

CHAPTER 9: ALCOHOL REGULATION

9.01. Alcohol Beverages.

A. **Title/Purpose.** This chapter is entitled “Alcohol Regulation.” The purpose of Chapter 9 is to establish the Town licenses, registrations, and permits required to sell alcohol, liquor, and fermented malt beverages in the Town and the conditions of such sale.

B. **Authority.** The Town Board has the specific statutory authority, powers, and duties, pursuant to the specific statutory sections noted in this chapter and/or by its adoption of village powers under Wis. Stat. § 60.10, to regulate, control, license, register, or permit in the Town persons engaged in certain uses, activities, businesses, and operations at certain locations in the Town related to alcohol beverages, to assess these persons with appropriate fees for the licenses, registrations, or permits as noted herein, and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations, and permits.

C. **Adoption of Ordinance.** The Town Board has, by adoption of this chapter, confirmed the specific statutory authority, powers, and duties noted in the specific sections of this chapter, and has established by these sections and this chapter the authority to regulate and control, by ordinance, persons engaged in certain uses, activities, businesses, and operations in the Town related to alcohol beverages, to regulate, by these licenses, registrations, and permits, the persons engaged in these uses, activities, businesses, and operations at certain locations within the Town, to assess these persons with appropriate fees for the licenses, registrations, or permits, and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations, and permits.

D. **Statutes Adopted.** The provisions of Wis. Stat. ch. 125, and all acts amendatory thereof and supplementary thereto, relating to the sale of alcoholic beverages are adopted as a portion of this chapter so far as applicable, except as otherwise lawfully provided by the Town ordinances.

E. **Legal Drinking Age.**

(1) As used in this chapter, “legal drinking age” means 21 years of age.

(2) As used in this chapter, “underage person” means a person who has not attained the legal drinking age.

9.02. General Provisions.

A. License.

(1) **License Required.** No person may sell, manufacture, rectify, brew, or engage in any other activity for which this chapter provides a license or other type of authorization without holding the appropriate license or authorization issued under this chapter.

(2) **License Issuance and Expiration.** A license may be issued at any time during the license year, but shall expire on the following June 30. The fee for the license as set forth in subsection 9.06.A., below, shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

B. License Application for All Alcohol Beverages.

(1) An application for a license to sell or deal in alcohol beverages shall be made in writing on the forms and in the manner as prescribed by Wis. Stat. § 125.04(3), and shall be filed with the Town Clerk at least 15 days prior to the granting of such license.

(2) The application shall be accompanied by the cost of publication, as required by Wis. Stat. § 125.04(3)(g) and determined under the Wisconsin Statutes.

(3) For temporary Class “B” licenses issued under subsection 9.03.C., below, under the authority granted in Wis. Stat. § 125.26(6), for a picnic or other gathering lasting less than four days, the application for said temporary Class “B” license shall be made in writing on the forms and in the manner as prescribed by Wis. Stat. § 125.04(3), and shall be filed with the Town Clerk at least 15 days prior to the granting of such license.

C. **License Investigation.** The Town Board shall notify the Town Clerk and such other appropriate officers of such application, and these officials shall inspect or cause to be inspected each application and the premises together with such investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with regulations, Town ordinances, and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Town Board, 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 reinspection of the premises and report as originally required. In determining the suitability of an applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant’s fitness for the trust to be reposed.

D. **License: General Qualifications.**

(1) **Natural Persons.** Licenses related to alcohol beverages issued to natural persons may be issued only to persons who:

(a) Do not have an arrest or conviction record, subject to Wis. Stat. §§ 111.32, 111.321, 111.322, 111.335, and 125.04;

(b) Have been residents of this state continually for at least 90 days prior to the date of application; and

(c) Have attained the legal drinking age.

(2) Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the Town Board upon a complaint filed with the Town Clerk, signed by a law enforcement officer or the Building Inspector, and after a public hearing upon such complaint. The holder of such license shall be given 10 days notice, in writing, of such hearing and he or she shall be entitled to appear and be heard as to why such license shall not be revoked.

(3) **Corporations.** No license may be issued to any corporation unless the agent of the corporation, appointed under Wis. Stat. § 125.04(6), and the officers and directors of the corporation meet the qualifications of subsections 9.02.D.(1)(a), 9.02.D.(1)(c), and 9.02.D.(2), above, and meet the qualifications established in Wis. Stat. § 125.04(5).

E. **License - Granting, Transfer, Number Issued, Nonrenewal, Revocation, and Amendment.**

(1) **Granting of License by Town Board.**

(a) The Town Board shall meet not later than May 15 of each year, and be in session from day-to-day thereafter so long as it may be necessary, for the purpose of acting upon such applications for license for the ensuing license year as may be presented to them on or before April 15, and all applications for license so filed shall be granted, issued, or denied not later than June 15, provided that nothing shall prevent the Town Board from acting to grant, issue, or deny any licenses which are applied for at any other time. The application shall, for any license, include:

(i) The name of the applicant;

(ii) The address of the applicant;

(iii) The residential and business telephone number of the applicant, if any;

- (iv) The age of the applicant;
- (v) The name of the licensed premises where the alcohol beverage will be sold;
- (vi) The address of the licensed premises where the alcohol beverage will be sold;
- (vii) A description of the premises where the alcohol beverage will be sold. The description shall include the overall dimensions, seating arrangements, capacity, and bar size;
- (viii) The business telephone number of the licensed premises where the alcohol beverage will be sold;
- (ix) A history of the applicant relevant to the fitness of the applicant to hold a license;
- (x) Which license is being requested;
- (xi) The kind of license, if any, for which the applicant is applying (permanent or temporary);
- (xii) The length of the applicant's residency in State of Wisconsin;
- (xiii) Any felony record of the applicant. If so, was the applicant duly pardoned? If so, by whom?; and
- (xiv) Any arrest or conviction record, together with specific details of any arrest or conviction disclosed, including allegations that formed the basis of any arrest, and the specific offense for any conviction and the date of any disclosed arrest or conviction.

(b) Opportunity to be heard shall be given by the Town Board to any person for or against the granting of any license. Upon the approval of the application by the Town Board, the Town Clerk shall, upon the filing by the applicant of a receipt showing the payment of the license fee required by subsection 9.06.A., below, to the Town Treasurer, issue a license to the applicant. Each license shall be numbered according to the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid, and the name of the licensee, and the Town Clerk, by July 15 of each year, shall mail to the Wisconsin Department of Revenue a list containing the name, address, and trade name of each person holding a license, the type of license held, and if the person holding the license is a corporation, the name of the corporate agent.

(2) **Transfer and Number of Licenses.** Licenses may only be transferred as provided in Wis. Stat. § 125.04(12), and in all acts amendatory thereto.

(3) **Nonrenewal of License by Town Board.**

(a) **Grounds for Nonrenewal.** The Town Board may refuse to renew a license for the causes provided in subsection 9.02.E.4.(a), below, or Wis. Stat. ch. 125.

(b) **Procedure for Nonrenewal.** Prior to the time for renewal of a license, the Town Board shall notify the licensee, in writing, of its intention not to renew the license, and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action.

(c) **Hearing Procedure.** The hearing shall be conducted as provided in subsection 9.02.E.(4)(b), below, and judicial review shall be as provided in subsection 9.02.E.4.(d), below. In addition, and adding to the hearing procedure set forth in subsection 9.02.E.4.(b), below:

(i) The Town Board of Supervisors shall fix a date for the hearing, which shall not be later than June 30 of said year, and the hearing shall be open to the public, except the same may be closed pursuant to Wis. Stat. § 19.85.

(ii) The applicant and the Town may request subpoenas to compel witnesses to attend said hearing, and said request shall be made to the Town Chairperson, who shall issue the same according to law.

(iii) The Town shall have the burden of proof and shall proceed first.

(iv) If said application for renewal is denied, the reason for denial shall be stated in the Town Clerk's minutes of the hearing.

(4) **Revocation of License by Town Board.**

(a) The Town Board may revoke or suspend any license issued by the Town under this chapter. Any resident of the Town may file a sworn written complaint with the Town Clerk alleging that a person holding any such license has violated any of the provisions of Wis. Stat. ch. 125 or any section of the Town ordinances, keeps or maintains a disorderly or riotous, indecent, or improper house, has sold or given away alcohol beverages to known habitual drunkards, does not possess the qualifications required to hold the license, or has failed to timely pay when due any tax, forfeiture, assessment or other financial claim of the Town relating to the licensed premises. Upon the filing of this complaint, the Town Board shall issue a summons,

signed by the Town Clerk, and directed to any peace officer acting within the Town. The summons shall command the licensee complained of to appear before the Town Board on a day and place named in the summons, not less than three days and not more than 10 days from the date of issuance, and show cause why the licensee's license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stat. ch. 801 for service in civil actions in circuit court.

(b) Procedure on Hearing. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the Town Board finds the allegations sufficient, the license shall be revoked. The Town Clerk shall give notice of the revocation to the person whose license is revoked. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses, and be represented by counsel. The licensee shall be provided a written transcript of the hearing, at the licensee's expense. If, upon the hearing, the Town Board finds the complaint to be true, the license shall either be suspended for not less than 10 days nor more than 90 days, or revoked. The Town Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the Town Board finds the complaint untrue, the proceedings shall be dismissed, without costs to the accused. If the Town Board finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Town Board may require the complainant to provide security for such costs before issuing the summons under subsection 9.02.E.4.(a), above.

(c) Effect of Revocation. When a license is revoked under this section, the revocation shall be recorded by the Town Clerk and no other license may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d) Judicial Review. The action of the Town Board in granting or failing to grant, suspending, or revoking any license, or the failure of the Town Board to revoke or suspend any license for good cause, may be reviewed by the Circuit Court for Walworth County upon application by any applicant, licensee, or resident of the Town. The procedure on review shall be the same as in civil actions instituted in the Circuit Court. The person desiring review shall file pleadings, which shall be served on the Town Board in the manner provided in Wis. Stat. ch. 801 for service in civil actions, and a copy of the pleadings shall be served on the applicant or licensee. The Town Board, applicant, or licensee shall have 20 days to file an answer to the complaint. Following filing of an answer, the matter shall be disposed of pursuant to Wis. Stat. § 125.12(2)(d).

(5) Amendment of License. The premises described in a license issued under this section shall not be expanded or altered during the license year, unless the Town Board approves an amendment to said license. The Town Board shall consider any application for expansion or alteration of the premises only if the holder of

the license submits a completed Application for Change of Licensed Premises, together with detailed floor plans describing the change, at least 15 days before the Town Board meeting at which approval is requested.

(6) **Abandonment.** Any licensee holding a retail “Class A” or “Class B” license that abandons its licensed premises shall be subject to revocation or nonrenewal pursuant to subsections (3) and (4), above. For purposes of this chapter, a licensed premises shall be deemed “abandoned” by the licensee (i) unless kept open for business during at least 2 days in any 30 day period in the license year or for at least 30 days, in total, during the license year, or (ii) in the event the licensee loses the right to make use of the licensed premises for purposes of the license, whether from the expiration or revocation of a lease, the sale of the licensed premises to a third party or otherwise. Notwithstanding the foregoing, a licensed premises shall not be deemed abandoned if the licensee is unable to keep the licensed premises open for business as required in clause (i), above, in this subsection (6), due to any fire, flood or other event that occurred at the licensed premises beyond the licensee’s reasonable control, provided that that the licensee promptly notifies the Town of such event and uses reasonable efforts to mitigate the effects of the event and reopen the licensed premises for business as soon as possible.

F. **License Conditions and Regulations.** All retail alcohol beverage licenses granted hereunder shall be granted subject to the following conditions:

(1) Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspections.

(2) No gambling or games of chance of any sort shall be permitted in any form upon the licensed premises, unless permitted by the Wisconsin Statutes. Slot machines or any devices of chance are prohibited and shall not be kept upon the premises, unless permitted by the Wisconsin Statutes.

G. **License Framed, Posted.** Licenses for the sale of alcohol beverages shall be enclosed in a frame having a transparent front which allows the license to be clearly read. All licenses issued pursuant to this chapter shall be conspicuously displayed for public inspection at all times in the room or place where the activities subject to licensure are carried on. It is unlawful for any person to post such license, or be permitted to post such license, upon premises other than those mentioned in the application, or knowingly to deface or destroy such license or permit or to remove same without the consent of the licensee or permit holder. Whenever a license or permit is lost or destroyed without fault on the part of the holder or the holder’s agent or employee, a duplicate in lieu thereof, under the original application, shall be issued by the Town Clerk, upon satisfying himself or herself as to the facts, upon the payment of a fee of \$1.00.

H. **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 Town Board may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. 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 section, and any infraction thereof may be punished as a violation of this section.

I. **Evidence of Documentary Proof of Age.** Every retail alcohol beverage licensee shall cause a book to be kept for the purposes of this chapter. The licensee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser, and the purchaser's signature.

J. **Hours for Sale.**

(1) No premises for which a Class "B" license is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as provided in Wis. Stat. § 125.32(3)(c). On Saturday and Sunday, the closing hour shall be between 2:30 a.m. and 6:00 a.m. On January 1, premises operating under a Class "B" license are not required to close.

(2) Except as provided in Wis. Stat. § 125.68(4)(c)4., no premises for which a "Class B" license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. On January 1, premises operated under a "Class B" license are not required to close.

(3) Between 12:00 midnight and 6:00 a.m., no person may sell intoxicating liquor on "Class B" licensed premises or fermented malt beverages on Class "B" licensed premises in an original unopened package, container, or bottle or for consumption away from the premises.

(4) Except as provided in Wis. Stat. § 125.68(4)(c)4., no premises for which a "Class A" license has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m. Class "A" premises may remain open for the conduct of their regular business, but may not sell fermented malt beverages between 12:00 midnight and 8:00 a.m.

K. **Licensee Responsible for Acts of Employees.** A violation of any of the provisions of this chapter by an agent or employee of a licensee shall constitute a violation by the licensee, and the applicable violation proceedings and penalties shall

apply to such licensee, and proceedings for the revocation or suspension of the license may be instituted by the Town.

L. **Provisional Retail Licenses.** The Town Clerk is designated as the municipal official having authority to issue provisional retail licenses pursuant to Wis. Stat. § 125.185. The provisional retail license may be issued only to a person who has applied for a Class “A,” Class “B,” “Class A,” “Class B,” or “Class C” license, and shall only authorize the activities that the type of retail license applied for authorizes. All provisional retail licenses shall expire 60 days after issuance, or when the Class “A,” Class “B,” “Class A,” “Class B,” or “Class C” license is issued to the license holder, whichever is sooner. The Town Clerk may revoke the license if he or she discovers that the holder of the license made a false statement on the application. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

9.03. Fermented Malt Beverages; Types of Licenses; License Fee; License Application and Restoration.

A. **Retail Class “A” Fermented Malt Beverage Licenses.** A Class “A” license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles. A Class “A” license may be issued to any person qualified under Wis. Stat. ch. 125 and this chapter, except a person acting as an agent for or in the employ of another. A Class “A” license shall particularly describe the premises for which issued and is nontransferable, except under Wis. Stat. § 125.04(12). A Class “A” license is subject to revocation for violation of any of the provisions of Wis. Stat. ch. 125 or this chapter.

B. **Retail Class “B” Fermented Malt Beverage Licenses.** A Class “B” license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. Persons holding a Class “B” license may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under Wis. Stat. § 66.0433(1). A Class “B” license may be issued to any person qualified under Wis. Stat. § 125.04(5) and this chapter, except a foreign corporation. Such licenses may not be issued to any person acting as agent for or in the employ of another, except that this restriction does not apply to a hotel or restaurant, all as provided in Wis. Stat. § 125.26(2). A Class “B” license is subject to revocation for violation of the provisions of Wis. Stat. ch. 125 or this chapter.

C. **Retail Temporary Class “B” Fermented Malt Beverage Licenses.** A temporary Class “B” license may be issued to bona fide clubs, to state, county, or local fair associations, or to agricultural societies that have been in existence for at least six months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages and wine containing not more than six percent alcohol by volume at a particular picnic or similar gathering, at a meeting of the

post, or during a fair conducted by the fair association or agricultural society, all according to the provisions of Wis. Stat. § 125.26(6).

D. Operators' Licenses.

(1) No premises operated under a Class "A," Class "B," or Temporary Class "B" license may be opened for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For purposes of this chapter, any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license.

(2) No person, including underage members of the licensee's immediate family, other than the licensee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license who is on the premises at the time of the service.

(3) Operators' licenses may be issued only upon written application and shall be valid only within the Town. Every operator's license shall be valid for a period of one year, and shall expire on June 30. Pursuant to Wis. Stat. § 125.17(6), no operator's license shall be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical, or adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education. This requirement shall not apply if the applicant is a person who is renewing an operator's license; or within the last two years the person held a Class "A," Class "B," "Class A," or "Class B" license or permit, manager's license, or an operator's license; or within the last two years the person has successfully completed a responsible beverage server training course, as described above. Nothing herein shall prohibit the issuance of a provisional operator's license after payment of the license fee described at subsection 9.06.A., below, to a person who is enrolled in a responsible beverage server training course, as described above; however, such a provisional license shall be revoked if the applicant fails to successfully complete the course.

(4) Provisional Operators' Licenses. The Town Clerk is designated as the municipal official having authority to issue provisional operators' licenses applied for pursuant to this Section 9.03 and Wis. Stat. § 125.17(5).

(a) The provisional operator's license may be issued only to a person:

(i) Who has applied for an operator's license to serve fermented malt beverages on Class "A" or Class "B" premises; and

(ii) Who is either enrolled in a responsible beverage server training course, as required by Wis. Stat. § 125.17(6), or exempt from such requirement pursuant to Wis. Stat. §§ 125.17(6)(a)1. through 125.17(6)(a)3.; and

(iii) Who has satisfied the applicable requirements of Wis. Stat. § 125.04(5), as determined by the Walworth County Sheriff's Department following a criminal/employment background check.

(b) A provisional operator's license issued pursuant to this chapter shall expire upon the sooner of:

(i) 60 days after issuance; or

(ii) When an operator's license to serve fermented malt beverages on Class "A" or Class "B" premises is issued to the applicant; or

(iii) The Town Board rejects the application for an operator's license of the person to whom the provisional operator's license was granted.

(c) The Town Clerk may revoke the provisional operator's license if he or she discovers that the holder of the license made a false statement on the application.

(d) No person may hold more than one provisional operator's license for each type of license applied for by the holder per year.

(e) The fee to apply for a provisional operator's license pursuant to this subsection shall be \$10.00.

9.04. Intoxicating Liquor.

A. **Retail "Class A" Intoxicating Liquor Licenses.** A "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers. Except as provided under Wis. Stat. § 125.69, "Class A" licenses may be issued to any person qualified under Wis. Stat. § 125.04(5) and this chapter, except a foreign corporation or a person acting as an agent for or in the employ of another. "Class A" licenses shall particularly describe the premises for which issued and are nontransferable, except as provided in Wis. Stat. § 125.04(12).

B. **Retail "Class B" Intoxicating Liquor Licenses.** The Town elects to come under the provisions of Wis. Stat. § 125.51(3)(b), and therefore a "Class B"

license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. Except as provided under Wis. Stat. § 125.69, a “Class B” license may be issued to any person qualified under Wis. Stat. § 125.04(5) and this chapter, except a foreign corporation or a person acting as an agent for or in the employ of another. A “Class B” license shall particularly describe the premises for which issued and is nontransferable, except as provided in Wis. Stat. § 125.04(12). A “Class B” license may be issued only to the holder of a retailer Class “B” license to sell fermented malt beverages.

C. **Multiple Licenses.** Not more than two “Class A” or “Class B” licenses may be issued in this state to any one person, except in the case of hotels or clubs. In each application for a Class “A” or Class “B” license, the applicant shall state that application has not been made for more than one other “Class A” or “Class B” license.

D. **Licenses for More than One Year.** A “Class A” or “Class B” 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. Licenses valid for six months may be issued at any time. The fee for the license issued for a six-month period shall be 50 percent of the annual license fee. The license issued for a six-month period may not be renewed during the calendar year in which it is issued.

9.05. Penalties.

Any person violating any provision of this chapter for which no penalty is provided shall be subject to the penalties provided in Chapter 16 of the Municipal Code.

9.06. Miscellaneous Provisions.

A. **License Fees.** The following license fees are hereby established for the licenses set forth below:

- (1) Class “A,” Fermented Malt Beverage License: \$100.00 per year
- (2) Class “B,” Fermented Malt Beverage License: \$100.00 per year
- (3) “Class A,” Intoxicating Liquor License: \$300.00 per year
- (4) “Class B,” Intoxicating Liquor License: \$300.00 per year
- (5) Temporary Class “B” License under subsection 9.03.C., above: \$10.00 per event

- (6) Operator's License: \$20.00 per year
- (7) Provisional License: \$10.00 per year
- (8) Cigarette License: \$5.00 per year

B. **Distance from School, Hospital, or Church.** No "Class A" or "Class B" intoxicating liquor license may be issued for premises the main entrance of which is less than 300 feet off the main entrance of any public or parochial school, hospital, or church, except that this prohibition may be waived by a majority vote of the Town Board. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. This prohibition does not apply to any of the following:

- (1) Premises covered by a license on June 30, 1947.
- (2) Premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- (3) A restaurant located within 300 feet of a church or school. This subsection applies only to restaurants in which the sale of alcoholic beverages accounts for less than 50 percent of its gross receipts.

C. **Tax Delinquencies.** No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Town are delinquent, including forfeitures from ordinance violations.

D. **Underage Consumption.**

(1) No person may procure for, sell, dispense, or give away alcohol beverages in the Town to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

(2) No adult person in the Town may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by any underage person on premises owned by the adult or under the control of the adult. This provision does not apply to alcohol beverages used exclusively as part of a religious ceremony.

(3) No adult person in the Town may intentionally encourage or contribute to any underage person procuring alcohol beverages, entering a licensed or permitted premises in violation of Wis. Stat. § 125.07(3), falsely representing his or her age for the purpose of receiving alcohol beverages from a licensee or permittee, or

knowingly possessing or consuming alcohol beverages unless allowed pursuant to Wis. Stat. § 125.07(4).

E. **Intoxicated Persons.**

(1) No person may procure for, sell, dispense, or give away alcohol beverages in the Town to a person who is intoxicated.

(2) No licensee or permittee in the Town may sell, vend, deal, or traffic in alcohol beverages to or with a person who is intoxicated.

F. **Underage Persons on Premises.** No underage person in the Town not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age may enter, knowingly attempt to enter, or be on any licensed or permitted premises for any purpose except those specific purposes noted in Wis. Stat. § 125.07(3).

G. **Required License or Permit.** No person as owner, lessee, or in charge of a public place or public facility in the Town may permit the consumption of alcohol beverages on the premises of the public place unless the person has the appropriate retail alcohol beverage license or permit issued by the Town. This provision does not apply to the Town, other municipal units in the Town, buildings and parks owned by the County of Walworth, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park, or clubs.

H. **Peddle Alcohol Beverages.** No person in the Town may sell or peddle any alcohol beverages from house to house where the sale and delivery are made concurrently.

I. **Underage Person Violations.** Any underage person in the Town who does any of the following is subject to a forfeiture and other penalties and disposition as allowed by Wis. Stat. ch. 125 and as allowed by the Municipal Code:

(1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information.

(2) Makes, alters, or duplicates an official identification card.

(3) Presents false information to an issuing officer in applying for an official identification card.

(4) Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

(5) Provides to another underage person an official card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

J. **Nude or Semi-Nude Performance or Appearance**. No establishment licensed for the retail sale of alcohol beverages shall allow any person on the premises to perform or appear in any way nude or semi-nude when that person appears in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof. In accordance with Wis. Stat. § 125.12, violation of this chapter may cause the Town to revoke, suspend, or refuse to renew any license granted under Wis. Stat. ch. 125.

K. **Penalties**. Any person or any underage person who is convicted of any violation of Section 9.06 of the Municipal Code is subject to penalties and disposition as allowed by Wis. Stat. ch. 125, and forfeiture provided by Chapter 16 of the Municipal Code.