

# CHAPTER 165

## INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

[HISTORY: Adopted by the Village Board of the Village of Dickeyville as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Nuisances — See Ch. 194.

Parks and recreation areas — See Ch. 202.

Peace and good order — See Ch. 207.

### ARTICLE I

#### Licenses

[Adopted 1-21-1975 as § 9.01 of the 1975 Code]

#### § 165-1. Statutory provisions adopted.

The provisions of Ch. 125, Wis. Stats., except those provisions relating to penalties and procedures and those which would not otherwise be applicable to the Village of Dickeyville, are hereby adopted and made a part of this article by reference. To ensure uniformity, future changes and amendments of such provisions are also hereby adopted by reference.

(a) Pursuant to Section 125.17 (3), Wisconsin Statutes, beginning on June 30, 2008, all operator's licenses shall be valid for a period of two years from the date of issue. [Created August 8, 2007]

#### § 165-2. Classes of licenses; fees. [Amended 4-10-2002; 7-13-2005<sup>1</sup>]

There shall be the following classes and denominations of licenses which, when issued by the Village Clerk-Treasurer under the authority of the Village Board and after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages. Fees for Class "A," Class "B," "Class A" and "Class B" licenses shall be prorated. Part-time or semiannual liquor licenses shall be issued pursuant to Ch. 125, Wis. Stats.

- A. Class "A" fermented malt beverage retailer's license: \$75 per year.
- B. Class "B" fermented malt beverage retailer's license: \$100 per year.
- C. Club license: \$10 per year.
- D. Wholesaler's fermented malt beverage license: \$25 per year or fraction thereof.
- E. Special wholesaler's license: \$25 per year.
- F. Beverage operator's license: \$10 per year or fractional part thereof.
- G. Provisional operator's license: \$10 per year or fraction thereof.
- H. Retail "Class A" liquor license: \$125 per year.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

I. Retail "Class B" liquor license: \$225 per year.<sup>2</sup>

J. If, because of the timing of the application for any of the foregoing licenses the Village Board deems it appropriate to hold a special meeting for the consideration of the application, in addition to the foregoing license fees the applicant shall pay to the Village the sum of \$ 220.00 to cover the Village's costs incurred for such special meeting. [Amended June 11, 2008]

K. A fee equal to the actual cost of publishing the application for any of the forgoing licenses shall be paid to the Village Clerk at the time the application is submitted to the Village Clerk. [Created April 11, 2012]

### § 165-3. License restrictions.

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in § 165-1 of this article, the following restrictions shall apply to the issuance of licenses or permits pursuant to this article:

- A. Effect of revocation of license. No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application.
- B. Review of application. The Village Clerk-Treasurer shall notify the Chief of Police of all license and permit applications. The Chief of Police shall conduct a review of the application and the applicant's record of convictions for violating any laws and ordinances and shall then make a written recommendation to the Village Board regarding the granting or denying of such permit or application. No license or permit provided for in this article shall be issued without the approval of a majority of the Village Board. [Amended 4-10-2000]
- C. Health and sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Commerce and to all such ordinances and regulations adopted by the Village.
- D. Tax delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Village are delinquent or unpaid.
- E. Location of premises. No retail Class A or B fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church or any residence district as defined in Chapter 285, Zoning, of this Code. Such distance shall be measured via 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.

### § 165-4. Inspections.

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or Building Inspector of the Village of Dickeyville without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this article.

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2. Editor's Note: Original § 9.01(3), Class "A" Liquor Licenses Limited, which immediately followed this section, as amended 8-13-1980, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 165-5. Posting licenses.**

Licenses or permits issued under this article shall be posted and displayed as provided in Ch. 125, Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

**§ 165-6. Revocation and suspension of licenses.**

- A. Procedure. Except as hereinafter provided, the provisions of Ch. 125, Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this article. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
- B. Automatic revocation. Any license or permit issued under the provisions of this article may be revoked by the court upon conviction of a licensee or permittee or his employee, agent or representative of a second or subsequent offense within one year under this article or Ch. 125, Wis. Stats., or any other state or federal liquor or fermented malt beverage law.
- C. Repossession of license or permit. Whenever any license or permit under this article shall be revoked or suspended by the Village Board or any court, it shall be the duty of the Village Clerk-Treasurer to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Village Clerk-Treasurer's office.

**§ 165-7. Provisional operator's license.** [Amended 1-8-1992; 9-10-2003]

Pursuant to § 125.17(5), Wis. Stats., a provisional operator's license may be issued by the Village Clerk-Treasurer to persons who apply for a regular operator's license, who are enrolled in or who have made arrangements to attend a responsible beverage server training course and who otherwise qualify for a regular operator's license. The fee for the provisional operator's license shall be the same as the fee for the regular operator's license, and no part of the fee shall be prorated or refundable or applied to the fee for a regular operator's license. A provisional operator's license shall expire 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner. Only one provisional operator's license may be issued by the Village Clerk-Treasurer to any person in any one-year period.

**§ 165-8. Violations and penalties.** [Amended 1-13-1988]

The penalty for violation of any of the provisions of this article shall be a penalty as provided in Chapter 1, § 1-4 of this Code, provided that no penalty imposed shall exceed the maximum allowed by Ch. 125, Wis. Stats. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

ARTICLE II

**Offenses Involving Alcoholic Beverages**

[Adopted 1-21-1975 as §§ 10.05, 10.06 and 10.08 of the 1975 Code]

**§ 165-9. Sale of alcoholic beverages to underage persons.**

- A. No person shall procure for sale, dispense or give away any fermented malt beverages or any intoxicating liquor to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- B. No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages or intoxicating

liquors to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

- C. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcoholic beverages by an underage person on premises owned by the adult or under the adult's control. This subsection does not apply to alcoholic beverages used exclusively as part of a religious service.
- D. No adult may intentionally encourage or contribute to a violation of Subsections A and B.
- E. In this section "legal drinking age" means 21 years of age; "underage person" means a person who has not attained the legal drinking age. [Amended 1-9-1985]

**§ 165-10. Prohibitions relating to underage persons.**

No underage person may do any of the following:

- A. Procure or attempt to procure alcoholic beverages.
- B. Knowingly possess or consume alcoholic beverages when not accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- C. Enter or be upon a licensed premises in violation of § 125.07(3)(a), Wis. Stats.
- D. Falsely represent his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee. [Amended 1-9-1985]

**§ 165-11. Violations and penalties.** [Amended 7-9-1986]

The penalty for violation of any provision of this article shall be a penalty as provided in Chapter 1, § 1-4 of this Code.

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