

Chapter 273

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

§ 273-1. Adoption of statutory provisions.

§ 273-2. Classes of licenses; fees.

§ 273-3. License restrictions.

§ 273-4. Operation of licensed premises.

§ 273-5. Transfer of license.

[HISTORY: Adopted by the Village Board of the Village of Endeavor as §§ 11.01, 11.02, 11.04, 11.05 and 11.06 of the 1998 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 163.

Food-handling establishments — See Ch. 244.

Nuisances — See Ch. 312.

Parks and recreation areas — See Ch. 320.

Peace and good order — See Ch. 325.

§ 273-1. Adoption of statutory provisions.

The provisions of Ch. 125, Wis. Stats., and also all acts amendatory thereof and supplementary thereof are adopted as a portion of this chapter so far as applicable, except as otherwise provided by this chapter.

§ 273-2. Classes of licenses; fees. [Amended 5-24-2005 by Ord. No. 2005-05; 5-24-2005 by Ord. No. 2005-06¹]

The classes of licenses shall be as follows. License fees shall be set by the Village Board.

A. Intoxicating liquors.

(1) Retail "Class A."

(2) Retail "Class B." This license shall permit the holder to deal in and sell intoxicating liquor to be consumed on the premises and in the original package or container in quantities of not more than four 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 the premises. The fee for such license shall be prorated on a monthly basis for any license issued after July 1 of any license year.

B. Fermented malt beverages.

(1) Retail Class "A."

(2) Retail Class "B."

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

- (3) Retail Class "B" picnic or club.
- C. Operator's license. Said operator's license shall be issued only to persons 18 years of age or over who shall have been a citizen of the United States and a resident of this state continuously for not less than one year prior to the date of filing of the application. A written application shall be filed with the Village Clerk-Treasurer stating the name, residence, age and sex of the applicant. No license shall be granted unless the applicant shall have filed with the Clerk-Treasurer a certificate of a medical physician duly licensed to practice medicine in this state setting forth that such person is free from all infectious contagious diseases. There shall be upon the premises operated under a Class B license at all times the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any manner, any fermented malt beverage or intoxicating liquor.
- D. Temporary operator's license.
- (1) Applicant. A temporary operator's license shall only be issued to a person who has fulfilled the following requirements:
- (a) Has attained the age of 18.
 - (b) Does not have an arrest or conviction record, subject to §§ 111.321, 111.322, 111.335, and 125.12(2)(b), Wis. Stats.
 - (c) Has filed a written application in the office of the Village Clerk-Treasurer.
 - (d) Will be employed by, or will donate services to, nonprofit corporations, for the period of the license.
 - (e) Has not held a temporary operator's license during the current calendar year.
- (2) Fee. The Village Board shall establish the fee for a temporary operator's license.
- (3) Validity. A temporary operator's license shall only be valid within the Village of Endeavor and only for a period between one day and 14 days. No person may hold more than one license of this kind per year.
- E. Provisional operator's license.
- (1) Applicant. A provisional operator's license shall only be issued to a person who has fulfilled the following requirements:
- (a) Has attained the age of 18.
 - (b) Does not have an arrest or conviction record, subject to §§ 111.321, 111.322, 111.335, and 125.12(2)(b), Wis. Stats.
 - (c) Has filed a written application in the office of the Village Clerk-Treasurer.
 - (d) Will be employed by, or will donate services to, nonprofit corporations, for the period of the license.
 - (e) Has not held a provisional operator's license during the current calendar year.

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- (2) Fee. The Village Board shall establish the fee for a provisional operator's license.
- (3) Validity. A provisional operator's license shall only be valid within the Village of Endeavor and only for a period not to exceed 60 days, or until a regular license is issued. The Village of Endeavor will revoke the provisional license if the applicant fails to successfully complete the training course and may revoke a license if it discovers that the holder made a false statement on his or her application. No person may hold more than one license of this kind.

§ 273-3. License restrictions.

The issuance of licenses shall be restrained as follows:

- A. Location. No Class B license shall be granted for any premises not heretofore so licensed where any part of the premises where sales are to be made is located within 300 feet of the property line of any school, church, or hospital, except in case of a hotel as defined by Ch. 125, Wis. Stats.
- B. Persons. No license shall be granted to any person under the legal drinking age, except that an operator's license may be granted to a person 18 years of age or over.²

§ 273-4. Operation of licensed premises.

All licenses shall be granted subject to the following restrictions:

- A. Health rules. All licensed premises shall be kept sanitary and shall be conducted in compliance with whatever health rules the Village may prescribe.
- B. Inspection and search. Every licensee consents upon issuance of the license to the inspection and search by the Village officials of the licensed premises during business hours and further consents to the removal of all articles found in violation of law or ordinance and their subsequent introduction into evidence in prosecution arising therefrom.
- C. Employees. No proprietor of any premises operated under a Class B license shall employ any person under 18 years of age.
- D. Conduct. Every licensed premises shall be operated in compliance with every ordinance and law.
- E. Hours. All licensed premises shall be subject to the closing hours prescribed by §§ 125.32(3) and 125.68(4), Wis. Stats.³
- F. Advertising liquor. No Class B licensee shall advertise any intoxicating liquor or display the same except on wall shelving or a back bar.

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

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

§ 273-5. Transfer of license. ⁴

All licenses issued after July 1 may be transferred from one premises to another not more than once during the license year by the Village Board. The fee for such transfer shall be as prescribed by § 125.04(12), Wis. Stats., plus publication costs.

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