

CHAPTER 41

INTOXICATING LIQUOR AND FERMENTED MALT BEVRAGES

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CHAPTER 41

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

SECTION 41.01 Purpose.

The Village Board finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Village and that the regulations of this chapter will promote the good order of the Village for its commercial benefit and the health, safety, and welfare of the public.

SECTION 41.02 Statutory Authority.

This chapter is enacted pursuant to Section 125.10, Wis. Stats., and the Village's general police powers. All provisions of Ch. 125, Wis. Stats., are hereby incorporated herein by reference and made part of this chapter. If the provisions of this chapter conflict with the provisions of Ch. 125, Wis. Stats., the more restrictive provision shall be followed.

SECTION 41.03 License Required.

No person, except as authorized by this chapter and Ch. 125, Wis. Stats., shall within the Village serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this chapter or Ch. 125, Wis. Stats.

SECTION 41.04 Definitions.

The terms used in this chapter shall have the meanings contained in Section 125.02, Wis. Stats.

SECTION 41.05 License Classes and Fees.

There shall be the following classes of licenses which, when issued by the Village Administrator/Clerk-Treasurer under authority of the Village Board after the payment of the appropriate fee hereinafter specified, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Ch. 125, Wis. Stats. All license fees shall be established by resolution of the Village Board. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- (a) Class "A" license for retail sale of fermented malt beverages for consumption off the premises where sold, under Section 125.25, Wis. Stats. The fee for a license for less than 12 months shall be prorated as provided under Section 125.25(4), Wis. Stats.

- (b) Class “B” license for retail sale of fermented malt beverages to be consumed either on the premises where sold or off the premises, under Section 125.26, Wis. Stats. The fee for a license for less than 12 months shall be prorated as provided in Section 125.26(4), Wis. Stats. Class “B” licenses may be issued at any time for a period of six months as provided in Section 125.26(5), Wis. Stats.
- (c) Temporary Class “B” license for the sale of fermented malt beverages to bona fide clubs, county or local fair associations, or agricultural societies, churches, lodges, or societies, under Section 125.26(6), Wis. Stats.
- (d) Wholesaler’s license for the sale of fermented malt beverages, under Section 125.28, Wis. Stats.
- (e) Retail “Class A” license for the sale of intoxicating liquor for consumption off the premises where sold, under Section 125.51(2), Wis. Stats. The fee for a license for less than one year shall be determined according to Section 125.51(9)(a), Wis. Stats.
- (f) Retail “Class B” license for retail sale of intoxicating liquor to be consumed by the glass only on the premises where sold and the sale of intoxicating liquor in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises where sold, and wine for consumption off the premises in the original package or otherwise in any quantity, under Section 125.51(3)(b), Wis. Stats. The fee for a license for less than one year shall be determined according to Section 125.51(9)(a), Wis. Stats.
- (g) Reserve “Class B” license, under Section 125.51(4), Wis. Stats. The fee shall be \$10,000 for initial issuance, except that the fee for the initial issuance of a reserve “Class B” license to a bona fide club or lodge situated and incorporated in the state for at least six years is the fee established by resolution of the Village Board. The annual fee for renewal of a reserve “Class B” license is the fee established by resolution of the Village Board.
- (h) Retail “Class B” license for a full-service restaurant that has a seating capacity of 300 or more persons, or a hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room which will accommodate 400 or more persons, under Section 125.51(4)(v), Wis. Stats.
- (i) Temporary “Class B” wine license for the sale of wine issued to bona fide clubs, county or local fair associations, or agricultural societies, churches, lodges or societies that have been in existence for at least six months, under Section 125.51(10), Wis. Stats.
- (j) Retail “Class C” wine license for the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold, under Section 125.51(3m), Wis. Stats. The fee for a license for less than one year shall be prorated as provided in Section 125.51(9)(a), Wis. Stats.
- (k) Operator’s license, under Section 125.17, Wis. Stats.
- (l) Temporary operator’s license, under Section 125.17(4), Wis. Stats.
- (m) Provisional operator’s license, under Section 125.17(5), Wis. Stats.

- (n) Manager's license, under Section 125.18, Wis. Stats.
- (o) Provisional retail license, under Section 125.185, Wis. Stats.

SECTION 41.06 Application Procedure.

All applications for a license authorized under this chapter and Ch. 125, Wis. Stats., shall be in writing on forms prescribed and furnished by the Wisconsin Department of Revenue as supplemented and approved by the Village Board. All applications shall be verified under oath as provided by Section 887.01, Wis. Stats., and shall contain at least the information required under Section 125.04(3), Wis. Stats., and the following information:

- (a) Address of the building for which a license is desired and a description of the physical premises, including every room, storage space, or outdoor area. This description shall include a diagram of the overall dimensions, seating arrangements, seating capacity, bar location and size, and outdoor areas, if applicable, and the diagram shall specifically identify all locations where fermented malt beverages and/or intoxicating liquors are proposed to be sold, served or consumed.
- (b) For Class "A" or Class "B" fermented malt beverage license applications, whether the applicant is in compliance with the credit restrictions under Section 125.33(7), Wis. Stats.
- (c) For "Class A" or "Class B" intoxicating liquor license applications, whether the applicant is in compliance with the credit restrictions under Section 125.69(4), Wis. Stats.
- (d) For temporary Class "B" license applications, the location and size of the fenced area to be used for the sale of fermented malt beverages.
- (e) For corporation or limited liability company applicants, a statement by its President or managing member showing the names and addresses of the persons who are stockholders or who hold any membership together with the amount of stock or membership units held by such person or persons.
- (f) A statement showing the applicant's qualifications specified in Section 125.04(5) or (6), Wis. Stats., as applicable.

SECTION 41.07 Filing of Application.

- (a) **Filing.** All applications shall be filed with the Village Administrator/Clerk-Treasurer. At the time of filing, the applicant shall pay to the Village Administrator/Clerk-Treasurer the cost of publication of the application and the annual fee for the license as established in Section 41.05. All applications must be on file with the Village Administrator/Clerk-Treasurer before the Village Board convenes to consider the application. All license fees shall be paid on the 30th day prior to the date that the license is to be issued.

- (b) **Amendment of Application.** Within 10 days of any change in any fact set out in a license application, the licensee shall file with the Village Administrator/Clerk-Treasurer a written description of the changed fact.

SECTION 41.08 Publication of Application.

Except for temporary Class “B” licenses issued under Section 125.26(6), Wis. Stats., the Village Administrator/Clerk-Treasurer shall publish in the Village newspaper as a Class 1 notice each application for a Class “A,” Class “B,” “Class A” or “Class B” license prior to its issuance, in accordance with Section 125.04(3)(g), Wis. Stats. The cost of the publication shall be paid by the applicant at the time the application is filed, as determined by Section 985.08, Wis. Stats.

SECTION 41.09 Qualifications of Applicants.

- (a) An applicant applying for any license under this chapter except applicants for provisional operators’ licenses and provisional retail licenses, must meet the qualifications as specified in Section 125.04(5), Wis. Stats., for natural persons or for corporations and limited liability corporations, as applicable.
- (b) Any applicant for any license is subject to an investigation by Village designated law enforcement authorities and/or other appropriate authorities to determine whether the applicant premises to be licensed complies with all regulations, Ordinances and laws applicable thereto. The investigating authority shall also conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant’s:
 1. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections 111.321, 111.322, and 111.335, Wis. Stats.;
 2. The financial responsibility of the applicant; and
 3. Generally, the applicant’s fitness for the trust to be reposed.Based upon its investigation, the investigating authority shall recommend, in writing, to the Village Board approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.
- (c) An applicant may be denied a license based upon the applicant’s arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For the purpose of this chapter, “habitually been a law offender” is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the application for license. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity and the facts and circumstances of the offense when making the

determination to grant or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record with two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more. For purposes of this chapter, “substantially related to the licensed activity” includes the following: battery, theft, sexual assault, liquor law violations, drug-related offenses, habitual disregard for the law, and habitual traffic offenders. A one-time conviction for operating while intoxicated (OWI) pursuant to Ch. 346, Wis. Stats., will not automatically preclude issuance of or result in revocation of a license issued under this chapter. However, two or more convictions for OWI within a three-year period shall preclude issuance of or renewal of a license. Further, two or more convictions for OWI within a three-year period shall result in revocation of a license already issued

- (d) If an application is denied by the Village Board, the Village Administrator/Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board. Such notice shall be sent by certified mail to, or personally served upon, the applicant at least 10 days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted. If, upon reconsideration, the Board again denies the application, the Village Administrator/Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter may apply to the Circuit Court pursuant to Section 125.12(2)(d), Wis. Stats., for review.
- (e) If the Village Board approves the granting of a license, the Village Administrator/Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of expiration of such license.

SECTION 41.10 Inspection of Application and Premises.

The Village Administrator/Clerk-Treasurer shall notify the Board of all license applications. The Board or any representative thereof may inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and laws applicable thereto and the applicant's fitness for the license. A license or renewal of a license provided for in this chapter may be denied if the premises or the applicant is found to be in noncompliance.

SECTION 41.11 Qualifications for Licensed Premises.

- (a) **Health and Sanitation Requirements.** No license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements

of the Wisconsin Department of Safety and Professional Services pertaining to the buildings and plumbing, to the rules and regulations of the Wisconsin Department of Health Services applicable to the restaurants, and to all such ordinances and regulations adopted by the Village.

(b) **Location of Premises.**

- (1) No retail Class “A,” Class “B,” “Class A” or “Class B” license shall be issued for premises located less than 300 feet from any established public or parochial school, hospital, 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. This subsection shall not apply to certain premises as specified in Section 125.68(3), Wis. Stats.
- (2) No license shall be issued to any person for the purpose of possession, selling or offering for sale any alcohol beverages in any portion of a building consisting of a dwelling, flat, or residential apartment.

SECTION 41.12 Review of Applications.

- (a) The Village Board shall review all license applications filed in a timely manner. Opportunity to be heard shall be given by the governing body to any person regarding the license application. The Village Board may from time to time adopt guidelines to be used in deciding to grant or deny a license. Upon the approval of the application by the Village Board and payment of the license fee, the Village Administrator/Clerk-Treasurer shall issue to the applicant a license.
- (b) In reviewing any application for a Class “A,” Class “B,” or any “Class B” license, the Village Board may, in its discretion, grant the license only for a portion of the premises for which the applicant seeks the right to sell, deal, give away or traffic in alcohol beverages. If only a portion of the premises is licensed, the Village shall issue to the licensee, together with the license, a written statement or diagram showing the portion of the premises licensed.
- (c) If the Village Board denies a new license, the applicant shall be notified in writing by registered mail or personal service of the reasons for the denial.

SECTION 41.13 Regulation of Licensees and Licensed Premises.

- (a) **Posting Licenses.** Licenses issued under this chapter shall be posted and framed as provided by Section 125.04(10), Wis. Stats. Failure to post a license as required therein shall be a presumption of operating without a license.
- (b) **Gambling and Disorderly Conduct.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct or gambling shall be allowed at any time or on any premises. However, a licensed premises may be designated an agent of the Wisconsin State Lottery.

- (c) **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 which used.
- (d) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representative of the Village at all reasonable hours to inspect the licensed premises.
- (e) **Quotas.** The number of persons and places that may be granted retail “Class B” intoxicating liquor licenses in the Village is limited as provided in Section 125.51(4), Wis. Stats.
- (f) **Licensed Operator on Premises.**
 - (1) No premises operating under a Class “A,” Class “B,” “Class A” or any “Class B” license may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who has an operator’s license and who is responsible for the acts of all persons serving any fermented malt beverages to customers.
 - (2) For purposes of this subsection, any person holding a manager’s license or any member of the licensee’s immediate family who has attained the age of 18 shall be considered the holder of an operator’s license. No person, including a member of the licensee’s immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class “A” or Class “B” license unless he or she has an operator’s license or is at least 18 years of age and is under the immediate supervision of the licensee, agent, or person holding an operator’s license who is on the premises at the time of the service.
- (g) **Closing Hours.** No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
 - (1) If a Class “A” license, between 9:00 p.m. and 6:00 a.m. for the sale of fermented malt beverages.
 - (2) If a “Class A” license, between 9:00 p.m. and 6:00 a.m. for the sale of intoxicating liquor.
 - (3) If a Class “B,” “Class B” or “Class C” license, between 2:00 a.m. and 6:00 a.m., except as otherwise provided in this subsection. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. On January 1 the premises is not required to close. Between 9:00 p.m. and 8:00 a.m., no person shall sell fermented malt beverages or intoxicating liquor on Class “B” licensed premises in an original unopened package, container, or bottle or for consumption away from the premises.
 - (4) Hotels and restaurants whose principal business is furnishing food, drinks, or lodging to patrons, bowling centers, golf courses, and other businesses specified in Section 125.68(4)(c)4, Wis. Stats., may remain open for the conduct of their regular business but may not sell intoxicating liquors or fermented malt beverages during prohibited hours specified above.

- (h) **Employment of Minors.** No retail “Class B” or Class “B” licensee shall employ any person under 18 years of age to serve, sell, dispense, or give away any alcohol beverage.
- (i) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members or their guests.
- (j) **Agents of Corporations or Limited Liability Companies.** The cancellation of the appointment of an agent appointed pursuant to Section 125.04(6), Wis. Stats., and the appointment of a successor agent shall be performed in accordance with Section 125.04(6), Wis. Stats. The corporation or limited liability company holding the license shall immediately notify the Village Administrator/Clerk-Treasurer in writing of the appointment of a successor agent and the reason for the cancellation and new appointment. The license holder shall, following the approval of each successor agent or another qualified agent, pay to the Village a fee of \$10. If an agent appointed under Section 125.04(6), Wis. Stats., resigns, he or she shall notify in writing the corporation or limited liability company and the Village Administrator/Clerk-Treasurer within 48 hours of the resignation.
- (k) **Stock Transfers.** It shall be the duty of each applicant and licensee to file with the Village Administrator/Clerk-Treasurer a statement of transfers of stock within 48 hours after such stock transfer.
- (l) **Leaving Licensed Premises.**
 - (1) It shall be unlawful for any person to whom a license has been issued under this chapter to permit any person to leave the licensed premises with an open container containing any alcohol beverage.
 - (2) It shall be unlawful for any person to leave a licensed premises or location with an open container containing any alcohol beverage.
- (m) **No Carry-in Alcohol Beverages.** No person may enter any location or premises licensed pursuant to Ch. 125, Wis. Stats., with any alcohol beverage as that term “alcohol beverage” is defined in Ch. 125, Wis. Stats. This subsection does not apply to activities necessary to provide the licensed premises with stock or supplies.

SECTION 41.14 Temporary Class “B” Licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer for sale any alcohol beverage in the Village unless the Village Board has issued a temporary Class “B” fermented malt beverage license pursuant to this chapter. Temporary Class “B” license holders shall comply with the following requirements:

- (a) **Underage Persons.** Except as provided by Section 125.07, Wis. Stats., no underage person, as defined by Section 125.02, Wis. Stats., shall be allowed to assist in the sale of fermented malt beverages at any point of sale, nor shall he or she be permitted to loiter or linger in the area of any point of sale of fermented malt beverages.

- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person and otherwise only when proper identification is shown.
- (c) **Presence of Licensed Operator Required on Site.** A licensed operator shall be stationed at all points of sale at all times.
- (d) **Fencing.**
 - (1) The Village Board may require that a licensee install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard, or other person of legal drinking age at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress or egress. When required, the double fence shall be a minimum of four feet high and there shall be a minimum of six feet between fences. A single eight-foot chain link fence may be used in lieu of a double fence when required.
 - (2) For indoor events, the structure used shall provide for suitable exits and facilities and be of sufficient size to accommodate anticipated attendance.
 - (3) If the event is to be located on Village park property, the licensee shall work closely with Village Director of Parks and Recreation in locating and setting up the fence area. If the event is to be located on Village-owned property other than park property, the licensee shall work closely with the Village of Cross Plains Police Department in locating and setting up the fence area.
- (e) **Permitted Cups and Cans.** Fermented malt beverages sold outdoors shall be sold and served only in foam or plastic cups or cans.
- (f) **Insurance.** The applicant may be required to indemnify, defend, and hold harmless the Village and its employees and agents against all claims and damages caused by or resulting from the activities for which the license is granted. The applicant may be required to file a certificate of comprehensive general liability insurance with the Village Administrator/Clerk-Treasurer. The applicant may be required to furnish a performance bond prior to the approval of the license application.
- (g) **Waiver.** The Village Board may waive or modify any or all of these requirements as it, in its sole discretion, deems appropriate.

SECTION 41.15 Violations by Agents and Employees.

A violation of this chapter by an authorized agent or employee shall constitute a violation of the license. Whenever any licensee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license may be instituted in the manner prescribed by this chapter.

SECTION 41.16 Transfer of License.

- (a) **From Place to Place.** Every alcohol beverage license issued by the Village Board may be transferred to another place or premises within the Village. Transfers shall be made by the Village Board upon application on forms provided by the Wisconsin Department of Revenue and payment of a fee set by the Village Board. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail licensee is entitled to more than one transfer during the license year. This subsection does not apply to a reserve “Class B” license under Section 41.05(g) or the “Class B” license for certain hotels and restaurants under Section 41.05(h).
- (b) **From Person to Person.** Licenses to sell alcohol beverages may be transferred to another person only under the terms and conditions as provided by Section 125.04(12)(b), Wis. Stats.

SECTION 41.17 Revocation, Suspension or Refusal to Renew.

- (a) **Grounds.** A license issued under this chapter may be suspended, revoked, or not renewed by the Village Board for one or more of the grounds specified in Section 125.12(2)(ag), Wis. Stats. In addition, the Village Board shall not issue or renew any such license for any premises for which taxes, assessments or other claims or fees of the Village are delinquent and unpaid or for any person who is delinquent in payment of any taxes, assessments or other claims or fees owed the Village or in payment of any forfeiture resulting from a violation of any Village ordinance.
- (b) **Procedure.** A license may be revoked, suspended, or not renewed pursuant to the procedure in Section 125.12(2), Wis. Stats.
- (c) **Effect of Revocation of License.** When a license is revoked under this section, the revocation shall be recorded by the Village Administrator/Clerk-Treasurer and shall have the effect specified in Section 125.12(2)(c), Wis. Stats. No part of the fee for any license so revoked may be refunded.

SECTION 41.18 Operator’s License.

- (a) **Class “A,” Class “B” or “Class C” premises.** Except as provided under Sections 125.32(3)(b) and 125.07(3)(a)10, Wis. Stats., no premises operated under a Class “A,” Class “B” or “Class C” license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator’s license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator’s license issued in respect to a vessel under Section 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this section, any person holding a manager’s license under Section 125.18, Wis. Stats., or any member of the licensee’s or permittee’s

immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A," Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license who is on the premises at the time of the service.

(b) **Use by Another Prohibited.**

- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
- (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

(c) **Procedure Upon Application.** The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Administrator/Clerk-Treasurer and only to persons 18 years of age or older. Operators' licenses shall be operative only within the limits of the Village.

(d) **Duration.** Licenses issued under the provisions of this section shall be valid for a period of one year and shall expire on the 30th day of June.

(e) **Fee.** The fee for an operator's license or provisional license shall be set by the Village Board by resolution for the term or part thereof. There shall be no fee for a temporary operator's license.

(f) **Provisional License.**

- (1) The Village Administrator/Clerk-Treasurer may issue provisional operators' licenses in accordance with Section 125.17(5), Wis. Stats. The Village Administrator/Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant.
- (2) A Provisional Operator's License shall be issued to any person who has applied to the Village Board for the issuance of an Operator's License and has enrolled in a respective beverage server training course, as required under Section 125.17(6), Statutes. A Provisional Operator's License may not be issued to any person who has previously been denied an Operator's License by the Village Board. A Provisional Operator's Licenses shall expire sixty (60) days after its issuance or when on Operator's License is issued, whichever is sooner. The Village Clerk may revoke a license issued pursuant to this paragraph if he or she discovers the Provisional Operator's License holder made a false statement on the application or fails to successfully complete the responsible beverage server training course in which he or she is enrolled. A Provisional Retail License shall be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B", or "Class C" license and has not been previously denied one of those licenses in the prior year.

- (3) The applicant for such provisional license shall present evidence with his application establishing that the applicant is enrolled in a responsible beverage server training course established pursuant to Section 125.71(6), Wis. Stats. The Village Administrator/Clerk-Treasurer may, upon receiving an application for a provisional license, issue such a license without requiring the successful completion of the approved course as described herein. However, such license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved course.
 - (4) A provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued, whichever is sooner.
 - (5) The Village Administrator/Clerk-Treasurer may revoke a provisional operator's license if he or she discovers that the license holder made a false statement on the application or failed to successfully complete the responsible beverage server training course in which he or she is enrolled.
 - (6) A provisional license shall not be renewed.
- (g) **Temporary License.** The Village Administrator/Clerk-Treasurer may issue a temporary operator's license provided that:
- (1) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 - (2) No person may hold more than one license of this kind per year.
 - (3) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.
- (h) **Training Course.**
- (1) Except as provided in Subsection (h)(2) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the Department of Revenue or the Educational Approval Board or unless the applicant fulfills one of the following requirements:
 - a. The person is renewing an operator's license.
 - b. Within the past two years, the person held a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license.
 - c. Within the past two years, the person has completed such a training course.
 - (2) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (h)(1) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

- (3) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (h)(1) but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (h)(1).
- (i) **Display of License.** Each license issued under the provisions of this section shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or the licensee shall carry a license card.
- (j) **Revocation of Operator's License.** Violation of any of the terms or provisions of the state law or of this chapter relating to operators' licenses by any person holding such operator's license shall be cause for revocation of the license.

SECTION 41.19 Sale or Consumption of Alcohol in Public Places.

It shall be unlawful for any person to sell, serve, offer to sell or serve, consume or be in possession of an open or unsealed container of any fermented malt beverage or intoxicating liquor upon any public street, sidewalk, alley or parking lot held open to public use within the Village. This section does not apply to persons selling fermented malt beverages or intoxicating liquors in compliance with a validly issued Class "B" or "Class B" license or to persons consuming fermented malt beverages at an event for which a Class "B" Or "Class B" license has been issued during the hours authorized by the license.

SECTION 41.20 Violations and Penalties.

Any person violating any provision of this chapter or any condition included on a license application or on the license itself or who provides any false or inaccurate information on a written application shall be subject to a penalty of not more than \$1,000, except that where a lower maximum penalty shall be provided by Ch. 125, Wis. Stats., for any specific offense such maximum penalty shall prevail for the same offense committed in violation of this chapter. Each day of continuing violation shall constitute a separate offense. Nothing in this section shall in any way diminish the authority of the Village Board to suspend, revoke, or refuse to renew any license issued pursuant to this chapter.