

# **CHAPTER 11**

## **ALCOHOL BEVERAGES**

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### Chapter 11 Board Action

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## **11.01 REGULATION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

- 1) **STATUTES ADOPTED.** The provisions of Chapter 125 Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages. A violation of any such provisions shall constitute a violation of this chapter.
- 2) **MODIFICATIONS TO STATUTES.** Any future amendments, modifications, revisions, additions or deletions of the Chapters of the Wisconsin Statutes incorporated herein shall be incorporated herein and made a part of this Code in order to secure uniformity with state laws regarding intoxicating liquors and fermented malt beverages.

## **11.02 LICENSE REQUIRED.**

No person, firm, partnership, corporation or association shall within the Village, sell barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.

### **1) CLASSES OF LICENSES.**

All licenses listed below will be issued by the Village Clerk under the authority of the Village Board.

- a) Class “A” fermented malt beverage retailer’s license. Pursuant to 125.25, Wis. Stats. Authorizes retail sales of fermented malt beverages in original packages, containers and bottles for consumption off the premises where sold.
- b) Retail “Class A” intoxicating liquor license. Pursuant to 125.51, Wis. Stats. Authorizes the retail sale of intoxicating liquor in original packages, containers and bottles for consumption off the premises where sold.
- c) Class “B” fermented malt beverage retailer’s license. Pursuant to 125.26, Wis. Stats. Authorizes retail sales of fermented malt beverages to be consumed whether on the premises where sold or off the premises.
- d) Retail “Class B” intoxicating liquor license. Pursuant to 125.51, Wis. Stats. Authorizes retail sales of intoxicating liquor for consumption on the premises where sold, and authorizes the sale of intoxicating liquor in the original package or container, in multiples of not to exceed four (4) liters at any one time, to be consumed off the premises where sold.
- e) Reserve “Class B” licenses. A reserve “Class B” license means a license that is not granted or issued by the Village on December 1, 1997, (10 issued at a population of 4,338) and this is counted under 125.51(4)(br), Wis. Stats. Pursuant to 125.51(4), Wis. Stats.

- f) Temporary Class “B” and “Class B” license. A Fermented Malt Beverage License issued under 125.26(c), Wis. Stats., and a Wine License issued under 125.51(10), Wis. Stats, to a bona fide club, fair association, agricultural societies, lodges or societies that have been in existence for not less than six (6) months prior to the date of application or to posts of veteran’s organizations authorizing them to sell fermented malt beverages at a particular picnic or similar gathering. Applicant shall provide at all times while alcohol is being served at the licensed premises at least two (2) persons holding Operator’s Licenses.
- g) Retail “Class C” license. Pursuant to 125.04, Wis. Stats. Authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises sold.
- h) Operator’s License. An Operator’s License allows the person holding such a license to serve alcoholic beverages without the immediate supervision of the licensee, agent, or a person holding an Operator’s License on the premises. All annual Operator’s Licenses shall expire on June 30<sup>th</sup>.
- i) Provisional Operator’s License. A Provisional Operator’s License may be issued by the Village Clerk to a person who has made an application for an Operator’s License and whom the Clerk shall find, after investigation, to be eligible for an Operator’s License. Any Provisional License shall be valid until the Village Board shall act on the application, but not to exceed (60) days.
- j) Temporary Operator’s License. A license issued to a person who is qualified for an Operator’s License for a period of one (1) to fourteen (14) days, provided that the licensee is employed by or donating his or her services to a non-profit corporation and has not held another temporary license during the license year.

### **11.03 LICENSE APPLICATION.**

- 1) FORM. 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 Wisconsin Department of Revenue and filed with the Village Clerk. The premises shall be physically described, to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. This shall include land area under his/her control where alcohol beverages will be sold, served, consumed, or stored.
- 2) PUBLICATION. The Village Clerk shall publish each application for a Class “A”, Class “B”, “Class A”, “Class B” or “Class C” license. There is no publication requirement for temporary Class “B” picnic licenses under 125.26(6), Wis. Stats., or temporary “Class B” picnic wine licenses under 125.51(10), Wis. Stats.
- 3) SUBSEQUENT CHANGES. If any fact given in the application subsequently changes, the licensee shall file a notice in writing of such change with the Clerk within ten (10) days.
- 4) DISPLAY OF LICENSES. All licenses in a premise shall be enclosed in a frame having a transparent front which allows the license to be clearly read as provided in 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.

#### **11.04 LICENSE INVESTIGATION.**

Upon receipt of an application for any Retail Class “A”, “Class A”, Class “B”, “Class B”, or “Class C” license or combination thereof, or Operator’s License, the Village Clerk shall send copies thereof to the Police Department for investigation to determine whether the license should be granted or refused.

#### **11.05 RESTRICTIONS ON GRANTING INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES AND RELATED LICENSES.**

- 1) HEALTH AND SANITATION. No License shall be issued for any premises which does not comply with the State Building and Plumbing Codes, Sec. 125.68 (5) Wis. Stats., Wisconsin Administrative Code and the rules and regulations as to health and sanitation adopted by the Village Board and the County Health Department. Licensed or permitted locations must comply with sec. 125.68(3) Stats.
- 2) DELINQUENT TAXES, ASSESSMENTS, ETC.
  - a) Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other fees of the Village of Bloomfield are unpaid.
  - b) Persons. No initial or renewal alcohol license shall be granted to any person, as defined in Sec. 125.02, Stats. Who is:
    - i. Delinquent in payment of any taxes, assessments or other claims owed to the Village of Bloomfield.
    - ii. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village of Bloomfield.
    - iii. Delinquent in payment to the State of Wisconsin of any taxes owed.

#### **11.06 RESTRICTION OF LICENSED PREMISES AND LICENSES.**

- 1) STATUTORY COMPLIANCE REQUIRED. A holder of any license under this section shall comply with Chapter 125, Stats.
- 2) PREMISES REQUIREMENT.
  - a) Any applicant for a liquor license who does not, at the time of said application, have a building constructed for the purpose of utilizing said license, may be granted said license, provided, however, said license shall not be issued to said applicant until a building

constructed for the purpose of utilizing said license has been completed and passes all inspections, rules, regulations, ordinances, and state and federal laws, including, but not limited to fire, sanitary, electrical and building codes.

- b) Outdoor Extension. An extension of a Class “B”, “Class B”, or “Class C” establishment where beverages are served and/or consumed in a designated outdoor area, provided that the establishment meets the following standards:
- i. The designated area complies with all Federal, State, and local Zoning Codes, including setbacks from Wetlands and Shoreland Zoning regulations.
  - ii. The designated area and building shall be surrounded by a fence in compliance with the Building and Zoning Code and a permit shall be required for same, minimum of 4’ high, minimum of 40% open facing street. For the purposes of this section, a water barrier is permitted in lieu of a fence along the shoreland area.
  - iii. The outdoor area hours shall close on or before 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday.
  - iv. The entrance to the outdoor designated area shall be only accessible from the inside of the establishment.
  - v. The applicant shall provide a detailed sketch, including any plans for an outdoor bar, with their initial application and any subsequent changes on their renewal application and an annual fee to permit an outdoor extension.
  - vi. The applicant shall use the Original Application or Renewal Application form as prescribed by the State of Wisconsin and include the outdoor serving area on the detail or description of premises.
  - vii. The designated area lighting should be in compliance with all applicable regulations or codes.
  - viii. The designated outdoor area shall be prohibited from having any outdoor music or other amplified entertainment unless an Outdoor Cabaret Permit is issued in compliance with Section 12.09 of this Code.
  - ix. The designated outdoor area must comply with the State, County and local regulations and Ordinances pertaining to service, seating, fire codes, or any other business activity.
  - x. The designated outdoor area shall be approved by the following departments or offices and said approval should be in writing, as follows:
    1. Zoning Administrator.
    2. Building Inspector (*only required if installing fencing, lighting or other building renovations to accommodate designated outdoor area*).

3. Fire Chief, or his/her designee.
  4. Police Chief, or his/her designee.
  - x. If any or all the above standards are not met, or if there is any violation of this or any other ordinance(s), there shall be a hearing for suspension or revocation of the outdoor extension license by the Village Board.
  - xii. Exception to Outdoor Extension Standards: Any Golf Course, Golf Club, or Banquet Facility that has a valid Conditional Use Permit is not required to comply with Section 11.06(2)(b) standards items i-iv, viii and x.
- c) Issuance of License.
- i. Except as provided for in Section (C) in this section, no liquor license shall be issued unless:
    1. The applicant has a building or structure to utilize said license; or
    2. The applicant is without a building or structure at the time of application but complies with Section (2) (b) (i) above; and
  - d) Extension of Time. Any period of time set forth in this section requiring that a certain act or acts be performed as a condition of the granting or issuance of a liquor license, may be extended at the discretion of the Village Board, upon the written petition of the applicant for said license, but in no event shall any time period as set forth herein be shortened.
  - e) Compliance Required. No liquor license shall be issued unless all provisions of this section are met by the applicant.
- 3) TRANSFER OF LICENSE. No person granted or issued a valid liquor license in the Village may transfer or convey said license, except that any person or entity holding a valid Village license in the Village may apply to the Village Board to transfer said license from one location to another within the Village. The Village Board may, in its discretion, approve said application and issue a new license, provided the applicant furnishes the Village Board with a proper description of the premises for which the license is to be issued and pays costs of publication and administration for said application.
- 4) DESTRUCTION OF EXISTING BUILDING OR STRUCTURE. In the event any person or entity that has been granted or issued a valid liquor license, and during the period which that license was in existence, said building or structure which was being operated in conjunction with said liquor license shall be destroyed for any reason whatsoever, the liquor license shall remain valid for the duration or term that said license was originally issued. At the expiration of term of said liquor license, said individual or entity may apply and have granted a liquor license, however,
- a) Construction of said building commences within 180 days from the date of granting of said liquor license; and

b) Within 545 days from the granting of said license, said building construction is completed in conformity with (2) (a) herein and is operational and open to the public for the purpose which the building was intended to be used, whereupon said license may then be issued.

5) VIOLATION AND PENALTY. Any person who shall violate this Chapter 125 of the Wisconsin Statute and as thereafter amended, and the alcohol licensing regulation of set forth herein shall, upon violation, forfeit said license and said license shall revert to the Village and the Village may grant or issue said revoked license to any other applicant who qualifies for the granting and issuance of said license in accordance with the ordinances and by-laws of the Village and the laws of the State of Wisconsin.

#### **11.07 HOURS FOR SELLING AND OPERATION.**

- 1) The Village of Bloomfield does hereby adopt the Wisconsin State Statutes hours of prohibition on the sale of alcoholic beverage in their original unopened packages, containers or bottles or for consumption away from the premises.
- 2) The Village of Bloomfield does hereby adopt the Wisconsin State Statutes hours of operation.
- 3) 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.

#### **11.08 FREE ALCOHOL BEVERAGES IN RESTAURANTS.**

No person holding a permit to operate a restaurant may give away or permit to be given away any alcohol beverages on the restaurant premises.

#### **11.09 PLACE-TO-PLACE DELIVERIES.**

No person shall peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

#### **11.10 DRINKING AND OPEN POSSESSION OF INTOXICATING BEVERAGES PROHIBITED.**

- 1) It shall be unlawful for any person to drink from or open a container of fermented malt beverage or intoxicating liquor in a parked, standing or moving vehicle on a public highway or area held open to public use.

- 2) No person unless he is a parent, guardian, or spouse of a minor, may knowingly possess, transport or have under his control, any fermented malt beverage or liquor, while accompanied by any person under State of Wisconsin's legal drinking age.
- 3) It shall be unlawful for any person to carry, exposed to view, any open can, bottle or other container containing malt beverage or intoxicating liquor, or to drink from the same, on any public walk, street or in any park or other public place in the Village of Bloomfield, unless permitted by special event permit from the Village.
- 4) Any person violating any of the above shall be liable to forfeiture of the sum of not less than Twenty-five (\$25.00) dollars nor more than Five hundred (\$500.00) dollars, and upon default thereof, shall be confined in the County Jail for a term not to exceed Thirty (30) days.

### **11.11 SUSPENSION, REVOCATIONS AND DISCONTINUED USE OR NON-USE OF LICENSE.**

Suspension, revocation and non-renewal of any license shall be in accordance with 125.12, Wis. Stats.

- 1) **SUSPENSION AND REVOCATION OF LICENSES.** In addition to other provisions of this Municipal Code and Chapter 125, Stats., the following shall constitute grounds to suspend or revoke an intoxicating liquor or fermented malt beverage license issued pursuant to this Municipal Code:
  - a) Closing of the premises to which a license has been issued, such closure being for ninety or more consecutive days, unless specifically authorized by the Village Board.
  - b) Non-use of a license for ninety or more consecutive days subsequent to the granting of such license.
  - c) Any other failure to use such license for ninety or more consecutive days.
  - d) Any other Violation of this Chapter.
- 2) **OTHER REMEDIES.** This section shall not limit or abrogate the rights of the Village or licensee as otherwise set forth in this Municipal Code.
- 3) **NOTICE REQUIRED.** The licensee shall notify the Village Clerk of any non-use or closure of licensed premises for sixty or more consecutive days. Any failure of the licensee to provide such notice shall be grounds for possible action to suspend or revoke such license.

### **11.12 WEARING APPAREL REQUIRED.**

- 1) **REGULATION OF LICENSED PREMISES.** All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or



licensed operator, officer or agent of a licensed entity, waiter, waitress, entertainer, dancer, or any other employee, shall observe the following applicable minimum standards for such licensed premises:

- a) The costume, uniform, or attire of any female shall completely cover the breasts, completely cover the mons pubis genitals, and the buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.
  - b) The costume, uniform, or attire of any male shall completely cover the public area, genitals, and buttocks at all times. Those areas to be covered shall be covered with a non-transparent material.
- 2) **APPLICABILITY.** It shall be the responsibility of the license to maintain such minimum standards on the licensed premises. Any violation taking place upon a licensed premise shall be deemed to be a violation by both the violator and the licensee.

### **11.13 PENALTIES.**

Any violation of this Chapter may result in penalties as described pursuant to Chapter 25.04 of these ordinances.