

Ordinance 2024-03

An Ordinance modifying Chapter 5 of the Municipal Code, Licensing and Permits

The Village Board of The Village of Suamico, Wisconsin Does Ordain as Follows:

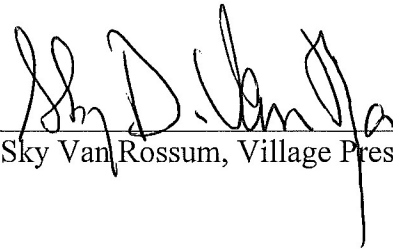
Ordinance Section 1: Chapter 5 of the Village Municipal Code is modified, as follows:

5.04 Alcohol Beverages per the Attached

Ordinance Section 2: All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Ordinance Section 3: This ordinance shall be in full force and effect following passage and publication.

Adopted this 19th day of February, 2024.



Sky Van Rossum, Village President

Attest:



Michelle Bartoletti, Village Clerk

VanRossum Aye
Neddo Aye
Andrews Aye
Romes Excused

Eckert Aye
Rodan Aye
Schneider Excused

Date Posted: 2/23/24

§ 5.04 Alcohol Beverages.

(1) State Statutes Adopted.

In addition to those state statutes adopted in 11.72 of said Code of Ordinances, the provisions of Wis. Stats. Ch. 125, defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) Licenses, Permits, Authorization Required.

(a) When Required.

Except as provided by Wis. Stats. § 125.06, no person shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Wis. Stats. Ch. 125, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).

(b) Separate License Required for Each Place of Sale.

Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).

(3) Classes of Licenses and Fees.

The following classes and dominations of licenses may be issued by the Clerk under the authority of the Board upon compliance with the law and payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced state statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class A Fermented Malt Beverage Retailer's License. See Wis. Stats. § 125.25.

(b) Class B Fermented Malt Beverage Retailer's License. See Wis. Stats. § 125.26.

1. Six Months. A Class "B" license may be issued at any time for six months in any calendar year, for fifty percent (1/2) of the applicable license fee shall be paid. Such license shall not be renewable during the calendar year in which issued. See Wis. Stats. § 125.26(5).

(c) Wholesaler's Fermented Malt Beverage License. May not exceed \$25 per year or fraction thereof. See Wis. Stats. § 125.28.

(d) Retail Class A Liquor License. See Wis. Stats. § 125.51(2).

(e) Retail Class B Liquor License. A Retail Class B liquor license shall permit its holder to sell liquor to be consumed by the glass on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal

before the liquor is removed from the premises. A Retail Class B liquor license also permits the sale of liquor in original packages or containers in any quantity at any one time to be consumed off the licensed premises. See Wis. Stats. § 125.51(3).

1. A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.

2. Licenses valid for 6 months may be issued at any time. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued. See Wis. Stats. 125.51(9)

(f) "Class C" Wine Licenses. May sell wine by the glass or in an opened original container for consumption on the premises where sold. "Class C": wine licenses may be granted to an applicant only if:

- (1) The applicant meets the qualifications set out in § 125.04(5) for other retail licenses;

- (2) The license is for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts; and

- (3) Wine is the only intoxicating liquor sold in the barroom. § 125.51(3m), Stats. The annual fee for renewal of a wine license is the fee set from time to time by resolution of the Board.

(g) Temporary Class "B" Licenses (Picnic) Wis. Stats. § 125.26(6).

(h) Operator's License. See Wis. Stats. § 125.17.

1. Operator's licenses may be granted to individuals by the Village Clerk upon receipt of a written report from the Police Department, or their designee, that the applicant has no disqualifying criminal history for the purposes of complying with Wis. Stats. § 125.32(2) and Wis. Stats. § 125.68(2). If an applicant's qualifications are in doubt by either the Police Department or the Village Clerk, the Village Clerk may bring the issue before the Village Board for their approval or denial.

2. The applicant shall submit an operator's license application, showing proof of successful completion of the bartender's awareness course that has been approved and complies with Wis. Stats. § 125.04 and Wis. Stats. § 125.17 and must pay the annual fee as provided in Section **5.01** of this chapter.

3. Operator's licenses shall be issued only on written application on forms provided by the Clerk.

4. Operator's licenses shall be valid for one or two years and shall expire on June 30 of each year or on June 30 of the second year after issuance.

(i) Provisional Operator's License.

1. Provisional operator's licenses may be granted to individuals by the Village Clerk for the purposes of complying with Wis. Stats. § 125.32(2) and Wis. Stats.

§ 125.68(2). If the applicant's qualifications are in doubt by either the Police Department or the Village Clerk, the Village Clerk may bring the issue before the Village Board for approval or denial as part of the applicant's appeal process.

2. The applicant shall submit an operator's license application, showing proof of successful completion of the bartender's awareness course that has been approved and complies with Wis. Stats. §§ 125.04 and 125.17 and must pay the annual fee as provided in Section 5.01 of this chapter.

3. The applicant is then issued a provisional license for 60 days and is informed that they must complete the course within 60 days. Upon completion, the applicant must return the certification of completion and is then issued the permanent license.

4. If the applicant does not complete the course within the sixty-day period, the provisional license will expire. The applicant may then apply for another provisional license, following the same requirements as provided above and again pay the fee. Only two provisional licenses will be issued during one calendar year.

5. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or the Village Clerk or who has had his/her operator's license revoked or suspended within the preceding 12 months.

(j) Manager's License. See Wis. Stats. § 125.18.

(k) Reserve "Class B" Intoxicating Liquor Licenses. The fee for a reserve "Class B" intoxicating liquor license as defined by Wis. Stats. § 125.51(4)(a)4 shall be \$10,000 for initial issuance except that the fee for the initial issuance of a reserve "Class B" intoxicating liquor license to a bona fide club or lodge situated and incorporated in the state for at least six years is the fee established in Section (a) for such a club or lodge. The fee established in this subdivision is in addition to any other fee required under this section. The annual fee for renewal of a reserve license is the fee set from time to time by resolution of the Board.

(4) License Application.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the Clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall. Licensed outdoor areas shall include a scaled diagram with the dimensions indicated on the site plan. The diagram should show all structures, parking areas, property boundaries, and shall detail the items necessary for required containment.

(b) Publication. Prior to the issuance of a license under this section, the Clerk shall publish notice of the application in the official Village newspaper.

(c) List of Licensees. By July 15 of each year, the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each

person holding a license issued under this section, except a picnic, manager's or operator's license.

(5) License Restrictions.

(a) Statutory Requirements. In addition to the requirements imposed by provision of Wisconsin Statutes adopted by reference in Sec. 5.04(1) of the Suamico Village Code of Ordinances, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

(b) Location.

1. No retail "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 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 main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

2. This paragraph shall not apply to premises licensed as such on or before June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under Wis. Stats. § 125.12, during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Health and Sanitation Requirements. No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services (departments have been shuffled) applicable to restaurants and to all such ordinances and regulations adopted by the Board.

(e) License Quota. The number of persons and places that may be granted retail Class B liquor licenses under this section is limited as provided in Wis. Stats. § 125.51(4).

(f) Corporations. No corporation organized under the laws of this state, any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

(g) Age Requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(h) Effect of Revocation of License. Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(i) Delinquent Taxes, Assessments and Claims. No license or license renewal shall be issued for any premises or person for which taxes, assessments or other claims of the Village or the State of Wisconsin are delinquent and non-paid. Included within the definition of delinquent taxes, delinquent assessments or other delinquent payments due the Village shall be any delinquency (unpaid) for special assessments, personal property taxes, real estate taxes, motel or hotel taxes, failure to pay any adjudicated fines or penalties, failure to pay any fees or monies due to the Village of any kind or nature.

(j) Issuance for Sale in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(k) Minimum Period of Operation. No Class B alcohol beverage license shall be issued or renewed for a business which does not operate at least 104 days during the license year.

(l) Inspection of Application and Premises. The Clerk shall notify the Police Department, Fire Department and Building and Housing 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. No license or permit provided for in this section shall be issued without the approval of a majority of the Board.

(m) Search of Licensed Premises. Cooperation Required with Lawful Police Investigation. 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 without any warrant, and the application for a license hereunder shall be deemed to consent to this provision. Any refusal to permit such inspection or refusal to cooperate with any lawful police investigation shall automatically operate as a revocation of any license hereunder and shall be deemed a violation of this section.

(n) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(6) Form and Expiration of Licenses.

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 and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law. The Clerk shall affix his or her affidavit as required by Wis. Stats. § 125.04(4).

(7) Transfer of Licenses.

(a) As to Person. No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(12).

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premise once during any license year as provided in Wis. Stats. § 125.04(12). Application

for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.

(8) Posting and Care of Licenses.

Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. Any licensee or permit holder who fails to post his license or permit as therein required shall be presumed to be operating without a license.

(9) Regulation of Licensed Premises and Licensees.

(a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling (except as provided by state law) shall be allowed at any time on any such premises.

(b) Employment of Underage Person. No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

(c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(e) Permitted Cups or Cans Only. Intoxicants will be sold outdoors only in foam or plastic cups or cans. The use of glass bottles is prohibited, except for catered events as defined in Chapter 5.08(10).

(f) Solicitation of Drinks Prohibited. Any licensee, permittee, or bartender of a retail alcohol beverage establishment covered by a license or permit issued under Wis. Stats. Ch. 125, who permits an entertainer or employee to solicit a drink of any alcohol beverage as defined in Wis. Stats. § 125.02(1) or any other drink from a customer on the premises, or any entertainer who solicits such drinks shall be deemed in violation of this section.

(g) Open Containers. A licensee or person in charge shall not allow the sale, service or consumption of alcohol beverages in open containers outside the licensed premises.

(h) Outdoor Areas - Excluding Temporary Class "B" areas which are regulated by WI Stat. 125.26(6).

1. New Applications. An application for a license pursuant to this chapter may include an outdoor area in the proposed premises and shall include a scaled diagram with the dimensions indicated on the site plan. The diagram should show all structures, parking areas, property boundaries, and shall detail the items necessary for required containment. The inclusion of the outdoor area in the

licensed premises shall be subject to review in the same manner as any other license application and the restrictions provided in this section.

2. Amendment.

A licensee may apply to amend a licensed premises to include an outdoor area. The request shall be filed with the Clerk no less than 30 days prior to the first date of use of the outdoor area. The application for amendment shall be subject to review in the same manner as any other license application, inspection by the Building Inspector and Police Department, and the restrictions provided in this chapter.

3. Physical Requirements.

a. Outdoor areas that directly abut adjoining residentially zoned properties must be established in accordance with the following provisions:

[1] Provide for a twenty-foot buffer between the limits of the outdoor premises and the adjoining residential lot.

[2] Provide an approved privacy fence at least six feet in height either surrounding the outdoor premises or extending along the property line of the premises a minimum of 30 feet beyond the outdoor premises or to the outer limits of the property.

[3] Obtain a specific waiver of the fencing requirements contained within Section 5.04(9)(h)3.a[2] from the Board. The request shall be submitted upon a form provided by the Clerk to specify the specific reasons for the request. If approved, a copy of the approved waiver will be submitted annually with their alcohol license renewal. The Board may grant or deny, in whole or in part, or may grant subject to conditions the waiver requested.

b. All Outdoor Areas

[1] A licensed outdoor area must:

[a] Be immediately adjacent to the indoor portion of the license premises; and

[b] Reasonably contain occupants to the licensed area by means of an approved physical barrier.

c. Hours. All service shall be discontinued by 10:00 p.m. and premises vacated by 10:30 p.m. (discontinued by 10:30 p.m. and premises vacated by 11:00 p.m. on Friday and Saturday only) except for the owner and regular employees of the licensed premises for the purpose of cleaning up.

d. Noise. No musical instruments, radios, juke boxes, or other means of electric sound amplification may be used or operated in a licensed outdoor area after 10:00 p.m., (11:00 p.m. on Friday and Saturday), unless an exception has been granted pursuant to Suamico Village Ordinances.

e. All lighting must be shielded and not be of an intensity or brilliance to create glare which is distracting to adjoining properties or can become a hazard or danger to vehicular traffic.

f. The outdoor premises must have provisions to limit the risk of vehicular traffic from entering area.

4. Unlicensed Outdoor Area. An unlicensed outdoor area is subject to and used in conjunction with the licensed premises and shall not be used for the purpose of serving or consuming alcoholic beverages.

5. License Responsibility. Any licensed outdoor area is subject to all regulations of this chapter and Wis. Stats. Ch. 125.

6. Maintaining Order. The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Violation of this section may result in the Police Department exercising its authority under Chapter 5.04(10)(i) of the Suamico Code of Ordinances, and ordering any outdoor premises or the entire area closed in the public interest.

(i) Disorderly House.

1. Duty to Maintain Order. A licensee under this section shall have a duty to maintain peace and order in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises.

2. Police Power to Close Licensed Premises. The Police Department may order any disorderly house closed until 8:00 a.m. the following day when, in reasonable view of the department, the licensee or person in charge failed to maintain peace and order as per Section 5.04 (9) (i) 1. of this section, or the department otherwise believes that the public peace and safety is served by such closing by reason of threat to bodily security, property, or peaceful repose of any member of the general public.

(j) Online Ordering and Curbside Pickup of Alcohol Beverages.

1. No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining an "Extension of Premises" from the Suamico Village Board to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

a. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click

and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

b. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the Village of Suamico Clerk's Office not issuing the license.

2. No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

b. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

c. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

e. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

3. Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for 30 days.

4. Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

5. There shall be a minimum four-hour waiting period between order time and pick-up time.

6. Orders placed after 2:00 p.m. cannot be picked up until the following day.

7. If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

8. The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

9. The pick-up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up door.

10. No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

11. Penalty. Any licensee or person who violates any provision of this subsection shall be subject to forfeiture as set forth in Chapter 5.99, Penalty, Severability and Enforcement.

(10) Closing Hours.

The Village hereby adopts Wis. Stats. §§ 125.32(3) and 125.68(4), and any future amendments, relating to closing hours for Class "A", Class "B" "Class A", "Class B" and "Class C" sales of fermented malt beverages and intoxicating liquor.

(11) Revocation and Suspension of Licenses; Non-Renewal.

(a) Procedure.

Whenever the holder of any license under Chapter 5.04 violates any portion of this Code of Ordinances, Brown County Code of Ordinances, Wisconsin statutes, or federal law, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section and Wis. Stats. § 125.11 and § 125.12.

(b) Abandonment of Premises.

1. Grounds for Cancellation for Nonuse of License. Any Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this chapter for which the subject premises:

- a. Is not open for business within 90 days of granting of such license; or
- b. Is not open for business for a period of 90 consecutive days or more; or
- c. Is not open for business at least 50% of the days within any twelve-month period, either within a licensing year or overlapping two licensing years may be cancelled unless, after notice and hearing as provided in Section (2) thereof, the Board may determine that good cause exists for failure of the licensee to be open for business for periods in excess of the minimums set forth in this Section. If such cause is found to exist, the Board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a timeframe within which the subject premises must open for business to avoid cancellation of the subject license(s).

2. Notice and Hearing. Prior to cancellation of any license, the Clerk shall notify the licensee in writing of the Village's intention to cancel the license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing, which shall be not less than 15 days after the date of the notice. Such hearing shall be conducted as provided in accordance with Wis. Stats. § 125.12(2)(b), any amendments thereto. Judicial reviews shall be as provided in Wis. Stats. § 125.12(2)(d), or any amendments thereto.

(c) License Revocation, Suspension or Non-Renewal.

1. Notice and Hearing. Whenever a person holding a license to sell alcoholic beverages has failed to maintain the premises according to standards prescribed for sanitation, or in whose premises persons are permitted to loiter for purposes of prostitution, or when the licensee has not observed and obeyed any lawful order of the Board or police officers of the Village, has violated Village ordinances, Brown County ordinances, Wisconsin statutes, federal law, or for any other good reason, the Board shall issue a summons to be signed by the Clerk commanding the licensee complained of to appear before the Board on a day and time and at a place named in the summons to show cause why the license should not be revoked, suspended or not renewed. In addition, any resident may file a sworn, written complaint with the Clerk. Such summons shall be served not less than three and not more than 10 days before the time at which the licensee is commanded to appear and may be served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises.

a. The complaint shall be served with the summons and shall set forth the offenses allegedly committed, the date and place of said offense and the facts constituting the alleged offense. ~~If such licensee shall not appear as required by the summons, the complaint shall be taken as true, and if the Board deems its allegations sufficient, the Board shall recommend revocation, nonrenewal or suspension of the license as provided herein.~~

~~2. Procedure on Hearing; Effect of Revocation. The President shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stats. § 227.08 shall be followed. The complainant shall have the burden of proving the charges. To a preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded on tape. If either party requests a stenographic recording and transcription, the Village shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Clerk shall serve as secretary to the Board and shall make and receive all exhibits admitted into the record. The Board, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true or not.~~

~~a. If the vote is to suspend the license, it shall be for a period of not less than 10 days or more than 90 days. Following the procedure above, the recommendation may be to revoke the license.~~

~~b. If the Board determines that the charges are not substantiated, the complaint shall be dismissed without cost to either party. The Board's action shall be recorded by the Clerk. If the complaint is found to be true, the licensee shall pay the Village the actual cost of the proceedings. If the complaint is found by the Board to be malicious and without probable~~

cause, the complainant shall pay the costs of the proceedings in the same amount.

~~e. When a license is revoked, it shall be so entered on record by the Clerk and no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation, nor shall any part of the money paid as application fee for any license so revoked be refunded.~~

2. Procedure on Hearing; The Board shall conduct the hearing, administer oaths to all witnesses, and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stats. § 227.45 shall be followed. The procedure on hearing shall be as provided in Wis. Stats. § 125.12(2)(b).

3. Effect of Revocation; Revocation shall be as provided in Wis. Stats. § 125.12(2)(c).

34. Point Schedule. Upon conviction by any Municipal Court, or other court of competent jurisdiction, a wholesale, retail operator's license, or any alcohol related license or permit shall be awarded demerit points as follows: 50 demerit points for each violation.

a. Upon conviction, demerit points shall be awarded retroactive to the date of the violation. For demerit points up to 50 within a twelve-month period, a warning to the licensee of the consequences of additional violations shall be issued to the license holder. If 100 demerit points are accumulated in a twelve-month period, the Board shall suspend the license for a period of 10 days.

b. Upon conviction, demerit points shall be awarded retroactive to the date of violation. If 200 demerit points are accumulated in a twenty-four-month period, the Board shall suspend the license for a period of 30 days.

c. Upon conviction, demerit points shall be awarded retroactive to the date of violation. If 250 demerit points are accumulated in a thirty-six-month period, the Board shall suspend the license for a period of 90 days.

d. Demerit points are accumulated for each wholesale, retail, or operator's license as results from conviction for a municipal code violation or a state law violation under the terms and conditions of this Chapter. The actual demerit points are assessed upon entry of judgment and either expiration of the appeal period thereafter or the expiration of any appeal, and where the results of the appeal sustain the Village's conviction of the holder of the wholesale, retail or operator's license.

e. Each wholesale, retail or operator's license issued under this chapter shall stand revoked without further proceedings upon any conviction in Municipal Court or any other court of competent jurisdiction (and no

reversal thereof upon appeal) of either the licensed holder or any employee, or agent or representative thereof, resulting in an accumulation of 300 demerit points within a forty-eight-month period, or for similar violations and subsequent convictions of Wis. Stats. Ch. 125 or 139, or any other federal or state liquor or fermented malt beverage law. Any violation and subsequent conviction by the holder of the wholesale, retail or operator's license, or an offense under Wis. Stats. Ch. 125 or 139, or any other federal or state liquor or fermented malt beverage law, shall be considered a violation and conviction under this section and shall result in the accumulation of demerit points.

(d) Other Provisions.

Any license issued pursuant to Section 5.04 shall be subject to such further regulations and restrictions as may be imposed by the Board by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his or her license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(e) Effect of Revocation of License.

Whenever any license issued under Section 5.04 has been revoked, at least four months from the time of such revocation shall elapse before another license shall be issued under Chapter 5.04 for the same premises and 12 months shall elapse before another license shall be issued under Section 5.04 to the person whose license was revoked.

(f) Repossession of License or Permit.

Whenever any license or permit under this section shall be revoked or suspended by the Board or President or action of any court or Par. (d), it shall be the duty of the Clerk to notify the licensee or permit holder of such suspension or revocation and to take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

(12) Violations by Agents and Employees.

A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.