

## Chapter 235

### INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

**[HISTORY: Adopted by the Village Board of the Village of Spring Green 2-13-2002 (Ch. 13 of the Village Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Peace and good order — See Ch. 292.

#### **§ 235-1. State laws adopted.**

Except as otherwise specifically provided for herein and allowable by law, the statutory provisions of Ch. 125, Wis. Stats., pertaining to intoxicating liquor and fermented malt beverages, exclusive of any penalty provisions wherein the penalty is a fine or term of imprisonment, are hereby adopted and by reference 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. With respect to §§ 125.07(1), (3) and (4) and 125.09(2), Wis. Stats., adopted by reference herein, this chapter shall be in strict conformity with said provisions and no provisions of this chapter shall be construed to modify said statutory provisions in any manner whatsoever.

#### **§ 235-2. Opportunity for hearing on license application.**

At the time the Village Board shall consider the application for a license under this chapter, opportunity shall be given to any person to be heard for or against the granting of any such license.

#### **§ 235-3. License restrictions.**

- A. Premises. No initial or renewal alcohol license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.
- B. Persons. No initial or renewal alcohol license shall be granted to any person:
  - (1) Delinquent in payment of any taxes, assessments or other claims owed to the Village.
  - (2) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.
  - (3) Delinquent in payment to the state of any state taxes owed.
- C. As a condition to the granting of any license, the applicant shall agree that during the period of such license the Chief or Police, police officers and other duly authorized officials of the Village may, at all reasonable hours, enter into and upon the licensed premises for the purpose of inspecting the same in order to ascertain if all Village

ordinances and state laws are being obeyed.

- D. No retail Class B license shall be issued for any premises which does not conform to applicable building codes of the State of Wisconsin Department of Commerce and applicable codes of the State of Wisconsin Department of Health and Family Services.
- E. A provisional license may be issued by the Village Clerk-Treasurer to persons who qualify for such license under § 125.17(5), Wis. Stats.

**§ 235-4. Duplicate license.** <sup>1</sup>

Whenever the Village Board is satisfied that any license issued pursuant to this chapter has been accidentally lost or destroyed, a duplicate license may be issued upon payment of a fee as set by the Village Board.

**§ 235-5. License fees.** <sup>2</sup>

Fees for the issuance of any license authorized by Ch. 125, Wis. Stats., shall be paid prior to said issuance and in accordance with the fee schedule established by the Village Board and on file at the office of the Village Clerk-Treasurer.

**§ 235-6. Closing hours.** <sup>3</sup>

A. Fermented malt beverages.

- (1) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as provided in this subsection and Subsection A(4). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m., except that on the Sunday that daylight saving time begins as specified in § 175.095(2), Wis. Stats., the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.
- (2) Between 12:00 midnight and 6:00 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.
- (3) Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12:00 midnight and 8:00 a.m.
- (4) Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in Subsection A(1).

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).  
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**B. Intoxicating liquor.**

- (1) No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.
- (2) "Class B" and "Class C" retailers.
  - (a) Subject to Subsection B(2)(b) and § 125.51(3r)(a)3, Wis. Stats., no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this subsection and Subsection B(2)(d). On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m., except that on the Sunday that daylight saving time begins as specified in § 175.095(2), Wis. Stats., no premises may remain open between 3:30 a.m. and 6:00 a.m. This subsection does not apply to a "Class B" license issued to a winery under § 125.51(3)(am), Wis. Stats.
  - (b) Between 12:00 midnight and 6:00 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on "Class C" licensed premises as authorized under § 125.51(3r)(a), Wis. Stats. This subsection does not apply to a "Class B" license issued to a winery under § 125.51(3)(am), Wis. Stats.
  - (c) No premises for which a "Class B" license has been issued under § 125.51(3)(am), Wis. Stats., may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.
  - (d) Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under Subsection B(2)(a) or, with respect to the sale of intoxicating liquor authorized under § 125.51(3r)(a), Wis. Stats., under Subsection B(2)(b).

**§ 235-7. Club license.**

- A. No premises for which a club license for the sale of fermented malt beverages had been issued shall remain open and no such fermented malt beverages shall be sold, served, given away or otherwise provided to any person between the hours of 12:00 midnight and 8:00 a.m.
- B. No premises for which a club license for the sale of fermented malt beverages has been issued nor the person, firm or organization to whom or to which said license has been issued shall sanction, conduct, or allow in any manner any contest, event, or game that consists of or includes as an incident thereof the consumption of fermented malt beverages.

**§ 235-8. Limitation on number of "Class A" licenses.**

Not more than one "Class A" retailer's liquor license shall be issued by the Village Board until the number of inhabitants of the Village of Spring Green shall equal or exceed 1,500 in number. The number of inhabitants of the Village of Spring Green shall be determined by the decennial federal census or by any other population estimate acceptable to the Village Board. Nothing contained herein shall be construed as requiring the Village Board to grant any additional "Class A" retailer's liquor license at such time as the number of inhabitants of the Village of Spring Green exceeds 1,500.

**§ 235-9. Violations and penalties.** <sup>4</sup>

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$20 nor more than \$300, plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats., and the penalty surcharge provided by § 757.05, Wis. Stats.

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