

ORDINANCE NO. 02-2025

AN ORDINANCE TO REPEAL AND RE-CREATE AMENDING CHAPTER 6 OF THE VILLAGE OF NORTH PRAIRIE MUNICIPAL CODE RELATED TO ALCOHOL BEVERAGES

WHEREAS, the Village of North Prairie regulates the sale, licensing, and permitting of alcohol beverages pursuant to Chapter 125 of the Wisconsin Statutes in Chapter 6 of the Village Code; and

WHEREAS, 2023 Wisconsin Act 73 revised Chapter 125 of the Wisconsin Statutes; and

WHEREAS, the Village Attorney recommended that the Village Board update the Village's regulations relating to alcohol beverages to be consistent with the revisions made by 2023 Wisconsin Act 73; and

WHEREAS, the Village Board finds that it is in the best interest of the health, general welfare, and safety of the Village of North Prairie to revise the Village's regulations relating to alcohol beverages to be consistent with the applicable State Laws.

NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF NORTH PRAIRIE, WAUKESHA COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6 of the Village of North Prairie Municipal Code entitled "Alcohol Beverages" is hereby repealed and re-created as follows:

ALCOHOL BEVERAGES LICENSING AND PERMITTING STANDARDS AND CRITERIA

~~Sec. 6-1. State statutes adopted.~~

~~The current and future provisions of ch. 125, Wis. Stats., defining and regulating the types, sale, procurement, dispensing, and transfer of alcohol beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions, modifications or additions of the statutes incorporated in this section are intended to be made part of this chapter in order to secure uniform statewide regulations of alcohol beverages in this state. (Ord. No. 10-91, § 2(1), 11-14-1991)~~

~~Sec. 6-2. Basic requirements.~~

~~(a) — Occupancy permit and/or approved plan of operation required. No person on any licensed premises, as defined in this chapter, shall conduct any transactions regulated by this chapter unless a licensee holds a valid occupancy permit and/or an approved plan of operation, as may be required, issued by the municipality. The occupancy permit and/or approved plan of operation shall be specific in detail as to what area of the premises shall be licensed for the sale of alcohol beverages. Any violation is grounds for suspension or revocation of any license or permit issued under this chapter.~~

~~(b) — Seller's permit required. No person on any licensed premises, as defined in this chapter, shall conduct any transactions regulated under this section unless a licensee holds and maintains a valid seller's permit as required under s. 77.52, Wis. Stats., issued to the premises and licensee described in the license during the period of licensing. Any violation is grounds for suspension or revocation of any license or permit issued under this chapter. (Ord. No. 10-91, § 2(2), 11-14-1991)~~

~~Sec. 6-3. Applications.~~

~~(a) — Generally. A written application for any license or permit under the provisions of this chapter shall be on the forms provided by the clerk-treasurer.~~

~~(b) — Contents. All applications other than operator's licenses shall contain all the information required under s. 125.04(3), Wis. Stats., and any other information required by the clerk-treasurer. Operator's license applications shall be on a form prescribed by the clerk-treasurer containing all information deemed necessary, including but not limited to name, residence, age, plus a written request of the holder of the alcohol beverage license hiring the applicant.~~

~~(c) — Filing. All applications for licenses and permits to sell alcohol beverages shall be filed with the clerk-treasurer in the municipality in which the premises are located as required by state law. Operator's licenses and licenses issued under s. 125.26(6), Wis. Stats., for a picnic or other gathering lasting less than four days must be filed with the clerk-treasurer at least 24 hours prior to granting of the license or permit. (Ord. No. 10-91, § 2(3), 11-14-1991)~~

~~Sec. 6-4. Fees.~~

~~(a) — Licenses and permits may be issued by the clerk-treasurer under the authority of the village board after payment of the appropriate fees and satisfaction of all conditions, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in ch. 125, Wis. Stats.~~

~~(b) — Fees for the licenses and permits noted in subsection (a) of this section shall be in such amount as may be established by the village board from time to time by separate resolution.~~

~~(c) — Any applicable publication fee and/or application fee and/or investigation fee shall be submitted with the license or permit application as may be established by the village board from time to time by separate resolution.~~

~~(d) — The fees for licenses or permits which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees.~~

~~(e) — Fees for partial licensing years may be prorated at the discretion of the village board. In all cases when an alcohol beverage license is issued for a partial year, a minimum fee as set by the village board and all actual publication fees and investigation fees must be paid.~~

~~(f) — Once any license or permit is issued, no return of any payment shall be made regardless of whether the license or permit is used for the entire year. (Ord. No. 10-91, § 2(4), 11-14-1991)~~

~~Sec. 6-5. Investigation.~~

~~Upon receipt of a license application under the provisions of this chapter, the clerk-treasurer shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant as set forth in this section.~~

~~(1) — All alcohol beverage licenses. The police department, fire department, health department, and building inspector and other persons authorized may conduct an investigation and inspection of the premises mentioned in the applications, to determine if the premises comply with all applicable regulations, ordinances and laws. The police department shall investigate all persons included in the application to determine the suitability and character of the applicants.~~

~~(2) — Operator's licenses. The police department shall conduct an investigation of all applicants to determine the suitability and character of the applicant.~~

~~(3) Reports. Upon completion of all investigations, written reports shall be submitted to the clerk-treasurer. The clerk-treasurer will then forward the application to the village board for action.~~

~~(4) Review. The village board may refer any and all licenses to the appropriate committee for review and recommendation prior to action by the village board.~~

~~(Ord. No. 10-91, § 2(5), 11-14-1991)~~

~~Sec. 6-6. Operator's license.~~

~~(a) Kinds of licenses and permits:~~

~~(1) Regular operator's license. Regular operator's licenses may be granted to individuals by the village board and issued by the clerk-treasurer for the purposes of complying with ss. 125.32(2) and 125.68(2), Wis. Stats., and this chapter. The fee for such license shall be set by resolution.~~

~~(2) Provisional operator's license.~~

~~a. The clerk-treasurer upon authorization by the chief presiding officer, may issue a provisional operator's license to an applicant in case of a bona fide emergency. An emergency shall be caused by such things as death, disability, absence of the regular operator on the premises and the like. The chief presiding officer before authorizing such issuance, shall determine that the applicant has a satisfactory record, and probably would be issued a regular operator's license. The license shall be valid for a period of not to exceed 60 days unless sooner revoked by the village board. The fee for such license shall be set by resolution.~~

~~b. A village board or its authorized designee may issue a provisional operator's license to a person who is enrolled in a training course and has applied for a regular operator's license pursuant to s. 125.17(6), Wis. Stats. The fee for such license shall be set by resolution.~~

~~(3) Temporary operator's licenses. Temporary operator's licenses may be granted to individuals pursuant to s. 125.17(4), Wis. Stats., by the village board for the purpose of allowing such individuals to dispense and serve alcohol beverages under a license issued under ss. 125.26(6) or 125.51(10), Wis. Stats., to a nonprofit organization. No person may hold more than one license of this kind per year. Any temporary operator's license issued under this section shall be valid for any period from one day to 14 days, and the period for which it is valid shall be on the license. The fee for such license shall be set by resolution.~~

~~(b) The village board may grant operator's licenses pursuant to this section as it deems fit.~~

~~(c) All operator's licenses issued under this section shall expire on June 30 of each year.~~

~~(d) All operator's licenses issued under this section entitle the holder thereof to be an operator in any licensed premise in the village.~~

~~(Ord. No. 10-91, § 2(6), 11-14-1991)~~

~~Sec. 6-7. Restrictions on granting licenses.~~

~~(a) Statutory requirements. Licenses and permits shall be issued only to those persons eligible under ch. 125, Wis. Stats. Licenses and permits granted in error shall be void.~~

~~(b) Health and sanitation requirements. No retail Class A or Class B alcohol beverage license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of industry, labor, and human relations pertaining to buildings electrical and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants,~~

if the premise is licensed to serve food, and to all such rules and regulations as to building, health and sanitation adopted by the village, the county, the state or the federal government.

~~(c) — Delinquent taxes, assessments, claims, etc.~~

~~(1) — No initial or renewal alcohol beverage license shall be issued for any premises or property for which taxes, assessments, forfeitures, or claims for the village are delinquent and unpaid.~~

~~(2) — No initial or renewal license or permit shall be issued under this Code to any person who:~~

~~a. — Is delinquent in the payment of any taxes, assessments, or other claims owed the village.~~

~~b. — Is delinquent in the payment of a forfeiture resulting from the violation of any ordinance of the village.~~

~~c. — Is delinquent in the payment of any taxes to the state or county.~~

~~d. — Has any outstanding warrant or capias from any other municipal, state or federal court.~~

~~(d) — License quota.~~

~~(1) — Class "A" retail fermented malt beverage licenses. There shall be no more than two Class "A" retail fermented malt beverage licenses issued within any license year.~~

~~(2) — Class "B" retail fermented malt beverage licenses. There shall be no more than four Class "B" retail fermented malt beverage licenses issued within any license year.~~

~~(3) — "Class A" retail liquor licenses. There shall be no more than two "Class A" liquor licenses issued within any license year.~~

~~(4) — "Class B" retail liquor licenses. There shall be no more than two "Class B" retail liquor licenses issued within any license year.~~

~~(5) — "Class C" retail wine license. There shall be no more than four "Class C" retail wine licenses issued within any license year.~~

~~(Ord. No. 10-91, § 2(7), 11-14-1991), (Ord. No. 6-09, § 6-7, (d)(1), § 6-7, (d)(5), 10-01-09)~~

~~Sec. 6-8. Conditions of license.~~

~~(a) — Consent to inspection. Every applicant obtaining a license thereby consents to the entry of the police or other authorized representatives of the village or the state at any reasonable time for the purpose of inspection and search, and consents to the removal from such premises all things found in violation of municipal ordinances or state law and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.~~

~~(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 being used.~~

~~(c) — Sales on credit prohibited. No retail licensee shall sell or offer to sell any alcohol beverage to any person on credit except by a hotel to a resident guest, by a restaurant to a patron, a club to a bona fide member, and by grocers and pharmacists who maintain a credit system in connection with other purchases. No licensee shall sell alcohol beverages on a passbook or store order, or receive goods, wares, or merchandise in exchange for alcohol beverages.~~

~~(d) — Orderly conduct required. Every licensed premises shall be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed.~~

~~(e) — Gambling prohibited. Gambling shall not be permitted on a licensed premises, unless authorized by state law. Slot machines or other devices of chance are prohibited and shall not be kept on the premises, unless authorized by state law.~~

~~(f) — Lewd, obscene performances, etc., prohibited. No licensee shall advertise, produce, perform or allow any lewd, obscene, or indecent performance of any kind on the premises.~~

~~(g) — Sale to intoxicated persons prohibited. No licensee, agent, operator or server shall sell, give, procure or otherwise furnish any alcohol beverages to an intoxicated person.~~

~~(h) — Underage persons. No licensee shall employ any underage person to serve, sell, dispense, or give away an alcohol beverage unless authorized by state law or the general codes of the municipality. The current and future provisions of s. 125.10(2), Wis. Stats., and ss. 125.07(4)(a), (b) or (bm), 125.08(3)(b) and 125.09(2), Wis. Stats., are adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions, modifications or additions of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulations of alcohol beverages in this state.~~

~~(i) — Controlled substance use prohibited. Any licensee, partner, agent, authorized representative or employee being convicted of the use, possession, delivery or intent to deliver, any controlled substance defined and regulated under ch. 161, Wis. Stats., may be considered grounds for the revocation or suspension of any license provided for in this chapter.~~

~~(j) — Regulation of entertainment and entertainers. No Class "B" or "Class B" licensee shall employ or permit to perform on the premises any entertainer, except a member of a band, a vocalist, a piano or organ player or a comedian. All such entertainers shall be fully clothed in such a manner as is acceptable in all public places. No licensee shall allow any entertainment which makes an appeal to prurient interests.~~

~~(k) — Solicitation of drinks prohibited. No person shall solicit or be allowed to solicit drinks on a licensed premise.~~

~~(Ord. No. 10-91, § 2(8), 11-14-1991)~~

~~Sec. 6-9. Miscellaneous general provisions.~~

~~(a) — Transfer of licenses.~~

~~(1) — The transfer of every alcohol beverage license shall be governed by s. 125.04(12), Wis. Stats.~~

~~(2) — No transfer of an operator's license is permitted.~~

~~(3) — If the transfer is approved by the governing body pursuant to s. 125.04(12)4, Wis. Stats., all conditions set forth under this Code shall be complied with.~~

~~(4) — Failure to conform with the terms of license transfer shall be grounds for denial, suspension or revocation of license.~~

~~(b) — Nonuse of license. If a license or permit issued under this chapter is not used within 60 days after its issuance or its usage is discontinued for a period of 60 days or more, such nonuse shall be grounds for cancellation, suspension, revocation or nonrenewal of the license or permit in accordance with the provisions of this chapter and the laws of the state.~~

~~(e) — Nonrenewal of licenses. Before renewal of any license or permit issued under this chapter is refused, the licensee or permittee shall be given written notice of any charges or violations or reasons proposed for nonrenewal, and shall have an opportunity to be heard before the village board.~~

~~(d) — Violations by agents and employees. A violation of this chapter by an authorized agent or employee of the licensee shall constitute a violation by the licensee.~~

~~(e) — Closing hours. Closing hours shall be as set by state statute. (Ord. No. 01-2012, § 1, 02-09-2012)~~

~~(f) — Local option. The holder of a retail "Class B" liquor license shall be permitted to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises and in the original packages or containers in multiples not to exceed four liters at any one time and to be consumed off the licensed premises. Off-premises sales shall cease at midnight of each day. It is intended by this section that the packaged sales from "Class B" licensed premises will not be permitted after midnight under the option granted herein.
(Ord. No. 10-91, § 2(9), 11-14-1991)~~

~~Sec. 6-10. Revocation and suspension of licenses.~~

~~(a) — Violations generally. Whenever the holder of any alcohol beverage license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of the license may be instituted in the manner and under the provisions established under s. 125.12, Wis. Stats. In addition, the governing body, by its own motion by adoption of a resolution, may begin proceedings for the revocation or suspension of such license.~~

~~(b) — Violations concerning incompatibility with surrounding environment. Whenever the village board or the clerk-treasurer, as agent thereof, is made aware of an incompatibility in the operation of a licensed premises in relation to its surrounding or nearby environment or a licensed premises is in violation of any condition established or required at the issuance of the license or of this Code or the state law, including all requirements regarding the duty to supervise employees, proceedings for the purpose of revoking, establishing new conditions, or continuing the license under previous conditions will be initiated under the same procedures as provided in subsection (a) of this section.~~

~~(c) — Operator's licenses. Suspension or revocation of operator's licenses granted pursuant to this chapter shall be governed as follows:~~

~~(1) — Any committee as established by the governing body may revoke or suspend an operator's license following a hearing held by the committee. Notice shall be mailed to the licensee not less than eight days prior to the hearing or upon personal service of notice not less than two days prior to the hearing.~~

~~(2) — Appeal from the decision of the committee may be made by the licensee upon filing a petition for review by the full village board by presenting the petition and paying a fee of \$100.00 to the clerk-treasurer. The village board shall schedule a hearing not more than 30 days from the date the appeal is filed.~~

~~(d) — Automatic revocation. Any license or permit issued under this chapter may be revoked without further proceedings upon the conviction of the licensee, agent employee or representative thereof, pursuant to s. 125.11, Wis. Stats.
(Ord. No. 10-91, § 2(10), 11-14-1991)~~

~~(e) — Non-use of license. If a license or permit issued under this ordinance is not used within sixty (60) days after its issuance, or its usage is discontinued for a period of sixty (60) days or more, such non-use shall be grounds for denial, suspension, revocation or non-renewal of the license or permit in accordance with the provisions of this ordinance and the laws of Wisconsin.
(Ord. No. 1-05, § 2(10), 02-10-2005)~~

~~(f) *Revocation for failure to pay fee.* If the governing body of the municipality or other authorized person or entity approves the issuance of a license or permit under this ordinance and the required fee is not paid within sixty (60) days after the date of approval, such failure to pay shall be grounds for denial, suspension, revocation, or non-renewal of the approval of the license or permit in accordance with the provisions of this ordinance and the laws of Wisconsin.~~
~~(Ord. No. 1-05, § 2(10), 02-10-2005)~~

~~Sec. 6-11. Penalties.~~

~~Any person or the employee or agent of any licensee under this chapter who shall violate any provisions set forth in this chapter shall upon conviction be punished by a forfeiture not less than \$20.00 nor more than \$400.00 plus costs of prosecution, and, in default of payment of the forfeiture and costs, shall be imprisoned in the county jail for not more than 90 days. Each day of which the violation continues shall constitute a separate offense.~~
~~(Ord. No. 10-91, § 2(11), 11-14-1991)~~

SEC. 6-1 State Statutes adopted.

The current and future provisions of Chapter 125, Wis. Stats., defining and regulating the types, sale, procurement, consumption, dispensing, and transfer of alcohol beverages, as well as provisions dealing with the suspension and revocation of alcohol beverage licenses and permits and including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this Section by reference. A violation of any such provision shall constitute a violation of this Section. Any future amendments, revisions, modifications, or additions of the statutes incorporated herein, are intended to be made part of this Chapter in order to secure uniform statewide regulations of alcohol beverage in this State.

Sec. 6-2 Basic requirements.

- A. Occupancy Permit and/or Approved Plan of Operation Required. No person on any licensed or permitted premises shall conduct any transactions regulated by this Chapter unless a licensee or permittee holds a valid Occupancy Permit and/ or an approved Plan of Operation, as may be required, issued by the Village. The Occupancy Permit and/or approved Plan of Operation shall be specific in detail as to what area of the premises shall be licensed or permitted for the sale of alcoholic beverages. Failure to hold any required Occupancy Permit or to have any required Plan of Operation or any violation of any required Occupancy Permit or any required Plan of Operation are grounds for suspension or revocation of any license or permit issued under this Chapter.
- B. Wisconsin Seller's Permit Required. No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid Wisconsin Seller's Permit as required un §77.52 Wis. Stats., issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Seller's Permit or any violation of a Wisconsin Seller's Permit are grounds for suspension or revocation of any license or permit issued under this Chapter.
- C. Wisconsin Business Tax Registration Certificate Required. No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid Wisconsin Business Tax Registration Certificate as required by Wisconsin Statutes issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Business Tax Registration Certificate or any violation of a Wisconsin Business Tax Registration Certificate are grounds for suspension or revocation of any license or permit issued under this Chapter.
- D. Business Plan Required No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee operates under an approved Business Plan which has been submitted to and approved by the Village Board as part of the alcohol beverage licensing procedure for the premises and licensee or permittee described in the license or

permit during the period of licensing or permitting. Failure to have an approved Business Plan or any failure to comply of an approved Business Plan are grounds for suspension or revocation of any license or permit issued under this Chapter.

- E. Federal Employment Identification Number (FEIN) Required No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid FEIN as required issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid FEIN or any violation of a FEIN are grounds for suspension or revocation of any license or permit issued under this Chapter.

Sec 6-3 General Licensing Requirements

Failure to comply with the following requirements are grounds for suspension or revocation of any license or permit issued under this Chapter.

- A. Application Process. The application process is governed by §125.04, Wis. Stats.

1. Applications. All applications other than operator's licenses shall contain all the information required by the form required under §125.04(3), Wis. Stats., and any other information as reasonably required by the Village Clerk. Operator's license applications shall contain all information required on the form and any other information as may reasonably be required by the Village Clerk. Operator's license applications shall be on a form prescribed by the Clerk containing all information deemed necessary including but not limited to name, residence, birthdate, phone, employment location.
2. Filing. Operator's licenses and licenses issued under §125.326(6), Wis. Stats., and/or §125.51(10) lasting less than four (4) days must be filed with the Village Clerk at least 48 hours prior to granting of the license. All other applications for licenses and permits to sell alcohol beverages as well as license issued under §125.26(6), Wis. Stats., and/or 125.51(10) lasting four (4) or more days shall be filed with the Village Clerk as required by Wisconsin Statutes or fifteen (15) days whichever is less.
3. Fees. Fees are governed by §125.04, Wis. Stats.
 - a. The fees for licenses or permits which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees.
 - b. Fees for partial licensing or permitting years must be prorated if required by Chapter 125, Wis. Stats. In all cases when an alcohol beverage license or permit is issued for a partial year, a minimum fee of \$25.00 and all actual publication fees and investigation fees must be paid.
 - c. Once any license or permit is issued, no return of any payment shall be made regardless of whether the license or permit is used for the entire year.
 - d. Fees for the following licenses and permits shall be established by the Village Board from time to time by separate Resolution, provided that the fee shall be in an amount approved by Chapter 125, Wis. Stats.,
 - i. Class "A" Fermented Malt Beverages License.
 - ii. "Class A" Intoxicating Liquor License.
 - iii. "Class A" Liquor (Cider Only)
 - iv. Class "B" Fermented Malt Beverages License.

- v. Class "B" Picnic License under §125.26(6), Wis. Stats.
- vi. "Class B" Intoxicating Liquor License.
- vii. The fee for a reserve "Class B" liquor license shall be \$10,000.00 for initial issuance.
- viii. "Class C" Wine License
- ix. Provisional Retail Licenses.
- x. Operators' License – Operator licenses shall be issued for not more than a 13 month period expiring on June 30.
- xi. Provisional Operator License
- xii. Transfer from One Premises to Another
- xiii. Temporary Operator License.
- xiv. Publication Fee – See §985.08, Wis. Stats. And §125.04(3)(g)(6), Wis. Stats.
- xv. Investigation Fee.
- xvi. Booklet Fee.
- xvii. Program Fee.
- xviii. Application Fee.
- xix. Fees for any license or permit authorized under Chapter 125, Wis. Stats.

B. Investigation Process. Upon receipt of a license or permit application under the provisions of this Chapter, the Village Clerk shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant(s).

- 1. *All Alcoholic Beverage Licenses and Permits.* The Police Department, Fire Department and Building Inspector and other persons authorized may conduct an investigation and inspection of the premises mentioned in the applications to determine if the premises comply with all applicable regulations, ordinances and laws. The police department shall investigate all persons included in the application to determine the suitability and character of the applicants.
- 2. *Operator's Licenses.* The Police Department shall conduct an investigation of all applicants to determine the suitability and character of the applicant.
- 3. *Reports.* Upon completion of all investigations, written reports shall be submitted to the Village Clerk. The Village Clerk will then forward the application to the Village Board for action, if such action is necessary.

C. Review. The Village Board may refer any and all licenses or permits to the appropriate committee for review and recommendation prior to action by the Village Board.

D. Quotas. The number of Licenses shall be limited based upon the most recent decennial Federal Census or special census conducted by the Village Board under contract with the U.S. Bureau of the Census in the following manner.

- 1. No Class A Liquor License shall be issued in the Village except as a Combination License with a Class A Fermented Malt Beverage License.
- 2. No regular yearly Class B Fermented Malt Beverage Licenses shall be issued in the Village except as a Combination License with a Class B intoxicating Liquor License or Class C Wine license.
- 3. No more than one six-month Class B Fermented Malt Beverage License shall be issued for each 2,000 population or fraction thereof.

4. No more than one Class B Fermented Malt Beverage License for local, non-profit civic groups shall be issued for each 1,000 population or fraction thereof.

E. Premises Extension

1. *Definition.* As used in this paragraph "premises extension" shall mean an open, unroofed area where alcohol beverages are served and consumed, and provided such area is connected to a licensed alcohol beverage premises.
2. *License required.* No person shall keep, maintain, conduct or operate any premises extension without first obtaining approval from the Village Board of an amendment of the license description of the premise.
3. *License fee.* The fee for a premises extension shall be that amount as determined from time to time by resolution of the Village Board.
4. *Application.* Application for a premises extension shall be made to the Village Clerk and shall be submitted to the Village Board for issuance and approval as the Village Board, in its discretion, deems appropriate. The application shall contain the following information:
 - a. Name, address and phone number of license holder.
 - b. Type of license held.
 - c. Trade name.
 - d. Date and time of extension of premise.
 - e. Type of event/reason for extension.
 - f. Contact name, address and phone number.
 - g. Diagram of premises extension.
 - h. Specify if band or music will be applicable (location on premises and time frame)
 - i. Specify if food will be served (in house preparation, catered, location served)
 - j. Must be signed by license holder.
 - k. Include additional or alternative parking locations.
5. *Filing deadline.* Applications must be submitted to the Village clerk no later than noon five business days before the regularly scheduled meeting of the Village Board.
6. *Restrictions.* Any violation of any of the restrictions imposed by this subsection relating to Premises Extension may be grounds for suspension or revocation of any license issued under this Chapter. No premises extension shall be licensed, maintained or operated, except in conformity with the following regulations:
 - a. The premises extension shall be particularly described, adjacent to and operated as a part of a premises license to sell alcohol beverages for consumption on the premises. The premises for which the premises extension is issued must be owned by or under the control of the licensee.
 - b. If any part of the premises extension is not blocked by a building, there shall be maintained or constructed a fence not less than six feet high with maximum spacing in openings of two inches or double fencing of not less than four feet high with six feet between the fencing, surrounding the premises extension. The fencing shall contain the required fire exit or exits. Each gate or exit shall be not less than four feet high for

double fencing and six feet high for single fencing, shall swing free to egress, shall be equipped with proper hardware and shall swing free and clear of public sidewalks. The premises extension fence shall comply with all local ordinances regarding vision clearance and distances from corners.

- c. All electrical wiring shall comply with national, state and local electrical codes. (Electrical permits may be needed)
- d. The premises extension shall be maintained to comply with all state or local fire code provisions.
- e. The noise emanating from any premises extension shall not violate any of the regulations of the municipal code pertaining to noise.
- f. If the premises extension allows any food to be served in the premises extension, the licensee or his/her agent must comply with Wisconsin Statutes. Licensee or his/her agent must contact the Village Board or county health department for inspection and approval.
- g. Restroom facilities must be provided to adequately accommodate the maximum capacity of people in both the licensed premises and the premises extension.
- h. Beverages must be served in paper, cans or plastic only and may be carried into the premises extension.
- i. The licensee or his/her agent shall be responsible to preventing violations of this paragraph and for supervising the premises extension at all times.
- j. Any necessary security for the premises extension, including any security required as a condition of the license, shall be the sole responsibility of the licensee.
- k. The licensee shall maintain adequate liability insurance for the premises extension and proof of such insurance shall be furnished to the Village Clerk before a premises extension is issued.
- l. The licensee shall maintain peace and order over any area adjacent to and used in conjunction with a licensed premises whether or not said premises extension is licensed. Violation of this Section may result in the police department exercising its authority under Wisconsin Statutes and the Municipal Code, and ordering any premises extension or the entire licensed area closed in the public interest.
- m. The licensee is responsible for all clean-up and removal of debris and rubbish from the premises extension and any adjoining area which has suffered a spill over of debris and rubbish.
- n. Each licensed establishment may be granted up to two premises extensions per license year from July 1 through June 30. The date and hours during which a premises extension shall be valid may be determined by the Village Board.

Sec. 6-4

Operator's License

In addition to the provisions of §125.17, Wis. Stats.

1. *Regular Operator's License.* Pursuant to and subject to the requirements of §125.17(1), Wis. Stats., regular operator's licenses may be granted to individuals by the Village Clerk or their designee as allowed by the Village Board adopted ordinance.

2. *Provisional Operator's License*

- a. Pursuant to and subject to the requirements of §125.17(5), Wis. Stats., the Village Clerk or their designee, shall issue a provisional operator's license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death, disability, or absence of the regular operators. The Village Clerk or their designee, before authorizing such issuance, shall determine that the applicant has a satisfactory record, and likely would be issued a regular operator's license. All operator's licenses issued under this Section shall expire on June 30 of each year.
- b. Pursuant to and subject to the requirements of §125.17(6), Wis Stats., the Village Clerk or their authorized designee may issue a provisional operator's license to a person who is enrolled in a training course and has applied for a regular operator's license.
- I. *Temporary Operator's Licenses.* Pursuant to and subject to the requirements of §125.17(4), Wis. Stats., the Village clerk or their designee may issue temporary operator's licenses.
- II. *State Operator's Permits.* Any individual who received an operator's permit from the Wisconsin Division of alcohol Beverages and intends to use the permit within the Village must provide the Village Clerk with a copy of the permit.

Sec. 6-5 Other Licenses

1. *Provisional Retail Licenses.* Pursuant to and subject to the requirements of §125.185, Wis. Stats., the Village clerk or their designee, shall issue a provisional license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death or disability but is not caused by merely failing to file the application for a license or permit timely.
2. *Manager's License.* Pursuant to §125.18, Wis. Stats., the Village of North Prairie opts not to issue Managers' Licenses.
3. *Temporary Class B Retail Licenses.* Pursuant to and subject to the requirements of §125.32(6) and 125.51(10), Wis. Stats., the Municipal clerk or their designee, are authorized to issue temporary Class B Retail licenses lasting less than four (4) days.
4. *Public Parks.* The sale of fermented malt beverages in any public park operated by the Village of North Prairie. Fermented malt beverages shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the Village of North Prairie.
5. *Regulation of Underage Persons.*
 - a. An underage person is authorized to enter and remain in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present provided the law enforcement agency responsible for enforcing the ordinance issued to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed

premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

- b. The Village of North Prairie adopts the conduct regulated by §125.07(1) and (4), (a), (b) and (bm), §125.085(3)(b) or §125.09(2) Wis. Stats.
6. Commercial Quadricycles. Subject to §125.10(5)(b) the Village of North Prairie prohibits the consumption of fermented malt beverages by passengers on a commercial quadricycle within the village.
7. No-Sale Event Permits If a property owner is issued a no-sale event permit by the Division of Alcohol Beverages, the property owner must inform the Village of the event, including the expected guest count, immediately upon issuance of the permit. The property owner shall provide the Village clerk with a copy of the permit and must comply with all provisions of §125.09, Wis. Stats.
8. Transfer of Licenses. If the transfer of a license is approved by the Village of North Prairie pursuant §125.04(12), Wis. Stats., all conditions set forth under this Chapter shall be complied with. Failure to conform with the terms of the approved license transfer shall be grounds for denial, suspension or revocation of the license.
9. Non-Use of License or Permit Non-use of a license or permit issued under this Chapter shall be grounds for cancellation, suspension, revocation or non-renewal of the license or permit in accordance with the provisions of this Chapter and the Wisconsin Statutes in either of the following circumstances:
 - a. The license or permit issued under this Chapter is not used within ninety (90) days after its issuance; or
 - b. The license or permit issued under this chapter's usage is discontinued for ninety (90) or more days in aggregate in any licensing year.
10. Closing Hours. Closing hours shall be as set by Wisconsin Statutes with the following applicable local options:
 - a. If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.
 - b. If a Retail Class "A" Fermented malt Beverage License, between 9 p.m. and 6 a.m.
 - c. If a Retail "Class A" Intoxicating Liquor License, between 9 p.m. and 6 a.m.
11. Local Options The holder of a Retail "Class B" Liquor License or on "Class C" licensed premises as authorized under §125.51 (3e) (a) shall be permitted to sell, deal and traffic intoxicating liquors in the original packages or containers to be consumed off the licensed premises or containers if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. Off premises sales shall cease at midnight of each day it is intended by this Section that the packaged sales from Class "B" licensed premises will not be permitted after midnight under the option granted herein and further provided, however, that no single-container sale of fermented malt beverages can be made unless originally packaged as a single container or if a smaller package exists within a larger containers.

12. Full Service Retail Location. The Village of North Prairie Village Board may, as a part of its approval process of a full-service retail location, include as conditions of approval any of the provisions of this Chapter and the Village Zoning Code.

Sec 6-6 RESTRICTIONS ON ISSUANCE OF LICENSES OR PERMITS.

The following restrictions are imposed on all licenses and permits issued by the Village as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following restrictions are grounds for suspension or revocation of any license or permit issued under this Chapter.

a. Health and Sanitation Requirements.

- i. No initial or renewal alcohol beverage license or permit shall be issued for any premises which does not conform to the sanitary safety and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to building electrical and plumbing; to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, if the premises is licensed to serve food; and to all such rules and regulations as to building, health and sanitation adopted by the Village, County, the State or the Federal government.
- ii. Any violation of any of the restrictions imposed by this subsection relating to Health and Sanitation Requirements may be grounds for suspension or revocation of any license or permit issued under this Chapter.

b. Delinquent Taxes, Assessments, Forfeitures and Claims.

- i. No initial or renewal alcohol beverage license or permit shall be issued for any premise or property which is delinquent in the payment of any taxes, assessments, fees, forfeitures or other claims of the Village.
- ii. No initial or renewal alcohol beverage license or permit shall be issued to any person who is delinquent in the payment of any taxes, assessments, fees, forfeitures or other claims of the Village.
- iii. If at any time the premises, property, and/or person is delinquent in the payment of any taxes, assessments, fees, forfeitures or other claims of the Village said delinquency shall be grounds for suspension or revocation of any license or permit issued under this chapter.

c. Separate Premises or Limited Access Area. Every person, firm or corporation applying for a new or renewal of an existing Class "A" Fermented Malt Beverage License, a "Class A" Intoxicating Liquor License, a "Class A" Liquor (Cider Only) License, a combination Class "A" Fermented Malt Beverage License and "Class A" Liquor (Cider Only) License or combination Class "A" Fermented malt Beverage License and "Class A" Intoxicating Liquor License shall submit to and receive approval from the Village Board of a site plan and plan of operation with a diagram or photograph of the proposed or existing sale and display area for the alcohol beverages prior to the issuance of any such license(s) or permits(s). The site plan and plan of operation shall be such as to ensure that minors do not have reasonable access to acquire alcohol beverages as well as satisfying the following requirements:

- i. For Class "A" Fermented Malt Beverage Licensees, and for Combination Class "A" Fermented Malt Beverages and "Class A" Liquor (cider Only) Licensees, one of the following is required:

1. An area must be designated for the display of intoxicating liquors and fermented malt beverages and, said area must be able to be closed off from reasonable access during the closing hours set forth in subsection below and, the licensee location must have multiple employees on duty at all times while the store is open who are in a position to supervise the sale of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security plan which will be subject to approval by the Police Chief to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages.
OR
 2. A partition between that portion of the premises used for display and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments. Ingress and egress shall not be permitted between such departments and other departments by the public except for emergencies.
OR
 3. An area for sale and display of intoxicating liquors and fermented malt beverages access to which shall be limited to employees of the licensee only.
- ii. For "Class A" Intoxicating Liquor Licensees, and for combination Class "A: Fermented Malt Beverage and "Class A" Intoxicating Liquor Licensees one of the following is required:
1. An area must be designated for the display of intoxicating liquors and fermented malt beverages and; said area must be able to be closed off from reasonable access during the closing hours set forth below and; the licensee location must have 4 or more employees on duty at all times while the store is open who are in a position to supervise the sale and prevent the theft of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security plant which will be subject to approval by the Police chief to ensure that minors do not have reasonable access to acquire intoxicating liquors or fermented malt beverages and to prevent theft of the beverages. To meet this standard a licensee must demonstrate to the Police Chief, layers of access control, accountability of personnel, and sufficient procedures for dealing with theft to minimize police service impact from the same.
OR
 2. A partition between that portion of the premises used for display and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments. Ingress and egress shall not be permitted between such departments and other departments by the public except for emergencies.
- iii. Any violation of any of the restrictions imposed by this subsection relating to Separate Premises or Limited Access Areas may be grounds for suspension or revocation of any license or permit issued under this chapter.

The following conditions are imposed on all licenses and permits issued by the Village of North Prairie as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this chapter, failure to comply with the following conditions is grounds for suspension or revocation of any license or permit issued under this Chapter.

- A. Consent to Inspection. Every applicant obtaining a license or permit thereby consents to the entry of the police or other authorized representatives of the Village or the State at any reasonable time for the purpose of inspection and search, and consents to the removal from said premises of all things found to be in violation of Municipal Ordinances or Wisconsin Statutes and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.
- B. Safety and Sanitation Requirements. Every licensed or permitted premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used.
- C. Orderly Conduct Required. Every licensed or permitted premises shall be conducted in an orderly manner and no disorderly, noxious or indecent conduct shall be allowed.
- D. Gambling Prohibited. Gambling shall not be permitted on a licensed or permitted premise, unless authorized by Wisconsin Statutes. Slot machines or other devices of chance are prohibited and shall not be kept on the premises, unless authorized by Wisconsin Statutes.
- E. Lewd, Obscene, Performances, etc. Prohibited. No licensee or permittee shall advertise, produce, perform or allow any lewd, obscene, or indecent performance of any kind on the premises.
- F. Controlled Substance Use Prohibited. Any licensee, permittee, partner, agent, authorized representative or employee who is convicted of the use, possession, delivery or intent to deliver, any controlled substance defined and regulated under Chapter 161, Wis. Stats., may be considered grounds for the revocation or suspension of any license provided for in this chapter.
- G. Regulation of Entertainment and Entertainers. No class B licensee or permittee shall employ or permit to perform on the premises any entertainer, except a member of a band, a vocalist, a piano or organ player or a comedian. All such entertainers be fully clothed in such a manner as is acceptable in all public places. No licensee or permittee shall allow any entertainment which makes an appeal to prurient interest. Dancing among patrons, but not between patron and employee is permitted upon permit and with the approval of location by the Fire Chief.
- H. Regulation of Underage Persons. This chapter is also intended to incorporate as ordinance violations, the regulations of underage persons under §125.10(2), Wis. Stats.
- I. Sales by Clubs. No club shall sell alcoholic beverages except to members and to guests invited by members.
- J. Consumption on premises. The holder of every alcohol beverage license shall make every effort to discourage the premises patrons from taking alcohol beverages out of the premises when the beverage is sold for consumption on the premises.
- K. Open Carry. No person shall possess an opened container of alcohol beverage or drink an alcohol beverage in any vehicle, alley, park, public street or other public place except at community functions or events authorized by specific action of the Village Board or public places for which a license or permit has been granted.
- L. Violations by Agents and Employees. A violation of this Chapter by an authorized agent or employee of the licensee or permittee shall constitute a violation by the licensee or permittee.

- M. Municipal Ordinance Violations. Any license or permittee holder, who is convicted of violating any Municipal Ordinance, such violation is grounds for the revocation or suspension of the license or permit.
- N. False Information in an Application. If a person knowingly provides materially false information in an application for a license or permit under this Chapter or on a full-service retail outlet form, and if a person materially violates any representation made in an affidavit under §125.20(6)(a)6 or (c) 4. Wis. Stats. Such action is grounds for the revocation or suspension of the license or permit.

Sec 6-8 REVOCATION AND SUSPENSION OF LICENSES

Suspension or Revocation of any licenses or permits issued under this Chapter is governed by §125.12 Wis, Stats.

Sec 6-9 PENALTIES

- A. General Penalty Provisions.
 - 1. Any person who violates a provision of Chapter 125 Wis. Stats. For which a penalty is not specified shall be penalized not less than \$100.00 and up to not more than \$1,000 or imprisoned for up to 90 days in jail or both for each day that violation is determined to exist.
 - 2. A license issued in violation of Chapter 125, Wis. Stats. is void.
 - 3. Any person who violates §125.04(1), wis. Stats. By selling manufacturing or distributing alcohol beverages without an appropriate license shall be penalized not less than \$100.00 and up to not more than \$10,000 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
 - 4. Any person who sells or possesses with intent to sell, intoxicating liquor without holding the appropriate license or permit may be penalized not less than \$100.00 and up to not more than \$10,000 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
 - 5. Any person who gives away alcoholic beverages or using any other means to evade the laws relating to the sale of alcohol beverages may be penalized not less than \$100.00 and up to not more than \$10,000 or imprisoned for not more than nine months or both for each day that a violation is determined to exist.
 - 6. Any licensee who allows another person to use his or her license to sell alcohol beverages, shall have his or her license revoked.
- B. Specific Penalties Provision. Chapter 125 Wis. Stats., includes specific penalties which are incorporated herein pursuant to Section 1 above.

SECTION 2. CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance was approved and adopted at the June 12, 2025 Village Board meeting.

Dan Miresse, Village President

Attest:

Evelyn Etten, Village Administrator/Clerk/Treasurer