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#### 22.01 STATUTES ADOPTED

The statutory provisions set forth in Chapter 125, Wisconsin Statutes, and any amendments thereto relating to the defining, licensing, regulating, and selling of fermented malt beverages are hereby adopted and by reference made a part of this chapter as if fully set forth herein, except when such provisions are in conflict with the express provisions of this chapter. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this chapter.

#### 22.02 DEFINITION OF TERMS

As used in this ordinance, the term "fermented malt beverages" shall have the meaning given by statute.

#### 22.03 LICENSE REQUIRED

No person or corporation shall within the City of Wisconsin Rapids distribute, sell or keep, or offer for sale at wholesale or retail, any fermented malt beverage, or cause the same to be done, without having procured a license as provided in this section. A license shall be required for each stand, place, room, or enclosure, or for each suite of rooms or enclosure which are in direct connection or communication or contiguous to each other where said beverages are kept, sold, or offered for sale.

#### 22.04 CLOSING HOURS (MC#746)

No premises for which a Class "A" license for fermented malt beverages has been issued shall be permitted to sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m. The hours of a Class "B" licensee under this chapter shall conform to state statute, except fermented malt beverages shall not be sold in original unopened packages between midnight and 8:00 a.m.

#### 22.05 LICENSE AND FEES

- (1) Class "A" License (Off-premises Use). A Class "A" retailer's license, when issued by the city clerk under authority of the common council, shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages only for consumption away from the premises where sold in original packages, containers, or bottles. The fee for such Class "A" license shall be \$100.00 per year. The sale of fermented malt beverages under Class "A" retailer's license is restricted to grocery stores, convenience stores, and liquor stores.
- (2) Class "B" License (On- or Off-premises Use).
  - (a) A Class "B" retailer's license when issued by the city clerk under authority of the common council shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages. The fee for such Class "B" license shall be \$100.00 per year.
  - (b) Such licenses may also be issued to bona fide clubs; state, county, or local fair associations; agricultural

societies; lodges, or societies that have been in existence for not less than six months prior to the date of application, or to posts now or hereafter to be established of ex-servicemen's organizations, authorizing them to sell fermented malt beverages at a particular picnic or similar outing or at a meeting of any such post, or on any other occasion specified in the application, for each of which occasions a fee of \$5.00 is charged by the city clerk.

The city clerk shall have the authority to approve requests for picnic licenses for those events for which common council approval may not be obtained in a timely manner and for which the applying organization has obtained approval by the council for previous similar events.

(c) The fee for a six-month Class "B" beer license is \$50.00.

(3) Wholesaler's License. A wholesaler's license when issued by the city clerk under authority of the common council to a domestic corporation or to persons of good moral character who have been residents of the state continuously for not less than 90 days prior to the date of filing application therefore, shall entitle the holder thereof to possess, sell, and offer for sale fermented malt beverages only in original packages or containers, not to be consumed in or about the premises where sold. The fee for a wholesaler's license shall be \$25.00 per year.

(4) Section 125.185 of the Wisconsin Statutes, as adopted July 15, 1995, and amended thereafter, is hereby incorporated by reference. A provisional retail license may be issued by the city clerk to an applicant for whom a retail license has been approved by the common council but who has not completed the state requirement for attendance at a responsible beverage server training course. The fee for such provisional retail license shall be \$15.00.

(5) A provisional retail license may be issued by the city clerk, prior to approval by the common council of a regular retail license application, which authorizes only the activity allowed by the type of license applied for, under the following circumstance: if the applicant has applied and paid for the cost of publication for the type of retail license applied for, has paid the license fee for both the provisional and the regular license, is qualified to hold the type of license applied for, and is applying for the provisional license to maintain continuity of an existing business that held a retail liquor license issued by the city clerk. The applicant must provide the clerk with proof of control and/or occupancy of the premises before the clerk will issue the provisional license.

#### 22.06 QUALIFICATIONS - BEER AND LIQUOR

(1) Class "A" and "B" or wholesaler's license shall be granted only to persons who have attained the legal drinking age and have resided in Wisconsin for not less than 90 days prior to the date of filing application for such license, except Class "A" and "B" licenses may be issued to corporations.

(2) No such "A" or "B" license shall be issued to any person, who being a habitual law offender or having been convicted of a qualifying felony unless such person has been pardoned, nor to any person, firm, or corporation having been convicted of a violation of federal or state liquor laws or of the provisions of this section during a period of one year prior to said application.

(3) No such license shall be granted for any premises where any other business shall be conducted in connection with said licensed premises except that such restriction shall not apply to a hotel or restaurant not a part of or located in or upon the premises of any mercantile establishment, or to bona fide club, society, or lodge that shall have been in existence for not less than six months prior to the date of application. Such license for a hotel, restaurant, club, society, or lodge may be taken in the name of an officer or manager who shall be personally responsible for compliance with all of the terms and provisions of this section.

(4) Licenses shall not be granted for operation of any premises upon which personal property taxes or assessments are delinquent, or against which the city has any financial claim or lien.

(5) Sanitary Conditions. Class "B" retailers' licenses for the sale of fermented malt beverages to be consumed upon the premises where sold shall not be granted unless such premises are connected with running water and sewage facilities, properly lighted and ventilated, supplied with adequate sanitary toilet and lavatory facilities, and are equipped with running water. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all premises for which a Class "B" retailers' license is applied for, and such license shall not be issued unless the premises conform to those rules and regulations.

#### 22.07 APPLICATION

(1) Written application for a license shall be filed with the city clerk upon forms provided by said clerk who shall present said application to the council. Such application shall contain the name, residence, and age of the applicant, if an individual, or the names of principal officers, their residences, and ages, if the applicant is an association or corporation, together with the state of incorporation. It shall also contain the name or names of one or more

persons whom such corporation or association shall designate as manager or person in charge, with the address of addresses of same. Such application shall further state such additional information as the clerk shall require. Each application blank shall state the applicant consents to the entry of duly authorized representatives of the City of Wisconsin Rapids at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinance or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

- (2) Such application shall be signed and sworn to by the applicant if an individual, and if a corporation, then by the president and secretary thereof, before a notary public or other officer authorized to administer oaths.

#### 22.08 INSPECTION

- (1) The city clerk shall notify the chief of police, health officer, chief of the fire department, and building inspector of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinance, and laws applicable thereto. These officials shall furnish to the common council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises.
- (2) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, appropriateness of the location, and premises where such licensed business is to be conducted, and generally, the applicant's fitness for the trust to be reposed.

#### 22.09 RESTRICTIONS

The following restrictions shall apply to the granting of licenses:

- (1) No Class "A" or "B" license shall be granted to any person under the legal drinking age.
- (2) The number of malt beverage licenses in the City of Wisconsin Rapids shall limited as follows:
  - (a) There shall be no limit on the number of wholesale malt beverage licenses issued in the City of Wisconsin Rapids.
  - (b) In addition to the number of Class "B" beer licenses issued to persons or firms who also hold "Class B" beer and intoxicating liquor licenses, there shall be fifteen (15) additional Class "B" beer licenses which may be issued to persons or firms who do not hold Class "B" liquor licenses. (MC#1011)

#### 22.10 LICENSES FOR PREMISES

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the dates of issuance, the fee paid, the name of licensee, and shall expire on the 30th day of June thereafter. The licenses so granted shall be posted in a conspicuous place in the premises so licenses and it shall be unlawful for any person to post such license or to allow them to be posted upon premises other than those mentioned in this application.

#### 22.11 HEALTH RULES

Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purposes for which used. The Board of Health of the city is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this ordinance. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this ordinance, and infraction thereof may be punished as a violation of this ordinance.

#### 22.12 OPERATOR'S LICENSE - BEER AND LIQUOR (MC#952)

- (1) A beverage operator's license, as provided by the Wisconsin Statutes, may be approved and issued by the city clerk or deputy clerk to persons of good moral character upon payment of a biennial fee of \$35.00 for any part of a two-year period, except the fee for any period of less than 18 months will be \$25.00. The city clerk and the deputy clerk are designated as municipal officials who can issue beverage operator's licenses.

A written application shall be filed with the city clerk stating the name, residence, age, and sex of applicant, together with any pertinent information specified in Section 22.07 of this chapter. The applicant shall be referred to the chief of police for a report. The applicant must be 18 years of age or older. (MC#1020)

  - (a) A provisional license, as provided for by the Wisconsin State Statutes, may be issued by the city clerk to a person who has applied for an operator's license, pending the usual background investigation. Provisional licenses shall expire 60 days after issuance or when an operator's license, under subsection (1) above, is

issued to the holder, whichever is sooner. The fee for a provisional license shall be \$5.00 payable to the city treasurer.

- (b) In addition to other uses allowed by law, the city clerk or his/her designee is authorized to issue a provisional license to any individual, who is shown qualified by background investigation, for the period within 60 days of issuance of a full two-year license.
  - (c) The provisional license shall be in the form of the treasurer's receipt for payment the provisional license and new or renewal beverage operator's licenses.
- (3) In all cases of applications for operator's licenses, a review shall be made through the police department to determine if the applicant has any violation. Sufficient violations, as determined by city policy to be relevant to non-issuance of an operator's license, shall disqualify an applicant from receipt of such license, and the city clerk or deputy clerk shall deny such application, except that, after appeal by the applicant and review by common council, the council may, at its discretion, approve any license application. (MC#1271)

#### 22.13 SUSPENSION, REVOCATION, OR NON-RENEWAL OF LICENSE

The common council may at any time suspend, revoke, or refuse to renew any license granted under the provision of this ordinance upon conviction for the violation of any of the rules, regulations, ordinances, or laws governing or applicable to said licensed premises, or upon conviction of the licensee of any qualified felony. Such action shall be governed by the hearing procedures set forth by state statute. Whenever any license shall be revoked, no refund or any unearned portion of the fee paid, shall be made, and at least 12 months from the time of such revocation shall elapse before another license shall be granted for the same premises

The alcohol beverage license issued for any premises which is abandoned, as defined herein, shall be subject to revocation by the common council as provided in this Code and Wis. Stats. § 125.12. "Abandoned", for the purposes of the section shall mean a continuing refusal or failure of the licensee to use or operate upon the premises for the purpose or purposes for which the license was granted, for a period of four months or more. No license shall be reissued or renewed to a licensee if the business for which the license is issued has been inactive for a period of four months or more immediately prior to the renewal date.

#### 22.15 PENALTIES

Any person, firm, or corporation violating any of the provisions of this ordinance shall pay a forfeiture of not more than \$500.00 and the cost of collection, and in default of payment of the forfeiture and cost of collection shall be imprisoned in the county jail for Wood County, Wisconsin, for not more than 90 days, and each day of violation shall constitute a separate offense.