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#### 23.01 WISCONSIN STATUTES ADOPTED

The statutory provisions set forth in Chapter 125 of the Wisconsin State Statutes and any amendments thereto relating to the defining, licensing, regulating, and selling of intoxicating liquor 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 herein by reference is required or prohibited by this chapter.

#### 23.02 LICENSE REQUIRED

- (1) No person, firm, or corporation shall vend, sell, deal, or traffic in, or for the purpose of evading any law or ordinance, give away any intoxicating liquor in any quantity whatever, or cause the same to be done without having procured a license as provided in this ordinance, nor without complying with all provisions of this ordinance and all statutes, ordinances, and regulations applicable thereto.
- (2) A license shall be required for each stand, place, room, or enclosure, or for each suite of rooms or enclosures which are in direct connection or communication to each other where intoxicating liquor is kept, sold, or offered for sale, and no license shall be issued to any person, firm, or corporation for the purpose of possession, selling, or offering for sale any intoxicating liquor in any dwelling, house, flat, or residential apartment.

#### 23.03 LICENSES AND FEES

There shall be three classes of licenses:

- (1) Retail class "A" liquor licenses. A retail class "A" liquor license, when issued by the city clerk under authority of the common council shall permit its holder to sell, deal, and traffic in intoxicating liquors only in original packages or containers to be consumed off the premises so licensed. The fee for such class "A" liquor license shall be \$400.00 per year. (MC#1014)
- (2) Retail Class "B" liquor license.

- (a) A retail class "B" liquor license, when issued by the city clerk under authority of the Common Council, shall permit its holder to sell, deal, and traffic in intoxicating liquors to be consumed on the premises so licensed, by the glass; or to be sold in multiples not to exceed four liters at any one time, and consumed off the premises so licensed in the original package or container. The fee for such retail class "B" liquor license shall be \$400.00 per year. (MC#1014)
  - (b) Such licenses also may 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 (6) months prior to the date of application; or to posts of ex-servicemen's organizations authorizing them to sell wine at picnics or similar gatherings. Issuance of this license shall be concurrent with issuance of a special picnic fermented malt beverage license, except that no more than two (2) temporary Class "B" (picnic) wine licenses may be issued under this section in any 12-month period. (MC#814)
  - (c) 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 an application therefore, shall entitle the holder thereof to possess, sell, and offer for sale intoxicating liquors. The fee for a wholesaler's license shall be \$500.00.
- (3) Retail "Reserve Class B" license. (MC#1056)
- (a) A retail "Reserve Class B" license, when issued by the city clerk under authority of the common council shall permit its holder to sell, deal, and traffic in intoxicating liquors to be consumed on the premises so licensed, by the glass; or to be sold in multiples not to exceed four liters at any one time, and consumed off the premises so licensed in the original package or container. In addition to the annual fee provided in 2.(a) above, a fee of \$10,000.00 shall be paid for initial issue of any license designated a "reserve" license, pursuant to §125.51(3)(e)2 of the Wisconsin Statutes.
  - (b) Retail "Class C" wine license. A retail "Class C" wine license, when issued by the city clerk under authority of the common council shall permit its holder to sell, deal, and traffic in wine by the glass or in an opened original container for consumption on the premises where sold. Such licenses may only be issued to restaurants per the restrictions of Section 125.51(3m) of the Wisconsin Statutes. The fee for such "Class C" wine license shall be \$100 per year. (MC#983)
- (5) 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. (MC#983)
- 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. (MC#1197)

#### 23.04 LICENSE APPLICATION

Application for a license to sell or deal in intoxicating liquor shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided by Wisconsin Statutes, and shall be filed with the city clerk not less than 15 days prior to the granting of such license.

### 23.05 POSTING

Every license and permit issued pursuant to this ordinance shall be posted, while in force, in a conspicuous place in the room or place where intoxicating liquors are kept for sale. It shall be unlawful for any person to post such license or permit, or to be permitted to post such, upon premises other than those mentioned in the application, or knowingly to deface or destroy such license or permit, or to remove such without the consent of the licensee or permit holder. Whenever a license or permit shall be lost or destroyed without fault on the part of the holder, his agent, or employee, a duplicate, in lieu thereof under the original application, shall be issued by the city clerk, on satisfying himself as to the facts, upon the payment of a fee of \$1.00.

### 23.06 HEALTH RULES

Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The board of health or health officer 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 have the same force as this section and infraction thereof may be punished as a violation of this section.

### 23.07 RIGHT OF ENTRY AND REMOVAL

Every applicant procuring a license hereby consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises all things and articles in evidence in any prosecution that may be brought for such offenses.

### 23.08 LIMITATION OF LICENSES

The following limitations shall be placed on the number of licenses granted in the City of Wisconsin Rapids.

- (1) The number of "Class B" retail liquor licenses and "Reserve Class B" retail liquor licenses shall be in accordance with Chapter 125.51(4), Wisconsin Statutes, and the number shall not be increased unless in accordance with said state law governing the same. (MC#983)
- (2) The number of retail "Class C" wine licenses shall be fifteen (15). (MC#1011)

### 23.09 CLOSING HOURS (MC#746)

No premises for which a wholesale or retail liquor license has been issued shall be permitted to remain open for the sale of liquor:

- (1) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except Saturday when closing hour shall be 9:00 p.m.
- (2) If a retail "Class A" license, between 9:00 p.m. and 8:00 a.m.
- (3) If a "Class B" license or a "Reserve Class B" license, during the hours allowed by state statute, except intoxicating liquor shall not be sold in original unopened packages between midnight and 8:00 a.m. (MC#983)
- (4) If a "Class C" license, during the hours allowed by state statute. (MC#983)
- (5) Hotels and restaurants whose principal business is the furnishing of food and/or lodging to patrons, shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell intoxicating liquors during the hours mentioned in subsection (3) of this section. (MC#983)

### 23.10 AGENTS AND EMPLOYEES

A violation of this ordinance by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.

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

Whenever the holder of any license or permit under this ordinance shall violate any portion of the ordinance or

any regulation adopted pursuant thereto, proceedings for the suspension, revocation, or non-renewal of said license or permit may be instituted in the manner and under the procedure established by Chapter 125, of the Wisconsin Statutes, and the provision therein relating to the granting of a new license shall likewise be applicable.

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.

#### 23.12 PENALTIES

Any person, firm, or corporation violating any of the foregoing provisions of this ordinance shall pay a forfeiture of not more than \$500.00 and the costs of collection, and in default of payment of the forfeiture and the costs of collection, shall be imprisoned in the county jail for Wood County, Wisconsin, for not more than 90 days, or by both such forfeiture and imprisonment, or such other penalty as provided in Chapter 125, of the Wisconsin Statutes, where a penalty is therein provided for any specific violation.

#### 23.13 INTERIOR OPEN TO VIEW

It shall be unlawful for any person operating a tavern where malt, vinous, spirituous, or intoxicating liquors or any kind are sold within the City of Wisconsin Rapids to establish or maintain in connection with such tavern, either as a part of or as an adjunct to any room, stall, or private apartment, the interior of which is shut off from the general public view by doors, curtains, screens, or partitions, or other devices of any kind whatsoever.

#### 23.14 OPEN CONTAINER REGULATIONS - LIQUOR AND BEER

Whoever has in his possession any open can, bottle, or other vessel containing malt beverages or intoxicating liquor, or who shall drink from the same on any public way, public street, alley, or parking lot shall suffer a forfeiture not to exceed \$100.00, and in lieu of such payment assessed, imprisonment for not more than 30 days in the county jail. Exception:

- (1) At such times and places as may be specifically exempted temporarily from the provisions hereof by order of the common council.
- (2) Individuals in possession of any of the items set forth above are exempted from this ordinance when on the sidewalk or boulevard in a residential area when the owner or tenant of the residence is present and said individual is present with the permission of the owner or tenant.

#### 23.15 OPERATING PREMISES (MC#521)

- (1) No alcohol beverage license shall be renewed for any licensee who has not had a premises from which to operate for two consecutive years, or who has failed to operate a business for selling alcohol beverages within a licensed premises for three consecutive years. The common council may allow extensions of time for a license holder to begin or resume operations, if the license holder demonstrates special adverse circumstances and substantial efforts toward beginning or resuming operation.
- (2) All non-renewals of licenses shall be accomplished subject to the hearing process specified by statute.

#### 23.16 UNDERAGE PERSONS - FRATERNAL ORDER OF EAGLES (MC#717)

The Fraternal Order of Eagles is hereby allowed to permit underage persons to enter and remain in the premises located 161 3rd Street North, Wisconsin Rapids, Wood County, Wisconsin, for which they have a "Class B" Liquor and Class "B" Beer license for the specific dates and times requested provided they obtain written authorization from the police department.

Temporary expansion of licensed premises.

- (1) Temporary expansion of premises description. The City Clerk is hereby authorized and directed to issue alcohol beverage licenses temporarily expanding the liquor license premises description for establishments holding an alcohol beverage license to include outdoor areas owned by or under control of the licensee, sidewalk areas immediately adjacent to the licensed premises, park property immediately adjacent to and contiguous with the licensed premises and any other outdoor area approved by the Police Department, Fire Department, Public Works Department, and Community Development Department. Any premises temporarily expanded pursuant to this ordinance shall be only expanded on Mondays through Saturdays, from 3:00 p.m. to 11:00 p.m., with alcohol ceasing to be sold, possessed and consumed in the expanded area by 10:00 p.m.(MC#1268)
- (2). Application. A licensee holding any Class “B” (beer), “Class B” (liquor), or Class B combination license, as defined under Chapters 22 and 23, shall submit a separate application for Temporary Expansion of Licensed Premises to the City Clerk. The application shall include all of the following:
  - a. A description of the area to be included in the temporary expansion. The expanded area is subject to the requirements of Wis. Stat. Chapter 125 and the Wisconsin Rapids Municipal Code.
  - b. Proof that the licensee has the right to occupy the area described. If the property consists of City right-of-way the licensee must obtain a revocable occupancy permit by applying through the Department of Public Works.
  - c. A detailed plan of how physical distancing will be maintained,
  - d. A security plan indicating how the area will be monitored and secured to delineate area boundaries.
- (3). Return to original premises description. Any premises description expanded under this section shall be removed no later than November 1, 2020, at which time the licensed premises shall return to the liquor license premises description identified and approved as part of the licensee's annual license application without further action upon the part of the licensee or Common Council.
- (4) Revocation. The City Clerk may revoke a temporary licensed premise expansion if they determine that the Licensee has violated Chapters 22 or 23, or Ch. 125, Wis. Stats.; if the revocable occupancy permit is revoked; if the licensee no longer has the right to occupy the area included as part of the temporary licensed premise expansion; if they determine that occupancy of the area is detrimental to the public health, safety, or welfare, or if the right-of-way subject to such temporary licensed premise expansion is required for some other public purpose.
- (5) Appeal Procedure. Any person aggrieved may appeal the denial or revocation of practicable for review.
- (6) Possession of intoxicants on expanded premises. Individuals may consume intoxicating liquor or fermented malt beverages on any premises authorized under this section.(MC#1268)

SECTION II Sunset Provision. This ordinance is hereby repealed effective November 1, 2020.  
 SECTION III All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.  
 SECTION IV This ordinance shall take effect upon passage and publication.

23.17 Social Hosting (MC#1189)

- (1) Purpose and Findings. The Common Council of the City of Wisconsin Rapids intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Common Council of the Wisconsin Rapids finds:
- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
  - (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
  - (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
  - (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.
  - (e) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.
- (2) Definitions. For purposes of this chapter, the following terms have the following meanings:
- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
  - (b) Alcoholic Beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
  - (c) Event or Gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
  - (d) Host or Allow. "Host" or "allow" means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
  - (e) Parent. "Parent" means any person having legal custody of a juvenile:
    - (1) As natural, adoptive parent or step-parent;
    - (2) As a legal guardian; or
    - (3) As a person to whom legal custody has been given by order of the Court.
  - (f) Residence, Premises or Public or Private Property. "Residence", "premises", or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.
  - (g) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.
- (3) Prohibited Acts. It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does (i) consume any alcohol or alcoholic beverage; or (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (a) A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.
  - (b) A person who hosts an event or gathering does not have to be present at the event or gathering

to be responsible.

- (4) Exceptions.
  - (a) This ordinance does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.
  - (b) This ordinance does not apply to legally protected religious observances.
  - (c) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- (5) Penalties. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$1,000 nor more than \$5,000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.

#### 23.18 Online Ordering and Curbside Pickup of Alcohol Beverages (MC # 1253)

- (a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining a "Change of Premises" from the Common Council, upon recommendation of the Finance and Property Committee, to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.
  - 1. The licensed establishment shall file a detailed operation plan with their "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.
  - 2. Failure of licensee to provide a detailed operation plan with their "Change of Premises" application shall result in the City Clerk not forwarding the "Change of Premises" form to the Finance and Property Committee for consideration.
- (b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
  - 1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
  - 2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.
  - 3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.
  - 4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
  - 5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- (c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.
- (d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:
  - 1. The name of the purchaser.
  - 2. The type of identification card presented and the number and expiration date of that identification card.
  - 3. The purchaser's date of birth.
  - 4. The license plate of the vehicle into which the order is being loaded.
- (e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.
- (f) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

- (g) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
- (h) The pick-up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.
- (i) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.
- (j) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than \$250, nor more than \$1000 plus court costs and fees. Licensees are also subject to demerit point assessment for violations of this subsection.

SECTION II All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION III This ordinance shall take effect upon passage and publication.