

**Chapter 5.04
Alcoholic Beverages**

Sections:

- 5.04.010 State statutes adopted.**
- 5.04.020 Licenses.**
- 5.04.030 License fees.**
- 5.04.040 License restrictions**
- 5.04.050 Search of licensed premises.**
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- 5.04.070 Revocation and Suspension of licenses.**
- 5.04.080 Closing hours.**
- 5.04.090 Violation—Penalty.**

5.04.010 State statutes adopted.

A. The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are adopted and made a part of this chapter by reference. (2007-1)

B. This subsection adopts in strict conformity the following provisions of the Wisconsin Statutes: Chapter 125; § 349.06(1m); and § 343.30 as it pertains to § 343.30(6). All subsequent changes and amendments to the adopted and incorporated Wisconsin Statutes are herein adopted by reference as to all changes, past and future. The penalty and suspension or revocation provisions shall be identical to those set forth in the Wisconsin Statutes adopted in this subsection, except all references to a fine shall instead be made a forfeiture. (Prior code § 11.01(1)) (2007-1)

5.04.020 Licenses.

A. When Required. No person, except as provided by Section 5.04.010, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the state and village applicable thereto.

B. Separate License Required for Each Place of Sale. A separate license shall be required for stand, place, room or enclosure for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possessing, selling, or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling, house, flat or residential apartment. (Prior code § 11.01(2))

C. The village clerk is authorized to issue temporary Class “B” fermented malt beverage retailer’s licenses, temporary operator’s licenses and provisional operator’s licenses upon proper application and payment of fee. (2015-7)

5.04.030 License fees.

A. Licenses, which when issued by the village clerk under the authority of the village board after payment of the fee, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Chapter 125 of the Wisconsin Statutes. (2007-1)

B. License fees shall be paid to the Village of Oakfield, and shall be collected by the village clerk prior to issuance of licenses. The village board shall set all license fees. Fees

are printed separately at the beginning of this chapter. (2007-1)

5.04.040 License restrictions.

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in Section 5.04.010, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

A. Requirements for Licenses. No license or permit shall be issued any person who is not eighteen (18) years of age or over, of good moral character, a citizen of the United States and the state of Wisconsin. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this state punishable by imprisonment in the state prison unless such person has been pardoned. This subsection shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation.

B. Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within six (6) months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within twelve (12) months prior to application.

C. Inspection of Application and Premises. The village clerk shall notify the health officer, chief of police, and building inspector of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the village board in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of

a majority of the village board, and no license shall be renewed without a re-inspection of the premises and report as herein required.

D. Health and Sanitation. No license shall be issued for any premises which do not conform to the sanitary, safety, and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinance and regulations adopted by the village.

E. Tax Delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the village are delinquent or unpaid.

F. Location of Premises. No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than three hundred (300) feet from any established public or parochial school, hospital or church or any residence district as defined in Title 17 of this code. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises. (Prior code § 11.01(4))

5.04.050 Search of licensed premises.

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village of Oakfield without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section. (Prior code § 11.01(5))

5.04.060 Posting licenses.

Licenses or permits issued under this section shall be posted and displayed as provided in Section 125.04(10) (a)(b) of the Wisconsin Statutes and any licensee or

permittee who shall fail to post his license or permit as therein required shall be presume to be operating without a license. (Prior code § 11.01(6)) (2007-1)

5.04.070 Revocation and suspension of licenses.

A. Procedure. Except as hereinafter provided, the provisions of Chapter 125.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the village board upon its own motion by adoption of a resolution. (2007-1)

B. Suspension of Licenses. The village president or the chief of police upon obtaining reasonable information that any licensee has violated any provision of this section or any state or federal liquor or fermented malt beverage law or committed any felony may suspend the license or permit of such person for a period not to exceed ten days pending hearing by the village board pursuant to subsection A. of this section.

C. Automatic Revocation. Any license or permit issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his employee, agent or representative of a second offense under this chapter or Chapter 125.12 of the Wisconsin Statutes or any other state or federal liquor or fermented malt beverage law or any felony. (2007-1)

D. Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended by the village board, village president, chief of police or action of any court or subsection C. of this section, it shall be the duty of the clerk to notify the licensee or permittee of such suspension or revocation and to notify the chief of police, who shall take physical possession of the license or permit wherever it

may be found and file it in the clerk's office. (Prior code § 11.01(7))

5.04.080 Closing hours.

No premises for which a license has been issued to sell fermented malt beverages or intoxicating liquors shall be permitted to remain open for the sale of fermented malt beverages or intoxicating liquors between the hours stipulated in Section 125.68(4) of the Wisconsin Statutes. These hours apply when the State of Wisconsin is in effect of standard time or daylight saving time. The closing hours shall not apply to January 1st; Wisconsin State Statutes Section 125.68(4)(c) shall apply. (Prior code § 11.01(9)) (2007-1)

5.04.090 Violation—Penalty.

The penalty for violation of any of the provisions of this section shall be a penalty as provided in Chapter 1.20 of this code, provided that no penalty imposed shall exceed the maximum allowed by Sections 125.07, 125.11, 125.66 and 125.67 of the Wisconsin Statutes. A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Prior code § 11.01(8)) (2007-1)