license or permit application, and these officials shall inspect the premise to determine whether the premises sought to be licensed complies with the regulations, laws, or ordinances applicable thereto.
5. The Village Board may consider any factor or condition which provides a rational basis for the approval or denial when evaluating, on a case-by-case basis, applications for initial retail "Class A", "Class B", Class "A", Class "B" licenses, or Full-Service Retail Outlet Applications, including, but not limited to the following:
 - a. The total number of Class A and B licenses presently issued, the number of locations with on-premise retail sales, and the number of Full-Service Retail Outlets approved, and, if an additional license is requested, the public need, desirability and purpose;
 - b. The relevant experience and background of an individual applicant; if a partnership, the relevant experience and background of the partners; and if a corporation, the relevant experience and background of the directors, officers and agent;
 - c. Whether the granting of a license is necessary for the financial success of a proposed business;
 - d. The effect of granting the license on local traffic and parking;
 - e. The proximity of the location at which the license is proposed to uses which may be incompatible, including, but not limited to, schools, churches, residential neighborhoods and/or any other Class A or Class B establishments licensed by the Village;
 - f. Whether the premises meets the standards for occupancy of this type;
 - g. The economic benefit to the community;
 - h. The amount of employment the business will generate;

- i. Past experience of the applicant or other license holders at the location at which the license is proposed to be used;
 - j. The overall effect on the community of the use of the license at the proposed location; and
 - k. Any other factor or condition which provides a rational basis for approval or denial of an application.
6. Renewal Applications. All applications for renewal of licenses are subject to the qualifications, review proceedings, and time constraints provided in this chapter and the Wisconsin Statutes.
 - a. Renewal application deadline. Applications may be sent after March 1 and are due on or before May 15 of each year. If May 15 falls on a non-business day, the deadline will be extended to the next business day. The Village Board shall grant, issue, or deny each timely-filed application no later than the 4th Tuesday in June for the ensuing license year. The Village cannot guarantee action prior to June 30 for any application received after May 15.
 - b. Late application fee. Renewal applications received after the May 15 deadline shall be subject to a late filing fee as provided in the Village's schedule of fees as amended from time to time. Said late fee is imposed to recover the cost of processing the late application.
7. The Village Board may consider, without limitation by enumeration, each of the following when evaluating, on a case-by-case basis, the application for the renewal of a "Class A", "Class B", Class "A", Class "B" licenses, or Full-Service Retail Outlet Application:
 - a. The performance of the applicant under the previously issued license;
 - b. The effect of the prior use of the license on local traffic and parking;
 - c. The effect, if any, of the prior use of the license on adjacent residential neighborhoods; and
 - d. The overall effect of the prior use of the license on the Village of Union Grove community.
8. The Village Board may consider, without limitation by enumeration, all criteria set forth in Sections (4) and (5) when evaluating, on a case-by-case basis, the application for the transfer of a "Class A", "Class B", Class "A", Class "B" licenses, or Full-Service Retail Outlet Application to a new location.

(f) **Criteria for Issuance.** Licenses and permits related to alcoholic beverages issued to natural persons under this Chapter may be issued only to persons who fulfill all of the following requirements:

1. The person must be at least 18 years of age.
2. All applicants for an operator's license shall successfully pass a responsible beverage servers course as required in § 125.04(5), Wis. Stats.
3. The individual requesting a license may be denied a license based upon his/her arrest or conviction record subject to the Fair Employment Act §§ 111.32, 111.322 and 111.335 and § 125.04(5)(a)1, Wis. Stats. It is not employment discrimination to deny a license because of a pending arrest record or a conviction record if the circumstances of the charge substantially relate to the alcohol beverage licensing activity.
4. The individual requesting a license may not be issued a license if they are a "habitual law offender," § 125.04(5)(b), Wis. Stats. The term "habitual" refers to multiple convictions or pending charges. The term "offender" refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges) which substantially relate to the alcohol beverage licensing activity.
5. An individual requesting a license shall not be issued a license if he or she has been convicted of a felony which is substantially related to the alcohol beverage licensing activity.

(g) **Health and sanitation requirements.** No retail class "A" or class "B" license shall be issued for any premises that 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 village.

(h) **Quota for "class B" liquor licenses.** The number of persons and places that may be granted a retail "class B" liquor license is limited as provided in Wis. Stats. § 125.51(4).

(i) **Corporations.** No license shall be granted to any corporation when more than 50 percent of the voting stock interest, legal interest or beneficial interest is held by any person not eligible for a license under this division.

(j) **Age requirement.** No license shall be granted to any underage person.

(k) **Effect of revocation.** 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.

(l) *Delinquent taxes, assessments and claims.*

- (1) *Premises.* No initial or renewal license shall be granted for any premises for which taxes, assessments or other claims of the village are delinquent and unpaid.
- (2) *Persons.* No initial or renewal license shall be granted to any person delinquent in payment:
 - a. Of any taxes, assessments or other claims owed to the village.
 - b. To the state of any state taxes owed.
 - c. Of a forfeiture resulting from a violation of any village ordinance.

(m) *Sales in dwelling.* 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.
(Code 1960, § 11.01(5))

(n) *Temporary Extension of Licensed Premises.* An establishment holding an alcohol beverage licensee may apply for a temporary expansion of a licensed premises to a public area, by submitting an application to the Clerk. Expansion is limited to property owned or controlled by the licensee. A licensee may be authorized by a special event permit to utilize a street or park property, but may not sell alcohol in the public area. The temporary expansion of a licensed premise for a one-day or otherwise limited day event shall be approved by the Village Board.

(o) *Sales, presence, possession and misrepresentation.* Sections 125.07 (1)(a), (2)(a), (3)(a), (4)(a) (b), and 125.08 (3)(b), Wis. Stats., as amended, are adopted in strict conformity with those statutes. Section 125.09, Wis. Stats., is adopted in strict conformity with the statutes, except to the extent that the school premises is part of a licensed or permitted premises under this Chapter.

Sec. 6-59. Form and expiration.

All licenses issued under this division shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of the issuance, the fee paid and the name of the licensee. Unless sooner revoked, the license shall expire on June 30 except as otherwise provided in this division. The clerk shall mail the list required by Wis. Stats. § 125.04(4).
(Code 1960, § 11.01(6))

Sec. 6-60. Transferability.

(a) No license issued pursuant to this division shall be transferable as to a licensee except as provided by Wis. Stats. § 125.04(12)(b).

(b) A license issued pursuant to this division may be transferred as provided in Wis. Stats. § 125.04(12)(a). Application for such transfer shall be made on blanks furnished by the state department of revenue. Proceedings for such transfer shall be had in the same manner and form as the original application.

(Code 1960, § 11.01(7))

Sec. 6-61. Posting and care.

Every license or permit issued under this division shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license nor shall a person permit any other person to post it upon premises other than those mentioned in the application. No person shall knowingly deface or destroy such license.

(Code 1960, § 11.01(8))

Sec. 6-62. Revocation or suspension.

Whenever the holder of any license issued under this division violates any section of this article, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions in Wis. Stats. § 125.12 relating to granting a new license shall likewise be applicable.

(Code 1960, § 11.01(11)(a))

Sec. 6-63. Nonrenewal.

Before renewal of any license issued under this division is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the village board.

(Code 1960, § 11.01(12))

Secs. 6-64--6-90. Reserved.

Division 3. Operation Of Establishments

Sec. 6-91. Closing hours.

(a) No premises for which a license has been issued pursuant to division 2 of this article shall remain open for the sale of alcohol beverages during the following hours:

- (1) If a retail "class A" license, between 9:00 p.m. and 6:00 a.m.
- (2) If a "class B" license or permit, between the hours of 2:00 a.m. and 6:00 a.m., except on Saturdays and Sundays, when the closing hours shall

be between 2:30 a.m. and 6:00 a.m. On January 1, premises operating under a "class B" license or permit are not required to close.

(b) 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 regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours, except as provided in Wis. Stats. § 125.68(4)(c).

(c) No humanly operated or mechanically operated noise device shall be operated on any premises licensed under division 2 of this article at any time after one-half hour before closing time.

(d) No licensee or permit holder may allow any person to enter or remain on a premises during hours when the premises are not open for business, unless that person is the licensee/permittee, employees of the licensee/permittee, salespersons for the licensee/permittee, or service personnel for the licensee/permittee if those persons are performing job-related activities.

(Code 1960, § 11.01(10))

Sec. 6-92. Certain entertainment and practices prohibited.

(a) *Definition.* As used in this section, the term "licensee" shall mean the holder of a retail "class B" intoxicating liquor license or a "class B" fermented malt beverage retailer's license and any agent or employee of the licensee.

(b) *Scope of section.* In addition to any other conditions, regulations, bylaws or ordinances of the village applicable to the operation and maintenance of the licensed premises or its owners or operators, all retail "class B" intoxicating liquor licenses and "class B" fermented malt beverages retailer's licenses granted under division 2 of this article shall be subject to compliance with the rules, regulations set forth in this section.

(c) *Stage area.* No licensee shall furnish entertainment by or permit the performance of any act, stunt or dance unless such act, stunt or dance shall be performed on a stage area designated for such purpose. The use of the surface of the bar proper as a stage area is prohibited. When the stage area is located behind the bar, the nearest point of any such stage area shall not be less than six feet from the outer limits of the patrons' side of the bar. When the stage area is located outside of the bar (that is, on the patrons' side of the bar), such area shall be raised from the floor level and shall be separated by a railing or other device so as to provide a distance of at least six feet between the patrons and the performers, so as to deter patrons from participating in any act, stunt or dance.

(d) *Participation by patrons.* No licensee shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices of the management.

(e) *Solicitation of drinks.* No licensee shall permit the solicitation by any entertainer or employee of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on the premises, and no entertainer or employee shall solicit any such drink from any customer, patron or other person on the premises.

(f) *Employees sitting with customers.* No licensee shall permit any entertainer, waiter, waitress or other employee to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron. However, this subsection shall not apply to a member of the immediate family of the licensee or to any person who lives in the same household as the licensee and who has attained the legal drinking age.

(Code 1960, § 11.01(16))

Cross references: Amusements and entertainments generally, ch. 10.

Sec. 6-93. Gambling and disorderly conduct.

(a) Each premises licensed and permitted under this division 2 of this article shall at all times be maintained 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 "Class B" Liquor License or Class "B" Fermented Malt Beverage License shall be issued solely to receive reduced penalties under Wis. Stat. §§ 945.03(2m) and 945.04(2m) for having five or fewer video gambling machines on the premises under nor should the issuance of a "Class B" Liquor License or Class "B" Fermented Malt Beverage License be construed to permit video gambling machines to be maintained on the premises.

(Code 1960, § 11.01(9)(a))

Sec. 6-94. Employment of minors.

No person licensed under division 2 of this article shall employ any underage person to serve, sell, dispense or give any alcohol beverage, except as provided by law.

(Code 1960, § 11.01(9)(b))

Sec. 6-95. Sales by clubs.

No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(Code 1960, § 11.01(9)(c))

Sec. 6-96. Safety and sanitation requirements.

Each premises licensed under division 2 of this article shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(Code 1960, § 11.01(9)(d)) **Cross references:** Health and sanitation, ch. 50.

Sec. 6-97. Closed door.

No door of any premises licensed under division 2 of this article, if the door provides access to the street, sidewalk or private or public property, shall stand open during the time the licensed premises is authorized to dispense intoxicating liquor and fermented malt beverages.

(Code 1960, § 11.01(9)(e))

Sec. 6-98. Underage persons on licensed premises.

(a) Pursuant to Wis. Stats. § 125.07(3)(a)(8), underage persons are permitted to enter and remain in a room or a portion of a Class "B" or "Class B" premises that is separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room or portion of the premises where the underage persons are present and under the following circumstances:

- (1) The licensee makes application on a form to be provided by the village clerk for a written authorization from the village's law enforcement officer permitting underage persons to be present pursuant to the requirements of this subsection and Wis. Stats. § 125.07(3)(a)(8). Such application shall specify the type of event, the date on which the event is to occur and the time of commencement and ending time and any additional information required by the clerk.
- (2) For an application under this subsection that is the first such application for a licensee, such application shall be reviewed by the village board for a list of conditions that shall be included on any such authorization.
- (3) The licensee notified the village's law enforcement officer, in accordance with this subsection, at least ten days in advance of the dates and times underage persons will be allowed on the licensed premises.
- (4) Before issuing the authorization, the village's law enforcement officer shall make the determination that the presence of underage persons on the licensed premises will not endanger the health, welfare or safety of any member of the community and shall impose any conditions deemed appropriate including any conditions previously set forth by the village board.
- (5) The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
- (6) All other requirements of Wis. Stats. § 125.07(3) are complied with.
- (7) The licensee shall pay a fee of \$25.00 to the village clerk for each application for authorization pursuant to this section. Such fee shall be paid at the time that the application is made.
- (8) If at any time, the village's law enforcement officer determines that any use authorized under this subsection violates any subsection of this chapter or any provision of Wis. Stats. ch. 125, or constitutes a nuisance or endangers the health, welfare or safety of any member of the community, such authorization may be immediately revoked by the law enforcement officer. Prior to any additional authorization being utilized or granted under this subsection, the licensee shall appear before the village board and address the reason such authorization was revoked by the law enforcement officer. Upon such review, the village

board may determine that the licensee shall not utilize or receive future authorizations or may impose additional conditions on authorization of the licensee under this subsection.

- (9) During the period of any non-alcohol event authorized under this subsection, a notice shall be posted at all public entrances to that portion of the licensed premises containing the event notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into that portion during the event. Such notice cards shall be made available by the village to a requesting licensee.

(b) The presence of underage persons on the entirety of a licensed premises as provided under Wis. Stats. § 125.07(3)(a)(10) shall be subject to the following requirements:

- (1) The licensee shall notify the village's law enforcement officer at least ten days in advance of the date of any event at which underage persons will be present on the entirety of the licensed premises.
- (2) All notices shall include an application filed with the village's law enforcement officer and shall be filed on forms, prescribed by the village clerk. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement as well as the type of event and any additional information that the village shall require.
- (3) The licensee shall pay a fee of \$25.00 for each application for authorization pursuant to this section. Such fee shall be paid at the time that the application is made.
- (4) For an application under this subsection that is the first such application for a licensee, such application shall be reviewed by the village board for a list of conditions that shall be included on any such authorization under this subsection.
- (5) After a non-alcohol event notice has been given and approved, the licensee may cancel an event(s) only by giving like notice to the village's law enforcement officer in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" license.
- (6) During the period of any non-alcohol event, a notice card prescribed by the village's law enforcement officer shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the village to a requesting licensee.
- (7) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed

premises until the next day following the closing hours of the licensed premises.

- (8) During the period of any non-alcohol event, the licensee, the agent named in the license 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 in a secure place out of the sight and physical reach of any patron present. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.
- (9) If at any time, the village's law enforcement officer determines that any use authorized under this subsection violates any subsection of this chapter or any provision of Wis. Stats. ch. 125, or constitutes a nuisance or endangers the health, welfare or safety of any member of the community, such authorization may be immediately revoked by the law enforcement officer. Prior to any additional authorization being utilized or granted under this subsection, the licensee shall appear before the village board and address the reason such authorization was revoked by the law enforcement officer. Upon such review, the village board may determine that the licensee shall not utilize or receive future authorizations or may impose additional conditions on authorization of the licensee under this subsection.

(Ord. No. 2010-04, § 1, 7-26-10)

Sec. 6-99. Entry Powers and Inspections.

It shall be a condition of any license issued under this Chapter that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village without any warrant, and the application for a license hereunder shall be deemed consent to this provision. Any refusal to permit such inspection shall be a violation which provide a basis for suspension or revocation of any license issued hereunder and shall be deemed a violation of this section.

Sec. 6-100. Intoxicated Person Not to Serve Alcohol Beverages.

It be unlawful for any person to serve alcohol beverages while intoxicated. Intoxication shall mean having a blood alcohol content of 0.08 or more. Law enforcement officials shall be allowed to ask for Preliminary Breath Test with probable cause.

Sec. 6-101. Online Ordering and Curbside Pickup of Alcohol Beverages.

No establishment holding an alcohol beverage license shall allow online purchase of alcohol beverages unless the sale is consummated on the licensed premises. No establishment holding an alcohol beverage license shall allow curbside pickup of alcohol beverages.

Sec. 6-102. Continuity of Business

- (a) Commencement of Operations. Within 160 days after the issuance of a "Class B" Intoxicating Liquor License or a Class "B" Fermented Malt Beverage License, the licensee shall open for business with adequate stock and equipment. Upon failure to do business within such time, the license shall be subject to revocation by the Village Board pursuant to the procedure set out in Wis. Stat. § 125.12(4). The Village Board may, for good cause shown, extend such 160-day period.
- (b) Cessation of Operations. If any licensee shall suspend or cease doing business for 160 consecutive days or more, their Class "B" intoxicating Liquors License or Class "B" fermented malt beverages license shall be subject to revocation by the Village Board pursuant to the procedure set out in Wis. Stat. § 125.12(4). The Village Board may, for good cause shown, extend such 160-day period.

Sec. 6-103. Miscellaneous Regulations.

- (a) A retail Class "B", "Class B", or "Class C" licensee or a brewer, winery, manufacturer, or rectifier selling alcohol beverages shall post a notice at each exit of the licensed premises stating that "No beer, liquor or wine may be carried in an open container outside this premises."
- (b) No person shall carry any open container which contains an alcohol beverage or fermented malt beverage outside a retail Class "B" licensed premises.
- (c) No person shall consume, within a licensed premises, any fermented malt beverage, wine, or intoxicating liquor purchased outside of the licensed premises without prior consent of the license holder or its agent.