

# Chapter 7

## Liquor Ordinance

### 7.01 PROVISIONS

The provisions of Ch. 125, Wis. Stats., enumerated below and as amended from time to time, exclusive of any provisions relating to any penalty to be imposed or the punishment for the violation of such statutes, unless otherwise indicated, are hereby adopted by reference and made a part of this chapter.

#### GENERAL PROVISIONS

- 125.02 Definitions
- 125.04 General licensing requirement
- 125.07 Underage and intoxicated persons, presence on licensed premises; possession; penalties
- 125.09 General restrictions
- 125.12(1)(2) and (3) Revocations, suspensions, refusals to issue to renew
- 125.13 Report of suspension, revocation or imposition of penalty
- 125.14 Enforcement provisions

#### FERMENTED MALT BEVERAGES

- 125.25 Class “A” licenses
- 125.26 Class “B” licenses
- 125.28 Wholesalers’ licenses
- 125.31 Multiple licenses and permits; brewers
- 125.32 General restrictions and requirements
- 125.33 Restrictions on dealings between brewers, wholesalers and retailers
- 125.26(6) Wis. Stats.

Retail Class A Liquor License – Stores/\$250.00 + fees

Retail Class B Liquor License – Bars/\$300.00 + fees

Operators’ License – Bartenders/\$25.00 refer to:

### 7.02 PICNIC LICENSE

Class B Picnic Retail Wine License. A Class B Picnic Retail Wine License shall be available to a church or organization (as defined by § 125.51 (10)) has been in existence for at least six months prior to the date of the application for the sale of wine, consisting of not more than 6% alcohol by volume, at a picnic, meeting or other gathering specified on the license.

### 7.03 CONSENT TO INSPECTION FOR PREMISES

A condition of any license issued hereunder shall be that the licensed premises may be entered and inspected at any reasonable hour by any police officer, without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection may be cause for revocation of any license issued hereunder and shall be deemed a violation of this chapter.

### 7.04 OPERATORS’ PROVISIONAL AND RENEWAL LICENSE

Any person who has not completed the alcohol beverage servers class but is otherwise qualified for issuance of an operators’ license, may be issued a provisional license for sixty (60) days upon payment of the required fee.

All operators' licenses subject to renewal shall be issued by the Town Clerk-Treasurer upon application and payment of the required fee. If such operator has been convicted of a misdemeanor or a felony substantially relating to the activity being licensed, the Town Board may issue or deny such renewal license

### **7.05 CONDITIONS OF LICENSE**

No Class "B" licensee shall employ any underage person, but this shall not apply to hotels, restaurants or combination grocery stores and taverns where not more than 20% of the gross revenue is derived from the sale of intoxicating liquors.

No club shall sell intoxicating liquors except to members and guests invited by members.

No Class "A" or "B" licensee shall sell or offer to sell any intoxicating liquor to any person on credit excepting credit extended by a hotel to a resident guest or a club to a bona fide member and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell intoxicating liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquors.

Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on licensed premises.

Nude dancing in licensed establishments prohibited.

a. The Town Board of the Town of Springfield hereby finds that nude entertainment in licensed establishments poses a clear and present danger to the health, safety and welfare of the Town of Springfield. The Town finds that nude entertainment poses an unacceptable risk of undesirable secondary impacts on the Town through the tendency of nude entertainment to increase the utilization of law enforcement services, to cause prostitution, and drug use. The impact of nude dancing on surrounding churches, schools, community resources and the public is also of great concern to the Town, and forms the basis upon which the Town Board finds that the preservation of the community's safety, health and welfare outweighs any minimal impact that the ordinance has upon the exercise of the right to free expression of any person engaged in nude entertainment.

It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in, any live act, demonstrations, dance or exhibition on the premises of a licensed establishment which

Shows his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or

Shows any portion of the female breast below a point immediately above the top of the areola; or

Shows the covered male genitals in a discernibly turgid state.

Definitions. For purposes of this subsection, the term "licensed establishment" means any establishment licensed by the Town Board to sell alcohol beverages pursuant to this chapter. The term "licensee" means the holder of a retail "Class A", "Class B", or "Class C" license granted by the Town Board.

No licensed establishment may run a delivery service to sell alcohol in its original packages, or by the glass or pitcher, for private consumption by individuals in their homes, automobiles, or elsewhere.

### **7.06 UNDERAGE TAVERN LICENSE**

License created. There is hereby created a license to be called "underage tavern license," which may be granted only to holders of Class B licenses. No Class B license holder may allow underage persons on the premises without first obtaining an underage tavern license.

Application. Any holder of a Class B license who wishes to allow underage persons on the premises shall make application to the Town Clerk-Treasurer on forms provided by the Town Clerk-Treasurer. The Town Clerk-Treasurer is authorized to consult with the Town Board and devise and revise from time to time an application form. Each application shall be submitted to the Town Clerk-Treasurer at least 15 days prior to issuance. Notice of the application shall be published as a Class I notice. The Town Board shall consider the application and the Town Board shall authorize the Town Clerk-Treasurer to issue the license.

Fee. A license fee of \$300.00 and publication charge shall accompany each application. If the license is not granted, the license fee shall be refunded.

Terms and conditions of license:

Period. The license is for a period of one year or part thereof and shall expire on June 30 following its issuance.

Consent to inspection. All license holders shall consent to warrant less inspection of premises and consent forms at any reasonable hour by police officers.

Number of events. The license allows the holder to hold a maximum of one event per month at which underage persons are allowed to be on the premises.

Notification. The holder of the license shall notify, in writing, the Police Department and the Town Clerk-Treasurer at least 48 hours in advance of the dates and hours when underage persons will be allowed on the premises and the names and addresses of all adult supervisors.

Supervision. No license holder may hold an event unless there is at least one adult supervisor 25 years of age or older for every 25 underage persons on the premises. In addition, the license holder shall assure that a person certified as a law enforcement officer who possesses a valid and current power of arrest in Dane County, Wisconsin, shall be present on the premises at all times from one-half hour before the opening of the teen night to one-half hour afterward.

Hours. The license holder shall not allow any person on the premises in violation of the curfew ordinance. No event shall be held except between the hours of 4:00 p.m. and 11:00 p.m.

Ages. No license holder shall allow any person under age 15 or over age 20 upon the premises during an event, except for the license holder, employees of the license holder and supervisors. With the above exceptions, no person not age 15 to 20 may be on the premises during an event.

Parental consent. No license holder shall allow any person under age 18 to be on the premises without the written, signed and dated consent of a parent or guardian, with address and phone number on file on the premises.

Gambling. No gambling or game of chance shall be permitted on the licensed premises.

Disorderly conduct. The licensee shall not allow any person to engage in disorderly, riotous or indecent behavior on the premises.

No alcohol consumed. No alcohol may be consumed, sold or given away to any person, regardless of age, during events.

Tobacco materials. The licensee shall not permit any minor to smoke or use tobacco, whether as cigarettes, pipes, cigars, snuff, or in any other form.

## DEFINITIONS

As used in this section, the following terms shall have the meaning indicated:

EVENT – A period of time within a continuous twenty-four period when underage persons are allowed on a premises to which a Class B license and an underage tavern license have been issued.

PREMISES – Both the inside of the building and so much of the outside of the building as is owned or occupied by the license holder.

## PENALTY

Revocation or suspension. Section 125.12, Wis. Stats. shall apply to proceedings to revoke or suspend underage tavern licenses. Licenses may be revoked or suspended for violation of the terms and conditions of the license or for other cause. The Town Board may initiate the procedure on its own motion.

Other. Any person who violates any provision of this section is subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

## **7.07 CLOSING HOURS**

Indoor sales. Closing hours during which no patron or guest shall be permitted to enter or remain on a Class B licensed premises shall be as follows:

On Saturday and Sundays, between 2:30 a.m. and 6:00 a.m.

On weekdays, between 2:00 a.m. and 6:00 a.m.

On January 1 of each year, no closing.

Outdoor sales.

No holder of a Class B license may sell alcohol beverage anytime between the hours of 11:00 p.m. and 10:00 a.m. the following day in any place outdoors or in any building not confined by four walls.

Any holder of a Class B license authorized to sell beverages outdoors or in any building not confined by four walls may sell such alcohol beverages only as their special conditions permit as previously approved by the Town Board. Failure to comply with these rules shall subject the licensees to revocation or non-renewal for outdoor sales and consumption.

No person may consume any alcohol beverage between the hours of 11:00 p.m. and 10:00 a.m. in any place open to the public which is not inside a building.

Class A Retail and Class A Combination Licenses; sale for consumption away from Class B premises. Class A premises and premises operating under a Class A Combination License may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 6:00 a.m., no person may sell fermented malt beverages on Class B premises in an original unopened package, container or bottle or for consumption away from the premises.

Sale of Class B packaged goods.

Sale Restrictions. Pursuant to §125.51 (3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which an "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

Hours of Sale. Between the hours of 9:00 P.M. and 6:00 A.M., no person may sell any packaged goods from any Class B licensed premises.

## **7.08 REVOCATION AND SUSPENSION OF LICENSES**

Procedure. Except as hereinafter provided, § 125.12, Wis. Stats. shall apply to proceedings for the revocation or suspension of all licenses or permits granted under this chapter. Revocation or suspension proceedings may be instituted by the Board upon its own motion by adoption of a resolution.

Repossession of license or permit. Whenever any license or permit under this chapter shall be revoked or suspended by the Board or action of any court, the Clerk-Treasurer shall notify the licensee or permittee of such suspension or revocation and shall notify the Dane County Sheriff's Department, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk-Treasurer's office.

Effect of revocation of license. No license shall be issued to any person who has had a license issued pursuant to this chapter revoked within 12 months prior to application.

Hearing. The Town Board shall not refuse to renew an alcohol beverage license for nonpayment of taxes, charges, assessments, or forfeitures or failure to comply with building, plumbing, electrical, zoning and fire codes without first giving the applicant notice and hearing as set forth in § 125.12, Wis. Stats., as amended from time to time.

## **7.09 VIOLATIONS AND PENALTIES**

In addition to the suspension or revocation of any license or permit granted under this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

## **7.10 FEES**

The following fees are imposed on licensees and permittees under this ordinance:

- Class A Beer \$ 50.00 (Amend 10/12)
- Class A Liquor \$250.00 (Amend 10/12)
- Class B Beer \$ 100.00 (Amend 10/12)
- Class B Liquor \$300.00 (Amend 10/12)
- Provisional Operator License \$ 25.00
- Regular Operator License \$ 25.00 (Amend 12/08)

This ordinance shall take effect after adoption by the Town Board and publication.

Dated July 1, 2003

### **TOWN BOARD, TOWN OF SPRINGFIELD**

Donald Hoffman, Chair  
David Laufenberg, Supervisor I  
James Pulvermacher, Supervisor II  
Art Meinholz, Supervisor III  
Daniel Dresen, Supervisor IV

I, Carolyn Hacker, the Clerk of the Town of Springfield, hereby certify that the Town Board of Springfield duly adopted the above ordinance, which ordinance was on file for inspection for at least two weeks prior to its adoption, and which is a codification of previous ordinances pursuant to sec. 66.035, Stats., was posted in three places within the Town on October 22, 2012.

Carolyn Hacker, Clerk-Treasurer