

Chapter 6

ALCOHOL BEVERAGES*

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ARTICLE I. IN GENERAL

Sec. 6.100. Provisions of state law adopted by reference.

(a) Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. ch. 125, as amended, relating to alcohol beverages, are adopted and by reference made a part of this section as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section.

(b) Sections of Wis. Stats. ch. 125 adopted by reference shall include but not be limited to the following:

- Wis. Stats. § 125.02 (Definitions)
- Wis. Stats. § 125.037 (Civil Liability Exemption for Municipalities)
- Wis. Stats. § 125.04 (General Licensing Requirements)
- Wis. Stats. § 125.045 (Booklet for Licensees and Permittees)
- Wis. Stats. § 125.07 (Underage and Intoxicated Persons; Presence on Licensed Premises; Possession; Penalties)
- Wis. Stats. § 125.09 (General Restrictions)
- Wis. Stats. § 125.105 (Impersonating an Officer)
- Wis. Stats. § 125.12 (Revocations, Suspensions, Refusing To Issue or Renew)
- Wis. Stats. § 125.13 (Report of Suspension, Revocation or Imposition of Penalty)
- Wis. Stats. § 125.14 (Enforcement Provisions)
- Wis. Stats. § 125.15 (Furnishing Bail)
- Wis. Stats. § 125.17 (Issuance of Operator's Licenses)
- Wis. Stats. § 125.18 (Issuance of Manager's Licenses)
- Wis. Stats. § 125.185 (Provisional Retail Licenses)
- Wis. Stats. § 125.25 (Class "A" Licenses)
- Wis. Stats. § 125.26 (Class "B" Licenses)
- Wis. Stats. § 125.27 (Class "B" Permits)
- Wis. Stats. § 125.28 (Wholesaler's Licenses)
- Wis. Stats. § 125.315 (Evading Provisions of Law by Giving Away Fermented Malt Beverages)
- Wis. Stats. § 125.32 (General Restrictions and Requirements)
- Wis. Stats. § 125.33 (Restrictions on Dealings Between Brewers, Wholesalers and Retailers)
- Wis. Stats. § 125.51 (Retail Licenses and Permits)
- Wis. Stats. § 125.66 (Sale Without License; Failure To Obtain Permit; Penalties)
- Wis. Stats. § 125.67 (Evading Provisions of Law by Giving Away Intoxicating Liquor; Penalties)
- Wis. Stats. § 125.68 (General Restrictions and Requirements)
- Wis. Stats. § 125.70 (Trade Show Samples)

(Ord. of 7-23-1984(1), § 2)

Cross reference—Definitions and rules of construction generally, § 1.101.

ARTICLE II. LICENSES

Sec. 6.101. Delinquent taxes, assessment.

(a) *Premises.* No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the town are delinquent and unpaid.

(b) *Persons.* No initial or renewal alcohol license shall be granted to any person who is delinquent in payment:

- (1) Of any taxes, assessments or other claims owed to the town.
 - (2) Of a forfeiture resulting from a violation of any ordinance of the town.
 - (3) To the state of any state taxes owed.
- (Ord. No. 562, § 1, 6-13-1983)

Sec. 6.102. Retail liquor and beer license fees.

(a) *Class A licenses.* The annual fees for class A licenses shall be set by the town board.

(b) *Class B licenses.* The annual fees for class B licenses shall be as set by the town board.
(Code 1982, § 12.03)

Sec. 6.103. Issuance of operator's license.

The fee for an operator's license shall be as set by the town board and, except as otherwise provided, shall be issued for one year and shall expire on June 30 of the year for which issued.
(Code 1982, § 12.04(1); Ord. of 5-20-1991, § 1)

Sec. 6.104. Operator's license requirement.

(a) An operator's license shall be issued by the town clerk/treasurer only to persons qualified under Wis. Stats. § 125.04(5), as amended, 18 years of age or over, of good character, who have been citizens of the United States and residents of this state continuously for not less than one year prior to the date of the filing of the application. Such licenses shall be operative only within the limits of the town. For the purpose of this section, any member of the immediate family of the licensee shall be considered as holding an operator's license.

(b) No operator's license shall be issued, except as otherwise provided, unless the applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they are renewing an existing operator's license, have completed the training course within two years prior to the date of making the application or have held a retail license, manager's or operator's license within the preceding two years. Applicants may be issued a provisional operator's license if they are enrolled in a training course.

(Code 1982, § 12.04(2); Ord. of 5-20-1991, § 2)

Sec. 6.105. Good character, what constitutes.

The term "good character" as used in section 6.104 shall be construed to mean a person who:

- (1) Is likely to carry on, in conformity with all of the ordinances of the town and the laws of the state, the business for which the permit is issued.
- (2) Has not previously been convicted within a period of ten years from the date of the application of a crime or any violation of the liquor laws of the town or the state.
- (3) Is not frequently under the influence of intoxicating liquors.
- (4) Keeps an orderly law-abiding house or premises.
- (5) Within the preceding five years before the application, has not violated any town ordinances that involve moral turpitude, including but not limited to violations of Wis. Stats. §§ 941.20, 943.01, 944.20, 944.21, 944.31, 944.34, 945.02, 946.40, 946.41, 946.70(1) and 947.01 adopted by reference in section 46.100, as amended.

(Code 1982, § 12.04(3))

Sec. 6.106. Provisional operator's license.

The town clerk/treasurer shall issue a provisional operator's license to a person who has applied for an operator's license. The standards contained in sections 6.104, and 6.105 shall apply to any person issued a provisional operator's license. Such license shall be effective for a period of 60 days or until a regular operator's license is issued, whichever event shall first occur. The fee for a provisional operator's license shall be set by the town board.

(Ord. of 5-20-1991, § 3)

ARTICLE III. ADULT ENTERTAINMENT***Sec. 6.107. Legislative authorization.**

This article is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of the town, pursuant to the state constitution, laws of the state, and the authority of the town board exercising village powers and exercising its right to regulate the sale and consumption of alcoholic beverages, pursuant to the 21st Amendment to the Constitution of the United States.

(Ord. of 12-5-1990, § 2)

Sec. 6.108. Findings of fact.

The town board finds that evidence has been propounded that indicates that nudity and sexual conduct and their depiction, coupled with alcohol in public places, begets undesirable

***Cross reference**—Adult-oriented establishments generally, § 18.103 et seq.

behavior, and that prostitution, attempted rape, rape, murder, and assaults on police officers have occurred in and around establishments dealing in alcohol beverages where nudity and sexual conduct and their depiction is permitted.

(Ord. of 12-5-1990(1), § 4)

Sec. 6.109. Intent.

It is found that:

- (1) The acts prohibited in section 6.112 encourage the conduct of prostitution, attempted rape, rape, murder and assaults on police officers in and around establishments dealing in alcohol beverages;
- (2) Actual and simulated nudity and sexual conduct and their depiction, coupled with alcohol in public places, begets undesirable behavior;
- (3) Conduct among patrons and employes with establishments dealing in alcohol beverages results in violation of law and dangers to the health, safety and welfare of the public; it is therefore the intent of this article to prohibit nudity, gross sexuality and their simulation and depiction in establishments dealing in alcohol beverages.

(Ord. of 12-5-1990(1), § 5)

Sec. 6.110. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol beverages means all beverages containing more than one percent of alcohol by weight.

Establishment dealing in alcohol beverages means any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement), including those licensed by the state for sale and/or service of alcohol beverages, and any bottle club; hotel; motel; restaurant; nightclub; country club; cabaret; meeting facility utilized by any religious, social, fraternal or similar organization; business or commercial establishment where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the product or article will be, or is intended to be mixed, combined with or drunk in connection or combination with an alcohol beverage on the premises of the business or commercial establishment; or business or commercial establishment where the consumption of alcohol beverages is permitted. A private residence, whether permanent or temporary in nature, is not an establishment dealing in alcohol beverages.

(Ord. of 12-5-1990(1), § 6)

Cross reference—Definitions and rules of construction generally, § 1.101.

Sec. 6.111. Area of enforcement.

This article shall be effective within the boundaries of the unincorporated areas of the town.
(Ord. of 12-5-1990(1), § 3)

Sec. 6.112. Prohibited acts.

(a) No person shall expose to public view his genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or their simulation in an establishment dealing in alcohol beverages.

(b) No female person shall expose to public view any portion of her breast below the top of the areola or their simulation in the establishment dealing in alcohol beverages.

(c) No person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any person to expose to public view his genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or their simulation within the establishment dealing in alcohol beverages.

(d) No person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or any simulation within the establishment dealing in alcohol beverages.

(e) No person shall engage in and no person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing, fondling of the breasts, buttocks, anus or genitals or their simulation within an establishment dealing in alcohol beverages.

(f) No person shall cause and no person maintaining, owning or operating an establishment dealing in alcohol beverages shall suffer or permit the exposing of any graphic representation, including pictures or the projection of film, that depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or any simulation within any establishment dealing in alcohol beverages.

(Ord. of 12-5-1990(1), § 7)

Chapters 7—9

RESERVED