

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 36, ALCOHOL BEVERAGES  
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## CHAPTER 36

### ALCOHOL BEVERAGES

**36.01 WISCONSIN STATUTES ADOPTED.** The following sections of Wisconsin Statutes are hereby adopted by reference as though fully set forth herein, except for penalties and penalty sections which are not adopted, unless specifically included in the reference below. To ensure uniformity, any future amendments, revisions or modifications of the following sections of the Wisconsin Statutes are also hereby adopted and made a part of this chapter.

- (1) 125.02 Definitions
- (2) 125.04(1), (2), (3)(e) and (f) and (g) and (h) and (i), (5), (6), (8), (10), (11), (12), General Licensing Requirements
- (3) 125.06 License and Permit Exceptions
- (4) 125.07, except (10), Underage and Intoxicated Persons; Presence on Licensed Premises; Possession, including the penalty provisions of 125.07(4)(c)
- (5) Repealed
- (6) 125.09(1), (2), and (3) General Restrictions
- (7) 125.12 Revocations, Suspensions, Refusals to Issue or Renew
- (8) 125.14 Enforcement Provisions
- (9) 125.15 Furnishing Bail
- (10) 125.20 Coin-Operated Machine Distributors; Permit; Restrictions
- (11) 125.25 Class "A" Licenses
- (12) 125.26 Class "B" Licenses
- (13) 125.27 Class "B" Permits
- (14) Wholesalers' Licenses
- (15) 125.32(2), (3), (4), (5), (6), (7), General Restrictions and Requirements
- (16) 125.33 Restrictions on Dealings Between Brewers, Wholesalers and Retailers

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- (17) 125.51 Retail Licenses and Permits
- (18) 125.52 Manufacturers' and Rectifiers' Permits
- (19) 125.68(2), (3), (4), (5), (6), (7), (8), (9), (11) General Restrictions and Requirements
- (20) 125.69 Restrictions on Dealings between Manufacturers, Rectifiers, Wholesalers and Retailers
- (21) 343.30 Suspension and Revocation by the Courts

**36.02 IDENTIFICATION CARDS.** (1) No card other than the identification card authorized under Section 125.085, Wisconsin Statutes, and a license or an identification card issued by the Department of Transportation under Chapter 343, Wisconsin Statutes, that contains a photograph of the holder may be recognized as an official identification card within the City of Platteville.

- (2) No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age.
- (3) No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person.
- (4) Subdivisions (2) and (3) do not apply to a person who is authorized to make an official identification card under Chapter 343, Wisconsin Statutes.
- (5) No underage person may do any of the following:
  - (a) Intentionally carry an official identification card not legally issued to him or her, an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information.
  - (b) Make, alter or duplicate an official identification card purporting to show that he or she has attained the legal drinking age.
  - (c) Present false information to an issuing officer in applying for an official identification card.
  - (d) Intentionally carry an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

- (6) A law enforcement officer investigating an alleged violation of any of the provisions of this section shall confiscate any identification card or other documentation that constitutes evidence of the violation.

**36.03 EVADING PROVISION OF LAW BY GIVING AWAY INTOXICANTS.** No person may give away intoxicating beverages or use any other means to evade any of the provisions of this chapter.

**36.04 PARTIES TO ORDINANCE VIOLATIONS.** (1) Whoever is concerned in the commission of an ordinance violation is a principal and may be charged with and convicted of the commission of the ordinance violation although not directly committing it even though the person who directly committed it has not been convicted or has been convicted of some other ordinance violation based on the same act.

- (2) A person is concerned in the commission of an ordinance violation if he:
  - (a) Directly commits the ordinance violation; or
  - (b) Intentionally aids and abets the commission of it; or
  - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other ordinance violation which is committed in the pursuance of the intended ordinance violation and which under the circumstances is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.

**36.05 NUMBER OF LICENSES.** The following limitations shall apply to the number of licenses available in the City of Platteville. The Council is not required to issue available licenses.

- (1) Retail Class “B” Licenses for the sale of fermented malt beverages shall not exceed six (6) in number at any one time. This section shall not in any manner other than as specified above affect the requirements for the granting of Class “B” Retailers’ Licenses for fermented malt beverages.
- (2) The number of “Class B” and Reserve “Class B” liquor licenses are set forth by Wis. Stats. Section 125.51(4) and Resolution 12-29 adopted by the Common Council.

**36.06 LICENSE FEES.** The fees for the following licenses in the City of Platteville shall be established by the Common Council and amended from time to time via resolution.

- (1) Class “A” license to sell fermented malt beverages
- (2) Class “B” license to sell fermented malt beverages
- (3) Temporary “Class B” license to sell fermented malt beverages at picnics or similar gathering under s. 125.26(6), Wis. Stats
- (4) Temporary “Class B” license to sell wine at picnics or similar gathering under s. 125.51(10), Wis. Stats
- (5) Retail “Class A” license to sell intoxicating liquors
- (6) “Class B” liquor license, which shall include the authorization to sell, deal, and traffic in intoxicating liquors in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise
- (7) Reserve “Class B” liquor license which shall include the authorization to sell, deal, and traffic in intoxicating liquors in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise shall be the minimum fee of \$10,000 in addition to the annual “Class B” liquor license fee as established by Wis. Stats. 125.51(3)(3)2. Bona fide clubs and lodges situated and incorporated in the state for at least six years that apply for reserve “Class B” licenses are exempt from paying the minimum \$10,000 initial issuance fee, as provided in Wis. Stats. Section 125.51(3)(e)(3).
- (8) “Class C” retailer’s license to sell wine by the glass or in an opened original container for consumption on the premises where sold shall be the maximum fee provided by Chapter 125 of the Wisconsin Statutes. Such licenses may only be issued for restaurants if:
  - (a) The sale of alcohol beverages accounts for less than 50% of the gross receipts, and
  - (b) The premises does not have a barroom, and
  - (c) The municipality’s quota of “Class B” licenses is filled.
- (9) Pro Rata Fees: Licenses to sell fermented malt beverages and intoxicating liquors, as described above, shall not be granted for less than one year, except as follows: The fee for a Class “A” beer, “Class A” liquor, “Class B” liquor, Class “B” beer, and

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“Class C” wine 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. Reserve “Class B” license fees and operators’ license fees are not subject to the pro rata fees.

- (10) **Renewal Application Late Fees.** All alcohol beverage renewal applications must be filed on or before May 1 of each year. Renewal applications filed after May 1 shall be accompanied by a late fee as established by the Common Council. Applications filed after May 1 may not allow for sufficient time to be processed by City Staff and acted upon by the Council prior to the expiration of the existing license. Payment of the late fee does not ensure the application will be reviewed in time for renewal prior to the expiration of the existing license.

**36.07 OPERATORS’ LICENSE.** (1) An operator’s license for all premises licensed to traffic in fermented malt beverages and intoxicating liquors, as described above, may be issued by the Council. A written application, including the fee for a one or two year license as established by the Common Council and amended from time to time via resolution shall be filed with the City Clerk stating the name, residence, age and sex of the applicant together with such pertinent information as to fitness as the Clerk shall require. Upon the approval of an application by the Council, the City Clerk shall issue to an applicant a license to expire on June 30 next ensuing or the second-ensuing June 30.

- (2) **Training course.** No operator’s license may be issued 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, on-line alcohol seller/server course approved by the Wisconsin Department of Revenue, or unless the applicant fulfills one of the following requirements:
  - (a) The person is renewing an operator’s license.
  - (b) Within the past 2 years, the person held a Class “A”, Class “B”, “Class A” or “Class B” license/permit or a manager’s or operators’ license.
  - (c) Within the past two (2) years, the person has completed such a training course.

**36.08 LICENSE INVESTIGATION.** The City Clerk shall notify the Chief of Police, Chief of the Fire Department, and Building Inspector of each 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 each furnish to the Council

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in writing 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. In determining the suitability of an applicant consideration shall be given to the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

**36.09 RESTRICTIONS.** (1) No license shall be issued to any corporation when more than 50 percent of the stock interest legal or beneficial is held by any person or persons not eligible for a license under this chapter.

(2) In addition to all other grounds for revocation, suspension or non-renewal of an alcohol beverage license set forth in Wis. Stat. Section 125.12 or otherwise permitted by any state or local laws, the City may revoke, suspend or refuse to renew an alcohol beverage license that has been approved but not issued, an issued license that is not used or whose usage has been discontinued, or where the licensee does not own or lease a premises from which business may be conducted, pursuant to procedures in Wis. Stats. §125.12. The City Clerk on behalf of the License Committee shall notify the licensee in writing of the City's intention to revoke, suspend or refuse to renew the license and shall provide the licensee with the opportunity for a hearing. The notice shall state the reasons for the intended action. The License Committee shall be authorized to issue the notice under this subsection. The hearing shall be conducted as provided in Wis. Stats. §125.12(2)(b), and judicial review shall be provided in Wis. Stats. §125.12(2)(b)(3), and the Common Council shall follow the procedure specified under that subdivision in making its determination.

The usage of a license is deemed to have been discontinued when any of the following occurs:

- (a) The alcohol beverage license is surrendered to the City Clerk absent the issuance of a newly-granted license; or
- (b) The establishment is no longer open to the public; or
- (c) The establishment is open to the public only intermittently in an attempt to circumvent the provisions of this subsection; or
- (d) The establishment fails to maintain open and active accounts with its alcohol distributors; or
- (e) The alcohol beverage license holder fails to submit a renewal application to the City Clerk; or

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- (f) The alcohol beverage license holder fails to commence the sale of intoxicating liquor within 120 days of the issuance of any license to sell intoxicating liquor; or
- (g) The alcohol beverage license holder fails to commence the sale of fermented malt beverages within 120 days of the issuance of any license to sell fermented malt beverages; or
- (h) The alcohol beverage license holder fails to remain open for business for a period of at least 120 days during any 180 day period.

The usage of a license is not discontinued if, in the judgment of the Council, the establishment is temporarily closed due to remodeling, reconstruction as a result of a catastrophic loss, any type of license suspension, the establishment and/or the alcohol beverage license holder being a party to an action to foreclose a mortgage, land contract or similar action by a creditor, or other circumstances which indicate the non-usage of the license is temporary; provided, however, that the length of time during which the establishment is closed shall not exceed a period as is reasonably necessary, as determined by the Council.

- (3) Whenever any license shall be revoked, at least one month from the time of such revocation shall elapse before another license shall be issued for the same premises, and 12 months shall elapse before any other license shall be issued to the person whose license was revoked.
- (4) Premises.
  - (a) No initial or renewal license shall be issued if the applicant does not own, lease, or otherwise have the legal right to occupy and possess a premises from which to conduct business for the sale of alcoholic beverages and is therefore unable to particularly describe the premises for which the license is requested.
  - (b) No initial or renewal license shall be issued unless the premises to be licensed conform to the sanitary, safety, and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Board of Health applicable to restaurants as contemplated in Chapter 125, Wisconsin Statutes, and shall also conform to all ordinances and regulations adopted by the City.
  - (c) No initial or renewal license for the sale of intoxicating liquors or fermented malt beverages shall be issued for any premise for which taxes, assessments or other claims of the City of Platteville are delinquent or unpaid.
- (5) Persons. No initial or renewal license shall be issued to any person who is delinquent in payment of taxes, assessments or other claims owed to the City of



Platteville or who is delinquent in the payment of a forfeiture resulting from a violation of any ordinance of the City of Platteville.

**36.10 GRANTING OF LICENSE.** Opportunity shall be given by the Council to any person to be heard for or against the granting of any license. Upon the approval of the application by the Council, the City Clerk shall, upon the filing by the applicant of a receipt showing the payment of the required license fee to the City Treasurer, issue to the applicant, either a one-year license if the receipt is for payment of the one year fee or a two-year license if the receipt show payment of the two-year fee. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid, the name of the licensee and the date of expiration. A one-year license shall remain in force until the first day of July next and a two-year license shall remain in force until the first day of July one year after the next, after the granting thereof, unless sooner revoked in the manner provided by Chapter 125, Wisconsin Statutes. No license shall be transferable either as to licensee or location, except as provided by Chapter 125, Wisconsin Statutes, and except that the Council may authorize a transfer of location if the licensed premises shall become unsuitable for occupancy.

**36.11 REGULATIONS OF LICENSED PREMISES.** All Class "A", Class "B", Retail "Class A", Retail "Class B" and Retail "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this code applicable thereto.

- (1) Premises which have been granted licenses shall be subject to opening and closing hours as set forth in Chapter 125, Wisconsin Statutes.
- (2) All windows in places operating under licenses shall have clear glass and be without screens or blinds.
- (3) The Council shall be presented with a list of all applicants and may approve the issuance of such license to the applicants on such list without voting on each application separately. If an objection is made to specific application(s), the Council shall consider approval of such application(s) separately. The Council reserves the right to reject any application for any license in its discretion because of the location of the place for which application is made, as well as for causes specified in the Wisconsin Statutes.
- (4) The Council shall have the power to revoke any license granted under the provisions of this chapter for any violation of this chapter or of the law providing for such licenses.
- (5) Entry onto Premises. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or

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state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.

- (6) No doors shall be locked at any place which is open for business where fermented malt beverages or intoxicating liquor is sold during the hours when sales may be made under the provisions of this chapter.
- (7) Consumption During Closing Hours. No intoxicating beverages shall be consumed on any licensed premises by anyone at any time other than those times when such premises may be open for the sale of intoxicating liquor under this chapter.
- (8) Health Rules. Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Board of Health of the city is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this chapter. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this chapter and infraction thereof may be punished as a violation of this chapter.
- (9) Liquor Taxes. No licensee shall possess or sell or offer for sale any intoxicating liquors or fermented malt beverages upon which the state tax established by Chapter 139 of the Wisconsin Statutes has not been paid.
- (10) Conduct on Premises. 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.

**36.12 CLASS "B"/"CLASS B" SPECIAL EVENTS LICENSE.** The following regulations, in addition to those proved by law, apply to all persons operating under Class "B" and/or "Class B" special events license issued to an approved organization for a limited occasion.

- (1) A Class "B" and/or "Class B" special events license shall be required for all events which are advertised as open to the general public and at which a fermented malt and/or wine cooler beverage is served. A license shall also be required for those events where a fee is charged as admission and fermented malt and/or wine cooler beverages are served.
- (2) Each application shall be presented to the Common Council and shall be acted on separately. The Common Council shall have the right to reject any such application, in its discretion, because of the location of the event and for reasons specified in the Wisconsin Statutes.
- (3) The Common Council shall have the power to revoke any license granted under the provisions of this chapter for any violation of this chapter or of the statutes or ordinances.

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- (4) Any police officer shall have the power, without a warrant, to search any place for which a license shall be issued under the provisions of this chapter.
- (5) The Common Council shall set the hours during which such license is valid. Fermented malt and/or wine cooler beverages shall not be sold or consumed on such licensed premises except during the hours so specified on said license.
- (6) The area that is licensed under this Section must be enclosed by a single fence at least three and one-half feet high. It is the responsibility of the organization holding the license to make certain the fence remains in place during all times when fermented malt and/or wine cooler beverages are being dispensed. All entrances to said area must be supervised by a representative of the organization holding the license or a deputy sheriff at all times when fermented malt and/or wine cooler beverages are being dispensed. Such supervision shall be for the purpose of enforcing all laws and ordinances and for determining the extent of intoxication of persons inside or seeking to enter the licensed area and to ensure that fermented malt and/or wine cooler beverages remain within the licensed area.
- (7) The Common Council may impose additional restrictions, including those restrictions in (6), upon the license if, in its judgment, the nature and location of the event require them. These restrictions may include one or more certified police officers at the event. The cost of such officer(s) shall be borne by the organization seeking the license.

**36.13 PROVISIONAL LICENSES.** (1) The City Clerk may issue provisional operators' licenses to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding an operator's license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional operator's license shall be issued and shall expire 60 days after its issuance or when a license under Section 36.07 is issued to the holder, whichever is sooner. A provisional license may only be issued to a person who has applied for an operator's license under Section 36.07.

- (2) The City Clerk may issue provisional retail licenses as provided by Section 125.185, Statutes, to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding a retail license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional retailer's license shall be issued and shall expire 60 days after its issuance or when a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license under Section 36.01 is issued to the holder, whichever is sooner. A provisional retail license may only be issued to a person who has applied for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license and authorizes only the activities allowed under that type of license.

However, a provisional "Class B" liquor license may not be issued in excess of the City's quota. No person may hold more than one provisional retail license for each type of license applied for per year.

**36.14 VIOLATIONS.** A violation of this chapter by an authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this chapter shall violate any portion of this chapter or any regulations adopted pursuant thereto proceedings for the revocation of the license or permit may be instituted in the manner and under the procedure established by Chapter 125, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.

**36.15 INTOXICANTS IN PUBLIC PLACES.** (1) No person shall possess any open container containing any intoxicating liquor, wine or fermented malt beverage on any public street or right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way or sidewalk, public place or private property held open to the public within the City of Platteville.

(2) No person shall consume any intoxicating liquor, wine or fermented malt beverage on any public street, right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way, sidewalk, public place or private property held open to the public within the City of Platteville.

(3) Exceptions.

(a) This section shall not apply to premises licensed for the sale and consumption of alcoholic beverages as sanctioned by the Common Council.

(b) This section shall not apply to premises for which an alcohol consumption permit has been issued. The head of the Recreation Department and/or his/her designee may approve alcohol consumption permits in conjunction with park shelter reservations, but all other alcohol consumption permits must be approved by the License Committee.

(c) This section shall not apply to registered campers in camping sites at any time or to registered campers in shelters, grilling areas, and picnic areas in Mound View Park between the hours of 6:00 a.m. and 10:30 p.m.

**36.16 PRESENCE IN PLACES OF SALE.** (1) Underage persons may enter or remain in a room on a Class "B" licensed premises, separate from any room where alcoholic beverages are sold or served, if no alcoholic beverages are furnished or consumed by any

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person in the room where the underage person is present and the presence of underage persons is authorized under this subsection.

- (2) Any entry way between the premises where alcoholic beverages will be sold or served and the room where the underage persons will be located shall be closed and secured to prevent access from the room where the underage persons are located.
- (3) Any exit sign over a doorway which would no longer serve as a means of egress shall be disabled and covered with an opaque material.
- (4) The licensee shall obtain a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization from the Chief of Police or the Chief's designee. Before issuing such authorization, the Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises. A request for authorization shall be made by the licensee at least 7 days before such date.

**36.50 PENALTY.** The penalties for violating any of the provisions of this chapter shall be set forth in Section 41.50 of the Municipal Code of the City of Platteville.