

Ordinance No. 2020-3

**An Ordinance Regarding Fermented Malt Beverage,
Wine and Intoxicating Liquor Licensing**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Title 7, Chapter 2 of the *Village of Bristol Code of Ordinances* regarding Fermented Malt Beverage and Intoxicating Liquor Licensing is repealed and re-adopted to read as follows:

Title 7 ► Chapter 2

Fermented Malt Beverages and Intoxicating Liquor

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Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Chapter 125, Wis. Stats.

Sec. 7-2-2 Definitions.

All terms defined in Ch. 125, Wis. Stats., shall have the meaning set forth in that statutory chapter.

Sec. 7-2-3 License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his/her/its possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, fermented malt beverage, wine or intoxicating cider in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Secs. 125.16, 125.27, 125.28 and 125.51, Wis. Stats.

Sec. 7-2-4 Classes of Licenses.

(a) Retail "Class A" Intoxicating Liquor License.

- (1) **Generally.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- (2) **Customer Samples.** A "Class A" license authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age, taste

samples of intoxicating liquor other than wine that are not in original packages or containers and that do not exceed 0.5 fluid ounces each, for consumption on the "Class A" premises. No "Class A" licensee may provide more than one such taste sample per day to any one person. Taste samples may be provided only between the hours of 11:00 a.m. and 7:00 p.m. Any representative of a manufacturer, rectifier, winery, or out-of-state shipper issued a permit under Secs. 125.52, 125.53, or 125.58, Wis. Stats., may assist the "Class A" licensee in dispensing or serving the taste samples. No "Class A" licensee may provide as taste samples under this Subsection intoxicating liquor other than wine that the "Class A" licensee did not purchase from a wholesaler.

- (b) **Retail "Class A" Intoxicating Liquor License – Cider Only.** A "Class A" intoxicating liquor license issued under this Section shall entitle the holder to sell, deal and traffic in cider only, and only in original packages or containers and to be consumed off the premises so licensed. A retail "Class A" Intoxicating Liquor License for Cider only shall be granted to an applicant who holds a Class "A" Fermented Malt Beverage Retailer's license issued under Sec. 125.25, Wis. Stats., or under Subsection (e) of this Section, for the same premises for which the "Class A" license application is made.
- (c) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. Per Sec. 125.51(3), Wis. Stats., a "Class B" intoxicating liquor license can only be issued to a holder of a Class "B" fermented malt beverage license.
- (d) **Reserve "Class B" Licenses.** A Reserve "Class B" license means a license that is not granted or issued by the Village of Bristol on December 1, 1997, and that is counted under Sec. 125.51(4)(br), Wis. Stats., which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (e) **Class "A" Fermented Malt Beverage Retailer's License.**
 - (1) **Generally.** A Class "A" retailer's fermented malt beverage license, when issued by the Village of Bristol under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.

- (2) **Customer Samples.** A Class "A" license also authorizes the licensee to provide, free of charge to customers and visitors who have attained the legal drinking age, fermented malt beverages taste samples that are not in original packages, containers, or bottles and that do not exceed three (3) fluid ounces each, for consumption on the Class "A" premises. No Class "A" licensee may provide more than two (2) taste samples per day to any one person. Taste samples may be provided under this Subsection only between the hours of 11:00 a.m. and 7:00 p.m. Any other regulatory provision applicable to retail sales of fermented malt beverages by a Class "A" licensee also applies to the provision of taste samples, free of charge, of fermented malt beverages by a Class "A" licensee.
- (f) **Class "B" Fermented Malt Beverage Retailer's License.**
 - (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (g) **Temporary Class "B" Fermented Malt Beverage License.**
 - (1) **License.**
 - a. As provided in Sec. 125.26(1) and (6), Wis. Stats., Temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
 - b. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented

malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held.

c. Such license is valid for dates as approved by the Village Board.

(2) **Application.**

a. Application for such temporary license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any denial of a license may be appealed to the Village Board under Section 7-2-10. Any application not filed at least five (5) days before the date of the licensed event may not provide enough time for the Village Clerk-Treasurer to take action of the application, and any application not filed at least forty-five (45) days before the date of the licensed event may not provide enough time for the applicant to appeal any denial of license by the Village Clerk-Treasurer.

b. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year.

c. The temporary license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than four (4) consecutive days.

d. If the application is for a temporary license to be used in a Village park, the applicant shall specify the main point of sale facility.

e. The Village Board, or other official authorized to issue Temporary Class "B" fermented malt beverage licenses, may issue a qualified organization Temporary Class "B" beer licenses for a multiple-location, single-day event on a specific date and time for the purpose of conducting a "beer walk". For such an event to occur:

1. The Temporary Class "B" fermented malt beverage licenses must be issued by the Village to the same qualified organization which is the licensee and sponsor of the multiple-location, single-day event.

2. The Temporary Class "B" fermented malt beverage licenses must be issued for the same date and time.

3. An admission fee shall be charged for participation in the event. No additional charge can be charged for service of alcohol at the event.

4. There is no limit to the number of Temporary Class "B" fermented malt beverage licenses the Village may issue to a qualified organization.

f. Temporary Class "B" licensees must purchase all beer from beer wholesalers or breweries/brewpubs authorized to self-distribute to retail licensees.

(h) **Temporary "Class B" Wine License.**

(1) **License.**

- a. Notwithstanding Sec. 125.68(3), Wis. Stats., Temporary "Class B" wine licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. An eligible organization may obtain a Temporary "Class B" wine license without also obtaining a Temporary Class "B" fermented malt beverage license.
- b. No fee may be charged to a person who, at the same time, applies for a Temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds.
- c. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held.
- d. Not more than two (2) such licenses may be issued under this Subsection to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society or veterans' post in any twelve (12) month period.
- e. An applicant may receive up to twenty (20) temporary licenses for the purpose of conducting a "wine walk" if all of the following apply:
 1. Each license is issued for the same date and times and the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times.
 2. An admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.
 3. Within the immediately preceding twelve (12) month period, the Village has issued licenses under authority of this Subsection for fewer than two (2) events.
 4. The duration of an event may not exceed one (1) day.
 5. Multiple licenses issued under this Subsection count as one (1) license for purposes of Subsection (h)(1)d.

(2) **Application.**

- a. Application for such temporary wine license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate

license fee for each day for which the license is sought. Any application not filed at least five (5) business days before the desired date of the license may not provide enough time for the Village Clerk-Treasurer to take action on the application. Any denial of a license may be appealed to the Village Board under Section 7-2-10.

- b. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and shall be ineligible to apply for a temporary "Class B" wine license for one (1) year.
 - c. The license shall specify the hours and dates of license validity.
 - d. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.
 - e. The Village Board, or other official authorized by the Village Board to issue temporary "Class B" wine licenses, may authorize an underage person to enter and remain on the premises so licensed if all of the following apply:
 1. The Village Board issuing the license, or other official authorized by the Village Board, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.
 2. The licensee permits on the licensed premises unaccompanied underage persons to be present only for the purpose of acting as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify such underage persons as designated drivers.
 3. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified herein.
 - f. Temporary "Class B" licensees must purchase all wine from wine wholesalers or other entities authorized to self-distribute wine to retail licensees.
- (i) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (j) **Retail "Class C" Wine License.**
- (1) In this Subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
 - (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
 - (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the Village's quota prohibits the Village from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.

- (4) A "Class C" license shall particularly describe the premises for which it is issued.
- (k) **Provisional Retail Licenses.**
- (1) Pursuant to Sec. 125.185, Wis. Stats., the Village Board is authorized to issue provisional retail licenses for the retail sale of fermented malt beverages, intoxicating liquor or wine. Provisional retail licenses may be issued to applicants when unique situations arise, such as, but not limited to, special business timing needs which create an inability to meet the notice requirements for issuance of regular retail alcohol beverage licenses, etc.
 - (2) A provisional retail license may only be issued to a person who has applied for a regular Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes. No person may hold more than one (1) provisional retail license for each type of license applied for by the holder per year. The fee for a provisional retail license shall be as prescribed in Section 1-3-1. The holder of a provisional retail license shall in all respects comply with the applicable requirements of the Wisconsin Statutes and Title 7, Chapter 2 of the Village of Bristol Code of Ordinances.
 - (3) A provisional retail license shall expire sixty (60) days after its issuance by the Village Board or when the Class "A", Class "B", "Class A", "Class B", or "Class C" license is issued to the holder, whichever is sooner. The Village Board may revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
 - (4) Notwithstanding Subsection (k)(1) above, the Village Board may not issue a provisional "Class B" license if the municipality's quota under Sec. 125.51(4), Wis. Stats., prohibits the municipality from issuing a "Class B" license.

State Law Reference: Chapter 125, Wis. Stats.

Cross-Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

- (a) **Fees.** There shall be the following classes of licenses in the Village of Bristol which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:
- (1) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be as prescribed in Section 1-3-1. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (2) **"Class A" Intoxicating Liquor License – Cider.** There is no fee for a "Class A" Cider License.
- (3) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be as prescribed in Section 1-3-1. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (4) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be as prescribed in Section 1-3-1 per event.
- (5) **Temporary "Class B" Wine License.** The fee for this license shall be as prescribed in Section 1-3-1 per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (6) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be as prescribed in Section 1-3-1.
- (7) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be as prescribed in Section 1-3-1.
- (8) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be as prescribed in Section 1-3-1. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (9) **"Class C" Wine License.** The annual fee for this license shall be as prescribed in Section 1-3-1. The fee for less than one (1) year shall be prorated.
- (b) **Cancellation for Failure to Pay Fee.** The Village shall issue each license approved by the Village Board and shall make the same available at the Village Clerk-Treasurer's office. Any licenses for which the license fee is not paid within fifteen (15) days of approval of the application by the Village Board shall be returned to the Village of Bristol for cancellation or other disposition.

Sec. 7-2-6 Application for License.

- (a) **Filing of Applications; Filing Times.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats. Applications shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license, except all Temporary Class "B" Fermented Malt Beverage or Wine licenses lasting four (4) days or under shall be filed with the Village Clerk-Treasurer at least five (5) days prior to the date the license is to take effect. The premises shall be physically described to include

- every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. Included shall be the applicant's Wisconsin Sellers Permit number and Federal Employer Identification number.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
 - (c) **Application Period After Denial.** Each applicant that is denied a liquor license shall wait one (1) calendar year before submitting another application.
 - (d) **Publication.** The Village Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
 - (e) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
 - (f) **Quotas.** License quotas shall be as established in Ch. 125, Wis. Stats.

Sec. 7-2-7 **Qualifications of Applicants and Premises.**

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage, "Class A" or Class B" intoxicating liquor license, or Class "C" wine license shall be granted only to persons who are citizens of the United States or persons with permanent residency status (green card) who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of application.
- (b) **Applicant to Have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.**
 - (1) No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.
 - (2) Any person applying for a Class "B" Intoxicating Liquor license shall have a premises at the time application is made or within the license year. In the event a building permit for construction or remodeling has been issued, the Village may conditionally approve the license, pending completion of the construction and issuance of an occupancy permit. In the event such licensee does not secure a premises or construction has not been completed within the time designated by the Village and an occupancy permit has not been issued, such conditional license shall be invalid.

- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (h) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
 - (1) A hotel.
 - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.

- (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
- (5) A combination novelty store and tavern.
- (6) A bowling alley or recreation premises.
- (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.
- (i) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

Sec. 7-2-8 Investigation.

The Village Clerk-Treasurer shall notify the Fire Inspector, Building Inspector, and, as appropriate, pertinent law enforcement agencies of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish a written report(s) to the Village Clerk-Treasurer, who shall forward to the Village Board the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

Sec. 7-2-9 Approval of Application.

- (a) **Unpaid Taxes and Municipal Obligations.** No license shall be issued for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village of Bristol are delinquent and unpaid.
- (b) **Sanitary, Health and Safety Standards.** No license shall be issued unless the premises conform to the fire, sanitary, safety and health requirements of the State and Village Building Code, the regulations of the State Board of Health and local Board of Health applicable to restaurants, and State and Village Fire Codes. The premises shall be properly lighted and ventilated, be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and conform to all Ordinances of the Village of Bristol.

- (c) **Application Review Criteria.** Consideration for the granting or denial of a license will be based on, but not limited to:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) **Consideration of Past Offenses.** An application may be denied 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 purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. 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 facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-10 Granting of License.

- (a) **Review.** Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village of Bristol. The full license fee shall be charged for the whole or fraction of any year.
- (b) **Denial of License.** If the Village Board denies the license, the applicant shall be notified in writing, by certified mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the Village Board shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

Sec. 7-2-11 Transfer of License; Temporary Change of Licensed Place.

- (a) **Transfer of Licenses.** In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form as directed by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is as established in Section 1-3-1. Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village of Bristol, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) **Change in Corporate Agent.** Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give Village Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other law enforcement officers of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village of Bristol.
- (c) **Temporary Change of Licensed Place or Premises.** A license holder may apply not more than one (1) time during each license year for a temporary change of his/her/its licensed place or premises. Such a change by the Village Board may be allowed solely for the purpose of authorizing the holding of a special event or picnic at a location in the Village of Bristol which is either separate or distinct from the original licensed place or premises or which includes additional premises, whether in or out of doors, beyond that described in the original approved application. Each such request shall be subject to a review and recommendation by an appropriate law enforcement agency and such conditions as may be imposed by the Village Board deemed to be in the best interests of the Village in protecting the safety, health and welfare of the public, including, but not limited to, the posting of a bond in an amount required by the Village Board and/or making arrangements for enforcement of alcohol law and ordinance requirements. The Village of Bristol reserves the right to deny a temporary change of licensed place or premises. No such temporary change of premises permit change shall be valid for more than three (3) days. Permits for outdoor consumption or outdoor events at a licensed premises, such as, but not limited to, outdoor sports and beer/beverage garden activities, are regulated by Section 7-2-19.

Cross-Reference: Section 7-2-19.

Sec. 7-2-12 Numbering of License.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The Village Clerk-Treasurer shall affix to the license his/her affidavit as provided by Sec. 125.04(4), Wis. Stats.

Sec. 7-2-13 Posting Licenses; Defacement.

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

Sec. 7-2-14 Conditions of License.

All retail Class "A", Class "B", "Class A", "Class B" and "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village of Bristol applicable thereto.

- (a) **Premises Inspections; Consent to Entry.** It shall be a condition of any license issued hereunder that the licensed premises, delivery vehicles and any of the business' books of account, bank statements, billings, invoices, accounts receivable records and any other documents relating specifically to the licensed business may be entered/inspected at any reasonable hour by any law enforcement officer of the Village of Bristol without a warrant for the purpose of determining whether the taxes imposed by Secs. 139.01 to 139.25, Wis. Stats., have been fully paid and whether Ch. 125, Wis. Stats., and Village of Bristol ordinances are being complied with. The licensee consents, as a condition of license, to the introduction of such items in evidence in any enforcement action or prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail licensed business under this Chapter shall employ any person under age eighteen (18), but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

- (d) **Licensed Operator on Premises.** There shall be upon premises, and in visual control of such premises, operated under a "Class B", Class "B", or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license issued by the Village of Bristol, and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he/she possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Clubs.** No licensee shall give away or provide anyone on the premises with free alcohol, except a club may sell or give away any alcohol beverages to bona fide members and guests invited by members.
- (g) **Gambling Regulations; Video Gambling Machines.** For purposes of this Section, "gambling machine" shall be as defined in Sec. 945.01, Wis. Stats. Except as authorized by state law, no gambling or game of chance of any type shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin. The premises for which a Class "B" or "Class B" license has been issued may have not more than five (5) video gambling machines on the licensed premises for entertainment purposes. The regulation and penalties of gambling machines shall be as prescribed in Secs. 945.02 – 945.041, Wis. Stats.
- (h) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such Licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (i) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (j) **Indoor Pyrotechnic Displays Prohibited.** No indoor pyrotechnic display or fireworks display of any kind is allowed in the licensed premises, nor any unlicensed property attached to the licensed premises.

- (k) **Timely Commencement of Business.** Timely commencement of business and continuation of business is an ongoing condition of an alcohol beverage license issued under this Chapter. The Village Board may cancel or not renew any license pursuant to this Chapter if any of the following occurs:
 - (1) The privileges granted under the license are not exercised within ninety (90) days after the granting of the license;
 - (2) The business for which the license was issued is discontinued; or the business was not opened for business for the purpose of the license for a period of ninety (90) consecutive days or more; or the business was only open intermittently for period of one hundred fifty (150) days or less during the term of such license.
- (l) **Open Container.** It shall be unlawful for any person to whom a license has been granted to permit any person to leave the licensed premises with an open container containing any alcohol beverages.
- (m) **Sell or Serve on Public Street.** It shall be unlawful for any person to sell or serve, or offer to sell or serve any alcoholic beverages upon any public street within the Village of Bristol except in areas holding a sidewalk café permit pursuant to Section 7-2-22.
- (n) **Online Ordering and Curbside Pickup of Alcohol Beverages.**
 - (1) **General Licensing Requirements.**
 - a. No licensed establishment shall allow online purchases of alcohol beverages and curbside delivery of such purchases, commonly called a "click and collect" purchase, without first obtaining a change of premises authorization from the Village to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.
 - b. The licensed establishment shall file a detailed operations plan with their change of premises application which clearly explains how their click and collect operation would function. The operations plan shall include the licensee's protocol for assuring that underage or intoxicated persons do not pick up alcohol through the click and collect system.
 - c. The failure of a licensee to provide a detailed operations plan with their change of premises application shall result in the application not being considered.
 - (2) **Compliance Requirements.**
 - a. No establishment holding an alcohol beverage license shall allow online purchase and pickup of alcohol beverages unless the sale is consummated on the licensed premises. Alcohol purchases shall be clearly indicated on the sales receipt.
 - b. The pickup area for click and collect purchases shall be clearly defined with visible markings, signs and/or barriers.
 - c. Payment for the purchase shall be completed on the licensed premises and the transaction may not be completed until the purchaser is physically at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by and on the premises of the licensed location.

- d. The licensed operator shall verify that the person who has placed the click and collect order is the same person collecting the order. A third-party identification card is not acceptable.
 - e. If the click and collect purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator shall verify that the driver is a minimum of twenty-one (21) years old.
 - f. The sale and delivery of click and collect purchases shall be made only by a licensed operator.
 - g. The licensed operator shall report to his/her manager any click and collect purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
 - h. No alcohol purchase is permitted if the purchaser fails to present valid photo identification.
 - i. The click and collect system used by a licensee must be such that when the sale of alcohol is denied other non-alcohol purchases are not affected.
- (3) **Restrictions on Time of Sales.**
- a. Pick up of click and collect alcohol beverage orders shall be between the hours of 8:00 a.m. and 8:00 p.m.
 - b. No events other than the delivery of click and collect orders shall be allowed within the area of the expanded licensed premises.

Annotation: See *Colonnade Catering Corp. v. United States*, 397 U.S. 72, 90 S. Ct. 774 (1970); and *State v. Erickson*, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

Sec. 7-2-15 Closing Hours.

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

(a) **Class "B" Licenses.**

- (1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.

- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises. On "Class B" intoxicating liquor, Class "B" fermented malt beverage or Class "A" fermented malt beverage licensed premises, carryout shall be prohibited between 12:00 midnight and 6:00 a.m.

Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately-owned property within the Village of Bristol, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License, Temporary "Class B" Wine License or temporary change of licensed place permit under Section 7-2-11(c) issued by the Village of Bristol in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (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 under-age person and that proper identification may be required.
- (c) **Fencing.**
 - (1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations 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 competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
 - (2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

- (d) **Underage Persons Prohibited.** Except as provided in Section 7-2-4(h)(2)e regarding temporary wine licenses, no underage persons, as defined by the Wisconsin Statutes, shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to enter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Bristol. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

Sec. 7-2-17 Revocation or Suspension of Licenses; Demerit Point System; Non-Renewal.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **Failure to Timely Commence Business; Ceased Regular Operations; Loss of Premises.** A license issued under this Chapter may be revoked or not renewed in the event of any of the following situations occurring:
 - (1) **Failure to Timely Commence Business.** Timely commencement of business at a licensed premises is an ongoing condition of an alcohol beverage license issued under this Chapter. The Village Board may revoke, or not renew, any such license issued if the privileges granted under the license are not exercised within ninety (90) days after the granting of the license.
 - (2) **Loss of Premises.** Any licensee holding a license issued under this Chapter who loses the right to operate at that licensed premises shall forfeit any right he/she may have to the continued holding, or renewal, of such license without a license transfer approved by the Village Board. Abandonment of the premises shall be sufficient grounds for license revocation. The loss of the right to conduct business at the licensed premises due to foreclosure, loss of a lease or similar occurrence for a period

of ninety (90) continuous days or more shall be prima facie evidence of such abandonment, unless such time is extended or the license is transferred by specific action by the Village Board.

(3) ***Ceased Regular Operations; Intermittent Operations.***

a. Being open for business on a regular basis is an ongoing condition of an alcohol license issued under this Chapter. Failure to satisfy any of the following requirements may result in the revocation or nonrenewal of such license. A licensed establishment is deemed to have ceased required regular operations, or operates only on an intermittent basis resulting in the circumventing of the requirements of this Section, when any of the following occurs:

1. The business for which the license was issued is discontinued; or the business was not open for business to the public for the purpose of the license for a period of ninety (90) continuous days or more; or the business was only open intermittently for a period of one hundred fifty (150) days or less during the term of such license, unless such license was issued for a term of less than one hundred eighty (180) days, in which case this Subsection shall not apply; or
2. The alcohol beverage license is surrendered to the Village Clerk-Treasurer absent the issuance of a newly-granted license; or
3. The alcohol beverage license holder fails to maintain open and active accounts with its alcohol and/or food distributors; or
4. The alcohol beverage license holder fails to submit a renewal application to the Village Clerk-Treasurer before the required submittal date.

b. An establishment licensed under this Chapter is not deemed to have ceased regular operations if it is temporarily closed due to remodeling, fire or storm damage, or any type of license suspension and the requirements of this Subsection are met. Upon the occurrence of such an event, the Village may require that the licensee provide documentation regarding proof of good faith efforts to restore the damaged premises within a reasonable time, including, but not limited to, a written agreement with a contractor for performing the repair work within a specific completion timeline, a written statement by the license holder committing to a specific timeline for restoration completion if the license holder is personally performing the work, a copy of the order(s) for necessary repair materials, etc. The Village reserves the right to determine if such information provided is adequate to satisfy the requirements of this Subsection for a temporary exception; the Village may impose a restoration compliance timeline as a condition of license.

(c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

(d) **Point Values for Alcohol Beverage Violations, Revocations and Suspensions.**

(1) ***Purpose and Definitions.*** The purpose of this Subsection is to administratively interpret those portions of this Chapter, and related Code of Ordinances provisions,

regarding the establishment of an alcohol beverage demerit point system to assist in determining if a license or permit holder should be subject to suspension or revocation procedures. The demerit point values and procedures described in this Section shall apply to the suspension or revocation of alcohol beverage licenses, Outdoor Consumption Permits, and Outdoor Events Permits issued under this Chapter.

- (2) **Point Schedule.** The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license or permit holders who have repeatedly violated state statutes and Village Ordinances for the purpose of recommending suspension or revocation of their alcohol beverage licenses and/or permits issued under this Chapter.

Type of Violation	Point Value
1. Sale of alcohol beverages without license or permit; sale of a controlled substance on licensed premises	100
2. Consumption of alcohol beverages after closing hours on licensed premises by licensee, bartender or employee	100
3. Possession or use of a controlled substance on licensed premises by licensee, bartender or employee	100
4. Use of a controlled substance on licensed premises by a patron	50
5. After hours consumption of alcohol beverages by a patron	50
6. Sale of alcohol beverages to underage person	50
7. Sale of alcohol beverages to intoxicated person	50
8. Underage person on premises	50
9. Intoxicated bartender; disorderly conduct on premises	50

10. Refusal to allow lawful search of the premises or refusal to cooperate with lawful police investigation	50
11. Assault of a police officer by licensee or operator	50
12. Outdoor serving/consumption without a permit	50
13. Outdoor event outside licensed premises without a permit	50
14. Transfer of license/permit without authorization	50
15. False statement on original application	50
16. Failure to post license	50
17. Open after permitted hours	50
18. Outdoor Consumption/Event Permit – open after hours	50
19. Outdoor Consumption/Event Permit – unauthorized sound or music	50
20. Outdoor Consumption/Event Permit – violation of other permit restrictions	50
21. Noise disturbing the public	50
22. Licensee, agent or operator not on premises at all times	25
23. Persons on premises after closing hours; illegal gambling on premises; smoking activity violating state/local law	25
24. Violations of carry-out hours	25

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| 25. Licensee permitting person to leave licensed premises with open alcohol beverage; click and collect violations | 25 |
| 26. Unsanitary conditions | 25 |
| 27. Unlawful quantities in containers | 25 |
| 28. All other violations of a state statute or local ordinances | 25 |
- (3) **Violations How Calculated.** A twelve (12) month rolling period shall be used in determining the accumulated demerit points against a license/permit holder. The Village of Bristol shall use the date each violation was committed as the basis for the determination. A licensee/permittee is automatically assessed demerit points in accordance with the schedule in this Section upon a conviction or adjudication of a violation.
- (4) **Suspension or Revocation of License.**
- a. A licensee whose accumulated demerit points reach the threshold for license suspension or revocation shall, before such actions are taken, first come before the Village Board or a committee thereof. The purpose of such meeting is to inform the licensee that a demerit point threshold has been reached, or soon will be, and to discuss possible ways to remedy such violations. If warranted by the seriousness of the violations, the Village reserves the right to proceed directly to Subsection (d)(4)b-d below.
 - b. The Village Board shall call before it for purposes of revocation or suspension hearing all licensees who have accumulated one hundred (100) points in a twelve (12) month rolling period as a result of court imposed convictions or adjudications.
 - c. If the demerit point accumulation calculated from the date of violation meets or exceeds one hundred (100) points in a rolling twelve (12) month period, one hundred and fifty points in a twenty-four (24) month period or two hundred (200) points in a thirty-six (36) month period, a suspension of not less than three (3) days and nor more than ninety (90) days shall be imposed. If the license/permit is revoked, no other license/permit shall be granted to such licensee/permittee or for such premises for a period of twelve (12) months from the date of revocation. The point accumulation totals in this Subsection shall be cumulative, so that a previous offense within the relevant time period may be considered for purposes of the suspension/revocation imposed regardless of whether such previous offense resulted in a prior suspension or other penalty.

- d. Demerit points that are assessed or any suspension or revocation imposed against one license/permit shall not affect the continued use of any other license/permit held by the licensee/permittee issued under this Chapter. The Village Board may also initiate a revocation or suspension hearing of a licensee who is subject to a pending criminal charge, or who has been convicted of any felony, misdemeanor or other offense that the circumstances of which substantially relate to the licensed activity regardless of whether such charge or conviction is included in the demerit point schedule.
- e. The procedure to be used for suspension or revocation shall be that found in Subsection (c) above.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) **Notice of Event.** The licensee or agent of a corporate licensee shall notify the Village Clerk-Treasurer and appropriate law enforcement agency at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Village Clerk-Treasurer and appropriate law enforcement agency during normal business hours. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Village in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B", "Class B" or "Class C" license.
- (b) **Posting of Notice.** During the period of any non-alcohol event a notice card prescribed by the Village shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Village to a requesting licensee.
- (c) **Non-Alcohol Status to Be Maintained.** Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) **Alcohol Beverages to Be Secured.** During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ

of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Outdoor Consumption Permits; Outdoor Events Permits.

- (a) **Purpose.** The Village Board finds that restrictions are necessary for outdoor consumption of alcohol, such as for, but limited to, beer/beverage gardens and sports activities, at premises holding "Class B" and Class "B" liquor and fermented malt beverages or "Class C" wine licenses in the Village of Bristol due to concerns arising from noise, disruptive behavior, density and related problems. This Section enacted pursuant to municipal police powers provides a framework for issuance of permits and regulatory controls for outdoor sports activities, beer/beverage gardens, outdoor entertainment, or similar outdoor consumption activities outside of the licensed premises.
- (b) **Outdoor Consumption Permit Required.**
 - (1) **Generally.** No licensee shall conduct or sponsor any outdoor consumption of activities, such as beer/beverage gardens, on property forming any part of the real property on which the licensed premises exists without the prior approval of the Village Board and issuance of an Outdoor Consumption Permit pursuant to this Section.
 - (2) **Permit Required for Outdoor Consumption.**
 - a. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under an Outdoor Consumption Permit granted by the Village Board. Such permits are a privilege in which no rights vest and, therefore, may be revoked by the Village Board at its pleasure at any time or shall otherwise expire on June 30 of each year or as specified in the permit.
 - b. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid Outdoor Consumption Permit.
 - c. The Village Board may also issue limited duration temporary permits for specified times for special events to be conducted on outdoor areas at licensed areas per Section 7-2-11(c).
- (c) **Permit Required for Outdoor Events/Activities.** No licensee shall conduct, permit or sponsor any outdoor sports activity, live music, or other outdoor event on the licensee's property outside of the licensed building without an Outdoor Event Permit granted by the Village Board. Outdoor Event Permits are a privilege and no rights shall vest in the permit holder; the Village Board may suspend or revoke the Outdoor Event Permit at any time. Annual permits for outdoor events shall expire on June 30 of each year or at such time specified in the permit.

- (d) **Applications for Outdoor Consumption Permits.** All applicants for an Outdoor Consumption Permit must hold a Class "B" or "Class B" license under this Chapter. Applicants shall file an application with the Village Clerk-Treasurer, with the required fee per Section 1-3-1, providing the following information:
- (1) Name of the licensee and address of the licensed premises;
 - (2) Licensee's telephone number and email address;
 - (3) If the application is not for an annual permit, the requested effective date and duration of the permit;
 - (4) An accurate description of the boundary of the area that the licensee seeks to be authorized under a permit and a list of all property owners and their addresses within one hundred and fifty (150) feet of such boundary;
 - (5) A description of the fencing, screening or other measures intended to establish and shield the boundaries of the outdoor consumption area; and
 - (6) A description of the licensee's plan for operating and controlling the outdoor consumption area.
- (e) **Applications for Outdoor Event Permits.** Applications for Outdoor Event Permits shall be filed with the Village Clerk-Treasurer no less than thirty (30) days before the date of the proposed event; the Village Board, however, may reduce this time limit upon showing of exigent circumstances. Applicants shall file an application with the Village Clerk-Treasurer, with the required fee per Section 1-3-1, providing the following information:
- (1) The name, address, telephone number and email address of the person or persons who will be responsible for the actual conduct of the activity or event;
 - (2) The date and duration of time for the proposed activity or event, or if the application is for an annual Outdoor Event Permit, a good faith estimate of the frequency of such events;
 - (3) An accurate description of the boundary of the area that the licensee seeks to be authorized under a permit, and a list of all property owners and their addresses within one hundred and fifty (150) feet of such boundary;
 - (4) A good faith estimate of the number of users, participants and spectators for the beer/beverage garden or proposed activity or event; and
 - (5) The licensee's plan for maintaining the cleanliness of the licensed area.
 - (6) A description of the fencing, screening or other measures intended to establish and shield the boundaries of the outdoor event area;
 - (7) A description of the licensee's plan for operating and controlling the outdoor consumption area, including plans regarding security, lighting and amplified sound.
- (f) **Notification of Application to Adjoining Property Owners.** The Village Clerk-Treasurer shall notify by first class mail all property owners, within one hundred fifty (150) feet of the proposed outdoor consumption area or outdoor event area, that an application for a permit has been submitted.
- (g) **Notice And Consultation With Village Officials.** The Village Clerk-Treasurer shall notify the Village Administrator and appropriate law enforcement agency within seven (7)

days of receiving an application for an Outdoor Consumption Permit or Outdoor Event Permit and provide each such official with a copy. The Village Administrator, Village Clerk-Treasurer, pertinent law enforcement agency and/or other relevant Village officials, or their representatives, shall meet with the applicant, perform an on-site inspection of the premises, and review the details of the proposed operational plan submitted by the applicant. The Village Administrator, Village Clerk-Treasurer and/or law enforcement agency shall report to the Village Board any additional details or information provided by the applicant that is not contained in the original application.

- (h) **Review of Outdoor Consumption Permit Applications – Standards.** The Village Board shall review Outdoor Consumption Permit applications in light of the objectives of this Section and recommendations from Village officials. The following standards shall be applicable and are conditions applicable to any Outdoor Consumption Permit:

- (1) The outdoor sale of alcohol beverages (bar setup) in the outdoor consumption area is not permitted unless approved by the Village Board. Approval of an Outdoor Consumption Permit application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically authorized by permit pursuant to this Section.
- (2) The designated outdoor consumption area should be located away from residential structures as much as possible, with a desired distance of at least one hundred (100) feet from any area zoned for residential use, except for conditional residential uses, mixed use premises within business districts, or residential uses located in the same licensed structure. This requirement may be increased or decreased at the discretion of the Village Board if unique site characteristics exist.
- (3) The outdoor consumption area shall be less than fifty percent (50%) of the gross floor area of the adjoining premises within the licensed building.
- (4) The outdoor consumption area shall be clearly designated and enclosed with a physical boundary such as a fence, wall, or other screening approved by the Village Board not less than three (3) feet in height. The Village Board may require further enclosure or screening surrounding the outdoor consumption area to reduce noise, enhance aesthetics, and to otherwise further the purposes of this Section.
- (5) The only entrance to the outdoor consumption area shall be through the principal building of the licensed premises unless an alternate entrance is fully supervised during operation. A licensed operator shall be responsible for supervising the outdoor consumption area at all times during which the outdoor consumption area is in operation.
- (6) Unless exceptional circumstances exist, as determined by the Village Board, the outdoor consumption area shall be at ground level. Unless a special waiver is granted by the Village Board, no outdoor consumption area shall be located closer than five (5) feet to a public right-of-way.
- (7) The outdoor consumption area design and plan for operation should have minimal adverse impacts on existing or potential surrounding land uses, public safety, and the

general welfare of the Village. The Village Board may impose additional conditions on the permit, such as, but not limited to, restrictions on hours of operation, on amplified music and sound, on outdoor lighting, the need to obtain an Outdoor Events Permit, and other restrictions intended to further the purposes of this Section.

- (8) An Outdoor Consumption Permit shall only be issued if the licensed premise conforms to all applicable Village ordinances, including, but not limited to, zoning, fire code, health and safety, etc., ordinances.
- (9) The Village Board shall consider the recommendations and reports of Village officials in making determinations regarding Outdoor Consumption Permit applications.
- (i) **Review of Outdoor Events Permit Applications – Standards.** The Village Board shall review Outdoor Events Permit applications in light of the objectives of this Section and recommendations from Village officials. The following standards shall be applicable and are conditions applicable to any Outdoor Events Permit:
 - (1) The outdoor sale of alcohol beverages (bar setup) in the outdoor events area is not permitted unless approved by the Village Board. If outdoor consumption of alcohol is intended, the applicant shall be required to obtain a valid Outdoor Consumption Permit. Approval of an Outdoor Events Permit application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically authorized by issuance of an Outdoor Consumption Permit pursuant to this Section.
 - (2) The designated outdoor events area should be located away from residential structures as much as possible, with a desired distance of a least one hundred (100) feet from any area zoned for residential use, except for conditional residential uses, mixed use premises within business districts, or residential uses located in the same licensed structure. This requirement may be increased or decreased at the discretion of the Village Board if unique site characteristics exist.
 - (3) Parking should be adequate for the proposed event(s).
 - (4) The outdoor events area shall be clearly designated and enclosed with a physical boundary such as a fence, wall, or other screening approved by the Village Board not less than three (3) feet in height. The Village Board may require further enclosure or screening surrounding the outdoor events area to reduce noise, enhance aesthetics, and to otherwise further the purposes of this Section.
 - (5) The design and plan of the outdoor events boundary area should allow for reasonable access for participants and spectators and should restrict access for all other persons. If an Outdoor Consumption Permit is also issued, a licensed operator shall be responsible for supervising the outdoor events area at all times during which the outdoor events area is in operation.
 - (6) Unless exceptional circumstances exist, as determined by the Village Board, the outdoor events area shall be at ground level. Unless a special waiver is granted by the Village Board, no outdoor events area shall be located closer than five (5) feet to a public right-of-way.

- (7) The outdoor events area design and plan for operation should have minimal adverse impacts on existing or potential surrounding land uses, public safety, and the general welfare of the Village. The Village Board may impose additional conditions on the permit, such as, but not limited to, restrictions on hours of operation, on amplified music and sound, on outdoor lighting, and other restrictions intended to further the purposes of this Section. Any amplified sound or music for the event(s) shall not exceed seventy-five (75) dB, measured at any boundary of the licensee's real property. Amplified music is only permitted if authorized in the Outdoor Events Permit.
- (8) Sanitary facilities shall be adequate for the estimated frequency of events and the number of anticipated participants. The Village Board may require additional temporary restroom facilities to protect the public health.
- (9) All garbage, debris, and other refuse from the event(s) shall be disposed of a minimum of once every twenty-four (24) hours during the activity and within twenty-four (24) hours after the event.
- (10) Outdoor volleyball courts, horseshoe pits, or other similar such sports areas shall cease operation after 11:00 p.m. of each day in such outdoor areas.
- (11) An Outdoor Events Permit shall only be issued if the licensed premise conforms to all applicable Village ordinances, including, but not limited to, zoning, fire code, health and safety, etc., ordinances.
- (12) The Village Board shall consider the recommendations and reports of Village officials in making determinations regarding Outdoor Events Permit applications.
- (j) **State Statutes Enforced.**
 - (1) Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the Outdoor Consumption Permit or Outdoor Events Permit by the Village Board.
 - (2) All applicable statutes and ordinances shall be in full force and effect.
- (k) **Authority to Suspend Outdoor Alcoholic Beverages Permit.** Law enforcement officers shall have the authority to order any outdoor area regulated under this Section to be closed down at any time an Officer believes its continued operation is in violation of this Section, any other applicable Village ordinance, or provisions of Ch. 125, Wis. Stats.
- (l) **Violations.** Failure of the licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the licensee's alcohol beverage license or permits under this Section.

Sec. 7-2-20 Nude Dancing in Licensed Establishments Prohibited.

- (a) **Authority.**
 - (1) The Village Board of the Village of Bristol has explicit authority under Sec. 125.10(1), Wis. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Ch. 125, Wis. Stats.; and

- (2) The Village Board has authority under its general police powers set forth in Chs. 61 and 66, Wis. Stats., to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and
- (3) The Village Board recognizes it lacks authority to regulate obscenity per Sec. 66.0107(3), Wis. Stats., and does not intend by adopting this Section to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and
- (4) Bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities; and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and
- (5) The Village Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and
- (6) However, the Village Board is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Bristol; and
- (7) Among these secondary effects are:
 - a. The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;
 - b. The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist;
 - c. Health risks associated with the spread of sexually transmitted diseases; and
 - d. The potential for infiltration by organized crime for the purpose of unlawful conduct.
- (8) The Village Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Bristol; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and
- (9) The Village Board has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol

beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

- (b) **Nude Dancing in Licensed Establishments Prohibited.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
 - (1) Shows his/her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or
 - (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
 - (3) Shows the covered male genitals in a discernably turgid state.
- (c) **Exemptions.** The provisions of this Section does not apply to the following licensed establishments; theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.
- (d) **Definitions.** For purposes of this Section, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of Bristol to sell alcohol beverages pursuant to Ch. 125, Wis. Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" licensee granted by the Village Board of the Village of Bristol pursuant to Ch. 125, Wis. Stats.
- (e) **Penalties.** Any person, partnership or corporation who violates any of the provisions of this Section shall be subject to a forfeiture pursuant to Section 1-1-6. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this Section constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Sec. 125.12, Wis. Stats.

Sec. 7-2-21 Sidewalk Cafés.

- (a) **Introduction; Purpose.**
 - (1) No establishment may operate a sidewalk café without first having obtained approval of the Village Board, subject to the conditions of this Section. The provisions of this Section are applicable to all sidewalk cafés whether licensed or not to sell alcohol beverages.
 - (2) There may exist a need for outdoor eating facilities in certain areas of the Village of Bristol to provide a unique environment for relaxation, social interaction, and food consumption.

- (3) Sidewalk cafés will permit enhanced use of the available public rights of way, will complement the restaurants operating from fixed premises, and will promote economic activity in an area.
 - (4) The existence of sidewalk cafés encourages commerce but their presence may impede the safe flow of pedestrians. Therefore, a need exists for standards for the existence and operation of sidewalk cafés to ensure a safe environment.
 - (5) The establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect and promote public health, safety and welfare.
- (b) **Definitions.**
- (1) **Sidewalk Café.** An expansion of a full service restaurant creating an outdoor dining facility on part of the public right of way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the full service restaurant adjacent thereto.
 - (2) **Full Service Restaurant.** An establishment whose food sales are greater than fifty percent (50%) of its gross receipts.
- (c) **Application; Permit Fee.**
- (1) **Application Information.** An application for expansion of the premises or the licensed premises to include a sidewalk café shall be filed with the Village Clerk-Treasurer with the following information:
 - a. The name, address, email address, and telephone number of the person or persons who will be responsible for the sidewalk café;
 - b. An accurate detailed description and/or design including dimensions of the property and the licensee's property, if serving alcohol.
 - (2) **Permit Term.** Each permit shall be effective for one (1) year, from April 1 until March 31.
 - (3) **Transfer.** The permit issued may be transferred to a new owner only for the location and area listed in the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the Village within thirty (30) days of the permit transfer.
 - (4) **Fee.** The application shall be accompanied by payment of a fee as prescribed in Section 1-3-1 for review of the application. The application shall expire on June 30th of each year.
- (d) **Requirements.** Sidewalks cafés approved under this Section shall be subject to the following requirements. The Village Board may impose additional requirements at its discretion:
- (1) **Hours of Operation.** The service and consumption of alcohol beverages in the sidewalk café shall be limited to the hours of operation of the sidewalk café and Village ordinances.
 - (2) **Patrons.**
 - a. Alcohol beverages shall only be served to patrons of the establishment by a properly licensed server in the sidewalk café.

- b. Patrons of the sidewalk café shall remain seated at the table when consuming alcohol beverages.
- c. Alcohol beverages shall only be served to patrons of the establishment with food service in the sidewalk café.
- (3) **Approved Site.** All sidewalk cafés shall be placed within approved boundaries of the sidewalk café site as determined by the Village Board. The Village Board shall make said determination by considering the following minimum factors: the distance the table and chairs of said café can extend into the sidewalk, upon considering the width of the sidewalk; no obstruction or interference with the public pedestrian walkway or interference with automobile traffic is allowed.
- (4) **Paved Area Requirement.** The entire sidewalk surface for the proposed sidewalk café shall be paved. A "paved surface" includes concrete, asphalt, cement, brick, pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the boundary of the proposed café, if immediately adjacent to the paved public sidewalk. Trash receptacles shall be provided within the sidewalk café.
- (5) **Miscellaneous Requirements.** An establishment is not eligible for a permit if, in the opinion of the Village Board, the sidewalk café has obstructions on the adjacent sidewalk which interfere with the public right-of-way. The sidewalk café shall have at least one (1) unobstructed entrance, the position of which allows sufficient access to the public entrance for ingress and egress from and to the restaurant.
- (e) **Case-by-Determination.** Given unique circumstances, the Village Board may on a case-by-case basis modify or add to the above requirements.
- (f) **Responsibility of Permittee.** The permit holder shall, in addition to all other requirements of the law, the Village of Bristol alcohol beverage license, and this Section, take reasonable steps to ensure that alcohol beverages are consumed only by patrons of the establishment who are of legal drinking age, and not by passersby or persons who are not of age or who are obviously intoxicated. Reasonable steps may include, but not be limited to, the use of portable barriers or fences, supervision of the outside area by security and staff personnel, or electronic surveillance monitors. Failure to take reasonable steps and use them at all times in the sidewalk café is grounds for suspension or revocation of the sidewalk café permit.
- (g) **Responsibility of Patrons.** No person shall leave the sidewalk café area listed in the permit with an alcohol beverage. Any person doing so shall be in violation of the Village of Bristol outdoor consumption ordinance prohibiting the consumption of alcohol or possession of open containers on the streets.
- (h) **State Statutes Enforced.** Every permittee under this Section shall comply with and enforce all provisions of Ch. 125, Wis. Stats. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for immediate revocation of the sidewalk café permit.
- (i) **Violations.** Failure of the permittee to comply with any of the provisions of this Section shall be grounds for suspension, non-renewal or revocation of the sidewalk café permit and/or the licensee's alcohol beverage license or licenses.

Sec. 7-2-22 Brewpubs.

- (a) **Definition.** The term "brewpub" shall mean a permittee who has been issued a permit by the Wisconsin Department of Revenue under Sec. 125.295, Wis. Stats., and which permits a small brewery to be operated in conjunction with a bar or restaurant type establishment for fermented malt beverages consumption on the premises.
- (b) **Statutory Standards.**
 - (1) The manufacture of fermented malt beverages is permissible by a qualified permittee on the brewpub premises provided the entire manufacturing process occurs on the premises and not more than ten thousand (10,000) barrels of fermented malt beverage are manufactured in a calendar year by the permittee's brewpub group. A brewpub's brewpub group may sell, ship and deliver up to one thousand (1,000) barrels of fermented malt beverages in any calendar year to outside retailers. A brewpub may also package and sell in refillable containers exceeding twenty-four (24) ounces in volume ("growlers"), at the request of a customer and sold on the brewpub premises, of fermented malt beverages that have been manufactured on the licensed premises.
 - (2) Section 125.295(2), Wis. Stats., requires that a brewpub also have issued or pending certain City alcohol beverage licenses and a State-issued restaurant permit under Sec. 254.64, Wis. Stats.
 - (3) In all other respects brewpubs shall comply with the locational and operational requirements for taverns, bars and restaurants under Title 7, Chapter 2 of the Village of Bristol Code of Ordinances and zoning requirements of Title 13, Chapter 1 of the Village of Bristol Code of Ordinances.

Sec. 7-2-23 through Sec. 7-2-29 Reserved for Future Use.

Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

- (a) **Operator's Licenses; Class "A", Class "B" or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit in the Village of Boyd 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 Sec. 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 Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (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 eighteen (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 operator's 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.

State Law Reference: Sections 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

- (a) **Clerk-Treasurer Designated to Issue Operator's Licenses.** The Village Clerk-Treasurer, pursuant to Sec. 125.17, Wis. Stats., shall be designated as the municipal official authorized to issue operator's licenses with the same authority and following the same procedures as required by the Village Board for issuance of operator's licenses as prescribed in Sections 7-2-30 through 7-2-37.
- (b) **Application.** Village Clerk-Treasurer may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-

Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village of Boyd.

(c) **Investigation; Approval or Denial of Applications.**

- (1) All applications are subject to an investigation by Village-designated law enforcement authorities and/or other appropriate authorities to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto.
- (2) The investigating authorities shall conduct an investigation of the applicant including, but not limited to, requesting information from the State of Wisconsin, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record.
- (3) Based upon such investigation, the investigating authorities shall recommend, in writing, to the Village Clerk-Treasurer approval or denial of the application. If the investigating authorities recommend denial, the investigating authorities shall provide, in writing, the reasons for such recommendation.
- (4) The Village Board may adopt an Operator's License Review Policy to provide additional criteria when making determinations on applications for an operator's license.

Sec. 7-2-32 Duration.

Operator's licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years and shall expire on the thirtieth (30th) day of June of the second year of the licensing period.

Sec. 7-2-33 Operator's License Fee; Provisional or Temporary Licenses.

- (a) **Fee.** The fee for a two (2) year operator's license shall be as prescribed in Section 1-3-1. The non-refundable fee for a provisional license or temporary operator's license shall also be as prescribed in Section 1-3-1.
- (b) **Provisional License.**
 - (1) The Village Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
 - (2) Pertinent law enforcement agencies shall, upon request, submit to the Village Clerk-Treasurer a report regarding the applicant's conviction history, if any.

- (3) The applicant for such provisional operator's license must present evidence to the Village Clerk-Treasurer establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Clerk-Treasurer may, upon receiving an application for a provisional operator's license, issue such a license without requiring the successful completion of the approved program as described herein. However, such provisional operator's license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his/her successful completion of the approved program, and the applicant shall also apply for a regular operator's license.
- (4) No such provisional operators license shall be issued prior to a waiting period of less than ninety-six (96) hours [four (4) days], and the completion of a background check subject to limitations established by law.
- (5) A provisional operator's license may not be issued to any person who has been denied a regular operator's license by the Village Clerk-Treasurer, who has had his/her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program.
- (6) No person shall be issued more than three (3) provisional operator's licenses in any twelve (12) month period. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant.
- (7) The Village Clerk-Treasurer may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application.
- (8) A provisional operator's license shall not be renewed.
- (c) **Temporary License.** The Village Clerk-Treasurer may issue a temporary operator's license provided that:
 - (1) The temporary operator's license may be issued only to operators employed by, or donating their services temporarily to, nonprofit corporations.
 - (2) No person may hold more than two (2) temporary operator's licenses per year.
 - (3) The temporary operator's license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

State Law Reference: Section 125.17, Wis. Stats.

Sec. 7-2-34 Issuance or Denial of Operator's Licenses.

- (a) **Issuance of Operator's License.** After the Village Clerk-Treasurer approves the granting of an operator's license, the Village 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 the expiration of such license.

(b) **Denial of Operator's License Application; Reconsideration.**

- (1) If the application is denied by the Village Clerk-Treasurer, the Village 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 must be sent by certified mail to, or served upon, the applicant at least ten (10) days prior to the Village 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.
- (2) If, upon reconsideration, the Village Board denies the application, the Village 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 Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.

(c) **Criteria.**

- (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections 111.321, 111.322, and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.

- (d) **Consideration of Prior Record.** An application may be denied 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 purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village of Boyd, the Village Clerk-Treasurer and Village Board reserve the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) **Training Requirements.** Except as provided in Subsection (b) below, the Village Clerk-Treasurer 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 vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

- (1) The person is renewing an operator's license.
 - (2) Within the past two (2) 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.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) **Provisional Operator's License Training Requirement.** The Village Clerk-Treasurer may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) **Additional Training Resources.** The Village Clerk-Treasurer may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

Each operator's license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.

Sec. 7-2-37 Revocation of Operator's License.

Violation of any of the terms or provisions of the Wisconsin Statutes or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

- (a) Forfeitures for violations of Sections 125.07(1)-(5) and 125.09(2), Wis. Stats., adopted by reference in Section 7-2-1 of the Village of Bristol Code of Ordinances, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Village of Bristol Code of Ordinances, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of Ordinances of the Village of Bristol.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 11th day of may, 2020.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 5/11/20
ADOPTED: 5/11/20
PUBLISHED: _____

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village Board of the Village of Bristol on the 11th day of may, 2020 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 12th day of may, 2020


Amy Klemko, Village Clerk-Treasurer