

Chapter 117

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[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 11-7-1989 by Ord. No. 89-1 as § 6.01, 8.01, 8.02, 8.03, 8.07 and 8.08 of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Mass public assemblies - See Ch. 60.
Nuisances - See Ch. 152.

Peace and good order - See Ch. 165.

ARTICLE I

Alcoholic Beverages in Public Places

§ 117-1. Open containers; consumption.

It is unlawful for any person to carry, or expose to view, any open can, bottle, or any other container containing malt beverage, intoxicating liquor, or other alcoholic beverages or to drink from the same on any sidewalk, street, alley, public road, park, boat landing, or other public property.

§ 117-2. Violations and penalties. [Amended 11-4-2003]

Any person who violates any of the provisions of this article shall, upon conviction, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1.

ARTICLE II

Sales

[Amended 12-4-1990 by Ord. No.90-4; 11-7-2002]

§ 117-3. Restrictions on Class "A" premises.

- A. Original packages required. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a Class "A" license has been issued any fermented malt beverage or intoxication liquor except in original unopened packages, containers or bottles, not to be consumed in or about the premises where sold. Fermented malt beverages shall not be sold in quantities of one can or one bottle or in kegs or barrels.
- B. Fermented malt beverage sale hours limited. No fermented malt beverages shall be sold, permitted to be sold, purchased, carried out or removed from any premises for which a Class "A" license has been issued between the hours of 9:00 p.m. and 8:00 a.m. [Amended 11-4-2003]
- C. Restricted access. All fermented malt beverages and intoxicating liquors shall be kept at all times in a segregated area of the premises that is separate from the portion of the premises that is used for sale and display of other merchandise. There shall be no floor displays or bulk stocking of fermented malt beverages or intoxicating liquor in areas of the premises that are open to the public. If any portion of the premises is open to the public after 9:00 p.m., then the portion of the premises containing fermented malt beverages and/or intoxicating liquors must be completely partitioned and locked, and access to those areas shall be prohibited after 9:00 p.m. and not reopened until sale hours resume the following day. The partition shall be done by permanent construction, such as fully finished walls and/or permanent doors. The fermented malt beverages and intoxicating liquors must not be visible from within those portions of the premises that are open to the public after 9:00 p.m. It shall be sufficient to satisfy the requirements of this subsection if the fermented malt beverages and intoxicating liquors are kept in a lockable cooler, provided that the cooler, or portion of the cooler where alcoholic beverages are kept, is completely and permanently partitioned from the other goods sold

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and access to that portion of the cooler where alcohol beverages are kept is prohibited after 9:00 p.m. and the alcohol beverages are not visible from outside the cooler after 9:00 p.m., as described herein.

- D. Licensing of premises. The entire building and parcel on which the building is located shall be deemed to be a part of any Class "A" licensed premises. The licensee shall ensure that there is no on-premises consumption and no on-premises open containers of fermented malt beverages and/or intoxicating liquors.
- E. Wine tasting prohibited. Wine tasting and wine sampling that otherwise would be permitted by § 125.06(13), Wis. Stats., are hereby prohibited.
- F. Age verification. All customers purchasing fermented malt beverages or intoxicating liquors shall be checked for valid proof of age prior to sale, regardless of appearance of age.

§ 117-4. Restrictions on "Class B" and Class "B" premises.

No intoxicating liquor or fermented malt beverage for consumption away from the premises shall be sold, permitted to be sold, purchased, carried out or removed from any premises for which a "Class B" or Class "B" license has been issued between the hours of 9:00 p.m. and 8:00 a.m. on weekdays and between the hours of 9:00 p.m. on Saturdays and the following 12:00 noon on Sundays and 9:00 p.m. on Sundays and 8:00 a.m. on Mondays.

§ 117-5. Fees.

Applicable fees for alcohol beverage licenses shall be in such amount as may be established by the Town Board from time to time by separate resolution.

§ 117-6. Violations and penalties. [Amended 11-4-2003]

Any person who violates any of the provisions of this article shall, upon conviction, be subject to the penalties provided in Chapter I, General Provisions, § 1-1.

ARTICLE ID
Tavern Closing Hours

§ 117-7. Hours established. [Amended 11-4-2003]

It shall be unlawful for any premises for which a retail "Class B" liquor license has been issued to remain open for the sale of liquor or fermented malt beverage for on-premises

consumption between the hours of 2:00a.m and 6:00a.m. • except 2: 30a.m and 6:00a.m. on Saturday and Sunday and except January 1 when there is no closing time.

§ 117-8. Violations and penalties.

Any person who violates this article shall be subject to all the penalties therefor as provided by Ch. 125, Wis. Stats.

ARTICLE IV Licensing

§ 117-9. Standards and guidelines. [Amended 11-4-2003]

To protect the health, safety and welfare of the residents of the Town of Pleasant Springs and to promote the orderly review and issuance of licenses for businesses selling alcoholic beverages, the Town of Pleasant Springs establishes the following standards and guidelines for license issuance and potential disciplinary action, including suspension, revocation, or nonrenewal of license. When considering action on a license application or disciplinary action against an existing license, the Town may consider the following:

- A. The present and historic level of compliance with applicable rules, regulations, statutes, and ordinances in regard to sales and distribution of alcoholic beverages.
- B. Within the confines permitted under Wisconsin law, the applicant's character, prior record, history as a licensee, record of violations, and other relevant character and behavioral traits.
- C. The applicant's experience and record in operating an establishment licensed to sell alcoholic beverages and the apparent expertise and capability of the applicant.
- D. The applicant's competence and knowledge regarding applicable rules, regulations, statutes and ordinances and the applicant's record of compliance.
- E. The design, type, size and characteristics of the business or establishment requesting the license and the history of the business, particularly in regard to sale and distribution of alcoholic beverages.
- F. The location of the establishment to be licensed, including consideration of traffic patterns, parking, proximity to other establishments, residential complexes, public buildings, other businesses, surrounding land use, and zoning of the subject property.
- G. Type of access to the premises proposed to be licensed for inspection and fire-fighting purposes.
- H. Any comments or information offered by neighbors, property owners or residents of the Town.
- I. Any other specific concerns relevant to the public health, safety and welfare which may come to the Town Board's attention.

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§ 117-10. Application of standards; warnings.

The foregoing standards will be applied in considering the issuance of the license for a business or premises which has not previously held a license. The standards will also be considered in reviewing a request for license renewal. It shall be the policy of the Town Board to issue warnings in regard to violations of law which may potentially affect the status of a license.

§ 117-11. Review of license.

The Town Board shall automatically review the license status for any business or establishment that has been convicted of or adjudicated to have committed a substantial violation of law regarding sale and distribution of alcoholic beverages, and there shall be an automatic review of any business or establishment that has received three warnings or more for violations of any type within the period of one year. •

§ 117-12. Operators' licenses. [Amended 11-4-2003]

The Town of Pleasant Springs shall issue operators' licenses to qualified applicants pursuant to § 125.17, Wis. Stats. The application process shall comply with applicable state law and shall be established by resolution of the Town Board. The fee for this license may be revised from time to time by the Town Board.

§ 117-13. Construal of provisions; purpose•

Nothing set forth in this article shall be construed in any way to limit the Board's regulatory, disciplinary and licensing powers as set forth under Ch. 125, Wis. Stats. • and other Wisconsin law. This article has the primary purpose of establishing guidelines and standards for the consideration of license applications and the conduct of licensees and their businesses.

§ 117-14. Application forms.

The Town Clerk shall prepare appropriate application forms, consistent with the foregoing guidelines and recitations, and shall provide the application forms to those who desire to apply for licenses for sale or distribution of alcoholic beverages. It shall be a requirement in all cases for licensees to comply with other procedures, regulations and requirements of applicable law regarding applying for and obtaining such licenses.

1. Editor's Note: Original § 8.07(D), Class A fermented malt beverage licenses, which Immediately followed this section, was deleted 11-4-2003.

ARTICLE V

License Withheld for Nonpayment of Claims

§ 117-15. Premises with unpaid claims.

No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims for the Town are delinquent and unpaid.

§ 117-16. Persons delinquent in payments. [Amended 11-4-2003]

No initial or renewal alcohol licenses shall be granted to any person delinquent in payment of:

- A. Any taxes, assessments or other claims owed to the Town.
- B. A forfeiture resulting from a violation of any ordinance of the Town.

ARTICLE VI

Sale to Underage Persons; Violation of Statutes

§ 117-17. Sale to underage persons.

It shall be unlawful for any person, licensee, corporation, partnership, or other entity to sell, distribute, or transfer any alcoholic beverages to any underaged person or persons, as defined under Wisconsin law.

§ 117-18. Manufacture, sale, transfer or distribution of alcoholic beverages.

Pursuant to § 125.10, Wis. Stats., it shall be further unlawful for any person, licensee, corporation, partnership, or other entity to violate any of the provisions of Ch. 125, Wis. Stats. • regarding manufacture, sale, transfer or distribution of any alcoholic beverages in the Town of Pleasant Springs.

§ 117-19. Violations and penalties.

Any person, licensee, corporation, partnership, or other entity who or which violates this article shall be subject to the penalties as set forth under Chapter 1, General Provisions, § 1-1, and also as set forth or authorized under Ch. 125, Wis. Stats.