

**CHAPTER 8
ALCOHOLIC BEVERAGE LICENSES
AND PERMITS**

- 8.01 Intoxicating Liquor and Fermented Malt Beverages
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8.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

(1) State Statutes Adopted. The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, except Sections 125.09(6), 125.11, 125.20(6), 125.66(3), and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, the penalty for commission of such offenses limited to a forfeiture imposed under this statute are hereby adopted and made part of this ordinance by reference.

(2) When License Required:

No person, except as provided under 8.01(1), shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section nor without complying with all of the provisions of this section and all statutes, ordinances and regulations of the state and the Town applicable thereto.

(3) License Fees.

There shall be the following classes and denominations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages. Liquor license fees are reviewed annually and set by resolution of the Town Board.

- (a) Class "A" Fermented Malt Beverage Retailer's License
- (b) Combination Class "B" Fermented Malt Beverage Retailers License and Liquor License -
- (c) Beverage Operator's License -
- (d) Retail Class "A" Liquor License -
- (e) One-Day Malt Beverage License –
- (f) Temporary (Picnic) “Class B” (beer) License
- (g) Temporary (Picnic) “Class B”

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(4) License Restrictions.

- (a) Tax Delinquencies. In the event of a licensed tavern business being sold during the license year, the Town Clerk may not issue a license to the new owner until the Town Clerk is furnished receipts showing that there are no delinquent real estate taxes, delinquent personal property taxes, and the sewer and water services, if any, are all paid. An estimated amount for personal property taxes shall be provided by the Town Treasurer and an amount sufficient escrowed pending issuance of the final personal property bill.

- (b) Location of Premises: No retail Class “A” or “B” fermented malt beverage license or liquor license shall hereafter be issued for premises less than 800 feet from an established public or parochial school, hospital, cemetery, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.

- (c) Delinquent Taxes, Assessments.
 - 1. Premises: No initial or renewal of alcoholic beverage license shall be granted for any premises for which taxes, assessments or other claims to the Town are delinquent or unpaid.

 - 2. Persons: No initial or renewal of alcoholic beverage license shall be granted to any person:
 - i. Delinquent in payment of any taxes, assessments or other claims owed to the Town;

 - ii. Delinquent in payment of a forfeiture resulting from a

violation of any ordinance of the Town.

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- iii. Delinquent in payment to the State of any State taxes owed.

(5) Search of Licensed Premises. It shall be condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any law enforcement official employed by the Town of Center without any warrant and the application for a license hereunder shall be deemed a consent of this provision. Any refusal to permit such inspection shall constitute grounds for revocation of any license issued hereunder and shall be deemed a violation of this section.

(6) Posting License. Licenses or permits issued under this section shall be posted and displayed as provided in ss. 125.04(10) of the Wisconsin Statutes and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(7) Regulation of Licensed Premises.

(a) Restrictions on Sales. Provisions of Section 125.07 of the Wisconsin Statutes relating to the sale of alcohol and malt beverages to minors and intoxicated persons and all under provisions thereunder are specifically adopted as part of this ordinance.

(b) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(8) Revocation and Suspension of Licenses.

Procedure. Except as hereinafter provided, the provisions of Section 125.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.

(9) Closing Hours.

(a) No premises for which a retail Class "B" license has been issued shall be permitted to remain open at any times in violation of Wisconsin Statute 125.32(3)

(b) It shall be unlawful for any person to remain in such licensed premises during any of the time during which said

premises are required to be vacated and closed as herein provided. In the event the owner or operator of any licensed premises desires to be present upon such premises for the purpose of making repairs or performing work incidental to the care or maintenance of said premises, during that time when the same is required to be vacated and closed, he may make application for such permission specifying the date, time and purpose for which the same is desired, to the Town Chairperson or his designee, after investigating the application, shall issue a permit for the purpose to be indicated upon such permit, after having concluded that the application and purpose designated are bona fide; and it is further provided that during the time the owner or operator, specified in said permit, are upon such licensed premises during the time when same would otherwise be required to be vacated and closed, said premises shall be fully lighted and such owner, operator, or employees shall, upon demand of any police officer, immediately admit such officer for the purpose of making an investigation upon such licensed premises as such officer in his discretion may determine.

(10) Semi-Annual Licenses. Licenses may be granted which shall expire on the 30th day of June of each year, upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30th of each year bears to twelve. Licenses may also be issued at any time for a period of six months in any calendar year for which 3/4 of the annual license fee shall be paid. Such six months licenses shall not be renewable during the calendar year in which issued.

8.02 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

(1) 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, demonstration, dance or exhibition on the premises of a licensed establishment which:

- (a) Shows his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than fully opaque covering; or
- (b) Shows any portion of the female breast below the point immediately above the top of the areola; or
- (c) Shows the covered male genitals in a discernibly turgid state.

(2) Exemptions: The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment

which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by emphasis on, or the advertising or promotion of employees engaging in nude erotic dancing.

(3) Definitions: For the purpose of this ordinance, the term “licensed establishment” means any establishment licensed by the Town Board for the Town of Center

8.03 SEVERABILITY

Should any portion of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof other than that so declared to be invalid.

8.20 PENALTIES

(1) The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided plus court costs permitted under Wisconsin Statutes.

(2) STATE FORFEITURE STATUTE. Forfeitures for violation of any subparagraph of 8.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(3) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which a penalty is a fine shall not exceed the maximum fine permitted under such statute.

(4) LOCAL REGULATIONS. The penalty for violation of any other section of this Chapter, unless specified otherwise, shall be a fine not less than \$10.00 nor more than \$500.00

(5) In the case of a juvenile, the penalty provisions may include a disposition which is hereby incorporated by reference from Wisconsin Statutes 48.335.

(6) In addition to any penalty imposed under this Chapter, any violation may be used in any proceedings regarding the suspension, non-renewal or revocation of any license issued under this Chapter.