

**ORDINANCE NO. 2015-05**

**TOWN OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE AMENDING ARTICLE III ALCOHOL BEVERAGES, SECTIONS 14-81 THROUGH 14-170 AND SECTION 14-35(3) ENUMERATED BUSINESSES AND FEES OF THE CODE OF ORDINANCES FOR THE TOWN OF YORKVILLE**

**THE TOWN BOARD OF THE TOWN OF YORKVILLE, RACINE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:**

1. That Article III containing Sections 14-81 through 14-170 of the Code of Ordinances for the Town of Yorkville relating to alcohol beverages be, and hereby is, amended to read as follows:

**“Article III. Alcohol Beverages**

State Law reference— Alcohol beverages, Wis. Stat. ch. 125. (Back)

**Division 1. Generally**

**Sec. 14-81. Adoption of statutes.**

Wis. Stat. ch. 125, except Wis. Stat. §§ 125.03, 125.11, 125.19, 125.29, 125.30, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, 125.60, 125.61, 125.62 and 125.63, and all acts amendatory thereof and supplementary thereto, are adopted as a portion of this article so far as applicable, except as otherwise provided by this article.

(Code 1982, § 12.03(1))

State law reference— Authority to adopt, Wis. Stat. § 125.10.

**Secs. 14-82—14-100. Reserved.**

**Division 2. Licenses**

**Sec. 14-101. Required; fees.**

No person shall engage in any licensed activities as set forth in this section without first obtaining the appropriate license. The classes of licenses and fees are:

- (1) Intoxicating liquors. Licenses to sell, deal or traffic in intoxicating liquors are:
  - a. Retail “Class A” license.

1. A retail "Class A" license shall permit the holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and consumed off the licensed premises. The annual fee shall be as stated in section 14-35 and shall be paid on or before July 1 of each license year.
  2. Licenses may be granted which expire on June 30 each year upon payment of a proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 each year bears to 12.
- b. Retail "Class B" license.
1. A retail "Class B" licensee shall sell, deal and traffic in intoxicating liquors consumed by the glass only on the licensed premises, and in the original package or container, in multiples not to exceed four liters at any one time, consumed off the licensed premises, except that wine may be sold in the original package or otherwise in any quantity consumed off the premises. The annual fee for such license shall be paid on or before July 1 of each license year. The annual fee for such license shall be as stated in section 14-35.
  2. Licenses may be granted which expire on June 30 of each year upon payment of a proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 each year bears to 12.
  3. No retail "Class B" liquor license shall be issued to any person who does not have or is not issued a retail "Class B" license for the sale of fermented malt beverages.
- c. Retail "Class C" wine license.
1. A retail "Class C" licensee shall sell, deal and traffic in wine consumed by the glass only on the licensed premises, or in an opened original container for consumption on premises only. A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise. The annual fee for such license shall be paid on or before July 1 of each license year. The annual fee for such license shall be as stated in section 14-35.
  2. Licenses may be granted which expire on June 30 of each year upon payment of a proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 each year bears to 12.
- d. Temporary Retail "Class B" (picnic wine) licenses. A temporary retail "Class B" (picnic wine) license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for at

least six months prior to the date of application, or to posts now or hereafter established, of veteran's organizations, authorizing them to sell wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, or at a meeting of any such post or during a fair conducted by such fair association or agricultural societies. The annual fee for such license shall be as stated in section 14-35 except that no fee may be charged to a person at the same time the person applies for a temporary Class "B" license to sell fermented malt beverages at the same event. Not more than 2 licenses may be issued under this subsection to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society or veterans post in any 12-month period.

- e. Semiannual license. Licenses may be issued at any time for a period of six months in any calendar year for which one-half of the annual license fee shall be paid. Such six-month licenses shall not be renewable during the calendar year in which issued.

(2) Fermented malt beverages. The licenses to sell, deal or traffic in fermented malt beverages are as follows:

a. Retail Class "A" license.

- 1. A retail Class "A" license authorizes sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. The annual fee for such license shall be as stated in section 14-35 and shall be paid on or before July 1 of each license year.
- 2. Licenses may be granted which expire on June 30 each year upon payment of a proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 each year bears to 12.

b. Retail Class "B" license.

- 1. A retail Class "B" license shall authorize the holder to sell fermented malt beverages either to be consumed on the premises where sold, or away from such premises. The holder of retail Class "B" license may also sell beverages containing less than one-half of one percent of alcohol by volume without obtaining a special license to sell such beverages under article VII of this chapter. The annual fee for such license shall be as stated in section 14-35 and shall be paid on or before July 1 of each license year.
- 2. Licenses may be granted which expire on June 30 each year upon payment of a proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 each year bears to 12.

3. The licenses may be issued at any time for a period of six months in any calendar year for which three-quarters of the license fee shall be paid. Such six-month licenses shall not be renewable during the calendar year in which issued.
- c. Temporary Retail Class "B" (picnic) licenses. A temporary retail Class "B" (picnic) license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for at least six months prior to the date of application, or to posts now or hereafter established, of veteran's organizations, authorizing them to sell fermented malt beverages at a particular picnic or similar gathering, or at a meeting of any such post or during a fair conducted by such fair association or agricultural societies. The annual fee for such license shall be as stated in section 14-35.
- (3) Provisional retail licenses. A provisional retail license authorizes only the activities that the type of retail license applied for authorizes.
- a. Qualifications. The Town Clerk shall, without prior Town Board approval, issue a provisional retail license to a person who has applied for a Class "A", Class "B", "Class A", "Class B", or "Class C" license, as those terms are defined in the state statutes, provided that, based upon the information contained in the application, the person meets the general qualifications contained in this chapter of the Code and Wis. Stat. Ch. 125, for the issuance of a license relating to alcohol beverages, as well as any additional qualifications for the issuance of the specific retail license for which the applicant has applied. The Town Clerk may not issue a provisional "Class B" license if the Town's quota under Wis. Stat. § 125.51(4), prohibits the Town from issuing a "Class B" license. No person may hold more than one provisional retail license per type of license per year.
  - b. Application fee. The fee for a provisional retail license shall be as set forth in the schedule of fees on file in the Town Clerk's office and which may be revised by Town Board resolution, which shall be nonrefundable and shall not apply toward the retail license for which the applicant has applied.
  - c. Duration. A provisional retail license expires 60 days after its issuance or when the applicant's application for the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued or denied, whichever is sooner. The Town Clerk shall revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
  - d. Conditions. Notwithstanding paragraph a. of this subsection, provisional retail licenses shall be issued only:
    1. For transfers of existing liquor licenses at existing locations; or

2. When the applicant's retail license has been approved by the Town Board, excepting that the applicant has not successfully completed a responsible beverage server training course, in which case the applicant must provide proof that he or she is enrolled in such a course in order to receive a provisional license under this subsection.

(Code 1982, § 12.03(2)(a), (b); Ord. No. 2009-02, § 1, 5-27-2009)

### **Sec. 14-102. Operator's license.**

Operator's licenses shall be issued as provided in Wis. Stat. § 125.32(2), as follows:

- (1) Application for an operator's license must be made in writing. Each operator's license shall be issued for one year and shall expire on June 30 of the year for which issued. The annual fee for such license shall be as stated in section 14-35.
- (2) An operator's license may be issued only to persons who have attained the age of 18 years.
- (3) There shall be, upon premises operated under any "Class A", Class "A", "Class B", Class "B" or "Class C" licenses as well as temporary licenses, at all times, the licensee or some person who has an operator's license and who is responsible for the acts of all persons serving, as waiters or in any other manner, any fermented malt beverages or intoxicating liquors to customers. No member of the immediate family of the licensee under the legal drinking age shall serve, as a waiter or in any other manner, any fermented malt beverages or intoxicating liquor to customers unless an operator of legal drinking age or over is present upon and in immediate charge of the premises. No person, other than the licensee, shall serve fermented malt beverages or intoxicating liquor in any place operated under a license unless he possesses an operator's license, or unless he is under the immediate supervision of the licensee or a person holding an operator's license, who is, at the time of such service, on the premises.
- (4) All applicants must file a written application for an operator's license with the Town Clerk, stating the name, residence, age and sex of the applicant, together with such pertinent information as to the fitness of a candidate as the Town Clerk shall require. All such applicants shall list any convictions for crimes or ordinance violations, which bear a relationship to the responsibilities of licensees. Upon approval of the application by the majority vote of the Town Board, the Town Clerk shall, upon payment or proof of payment of the license fee, issue to the applicant a license that is valid for no more than one year and shall expire on June 30th..
- (5) Applicants shall not be required to show proof of or offer of employment as a condition of receiving the license.
- (6) The Town Board may issue temporary operator's licenses as provided in Wis. Stat. § 125.17(4).

- (7) Provisional operator's licenses. A provisional operator's license shall function as an operator's license, subject to the limitations contained in this subsection.
- a. Qualifications. The Town Clerk shall, without prior Town Board approval, issue a provisional operator's license to any person who has also applied with the Town for an operator's license provided that, based upon the information contained in the application, the person meets the general qualifications contained in this chapter of the Code and Wis. Stat. Ch. 125, for the issuance of an operator's license, and further provided, however, that the Town Clerk shall issue a provisional operator's license to anyone filing with the Town a certified copy of a valid operator's license issued by another municipality. In no event, however, shall a provisional operator's license be issued to anyone who has been denied an operator's license by the Town.
  - b. Application fee. The fee for a provisional retail license shall be as set forth in the schedule of fees on file in the Town Clerk's office and which may be revised by Town Board resolution, which shall be nonrefundable and shall not apply toward the operator's license for which the applicant has applied.
  - c. Duration. A provisional retail license shall expire (1) 60 days after its issuance, or (2) upon issuance or denial of the operator's license that was applied for with the Town, or (3) upon expiration or termination of an operator's license from another municipality that was filed with the Town under paragraph a., whichever event occurs sooner. The Town Clerk shall revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application or upon discovery that an operator's license issued by another municipality and filed with the Town under paragraph a. is invalid.

(Code 1982, § 12.03(2)(c); Ord. No. 2009-02, § 2, 5-27-2009)

### **Sec. 14-103. Expiration.**

Unless otherwise specifically provided in this article, or at the time of issuance, all licenses shall expire on June 30 following issuance of the license.

(Code 1982, § 12.03(2)(d))

State law reference— Operator's license, Wis. Stat. § 125.17 and Wis. Stat. § 125.32.

### **Sec. 14-104. Application.**

- (a) Each applicant for any license shall file a written application for the license on the form prescribed by the state department of revenue with the Town Clerk not less than 15 days prior to any meeting to consider the granting of such license.
- (b) Each application shall be sworn to by the applicant as provided by Wis. Stat. § 887.01.

- (c) Each application shall be accompanied by a sum equal to the license fee and costs of publication as provided in Wis. Stat. § 125.04.
- (d) Whenever a bond is required by the state statute, the bond shall not be acceptable unless approved by the Town chairperson and attorney, either of whom may require such evidence as they deem necessary as to the eligibility and justification of the sureties.

(Code 1982, § 12.03(3)(a))

#### **Sec. 14-105. Investigation and consideration of applications.**

- (a) Whenever any applicant for a license shall have complied with all of the conditions and regulations contained in this article relative to the filing of his application, it shall be the duty of the Town Clerk to forward the application to the Town Board for consideration at any regular or special meeting thereof occurring no earlier than 15 days from the date of the application.
- (b) The Town Board shall give an opportunity to any person to be heard for or against the granting of any application and issuance of a license. In determining the suitability of an applicant, consideration shall be given to applicant's financial responsibility, the appropriateness of the location and the premises proposed for licensing, and generally, the applicant's fitness for the trust to be reposed. The Town Clerk shall issue no license until there has been favorable action by the Town Board upon the application except that the Town Clerk is authorized to issue temporary "Class B" (picnic wine) and Class "B" (picnic) licenses upon receipt of a completed application by a qualified applicant. Upon approval, the Town Clerk shall forward a duplicate copy of the application to the state department of revenue.
- (c) If any application for a license under this article is denied, any fees required to be submitted with the application shall be returned to the applicant.

(Code 1982, § 12.03(3)(b))

#### **Sec. 14-106. Issuance and posting of licenses.**

- (a) Upon approval of any application and receipt of all fees fixed by the statute, the Town Clerk shall issue the applicant a license under this article, serially numbered and describing specifically the name of the licensee and premises for which it is issued.
- (b) Every license issued under this article shall be posted and at all times displayed as provided in state statutes. No person shall post such license, or permit or allow any other person to post it, upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(Code 1982, § 12.03(3)(c))

**Sec. 14-107. Revocation, suspensions, refusals to issue or renew.**

Upon complaint made in writing under oath by any Town resident and filed with the Town Clerk, that any person licensed under this article or state statutes, has violated any provision of this article or any section of the state statutes regulating the sale of intoxicating liquor or fermented malt beverages; keeps or maintains a disorderly or riotous, indecent or improper house; has sold or given away any alcohol beverages to a known habitual drunkard; or does not possess the qualifications required under Wis. Stat. ch. 125 to hold the license, the Town Board shall proceed as provided in Wis. Stat. § 125.12 to consider and act on the suspension, revocation, refusal to issue or renew the license. The provisions in Wis. Stat. § 125.12 relating to renewing or granting a new license shall be applicable to any applicant or licensee under this article.

(Code 1982, § 12.03(3)(d))

**Sec. 14-108. Transfer of licenses.**

- (a) No license under this article shall be transferable as to licensee or location, except as provided by Wis. Stat. § 125.04(12).
- (b) A transfer fee as stated in section 14-35 shall be paid for each such license transfer.

(Code 1982, § 12.03(3)(e))

**Sec. 14-109. Permission.**

No officer, Board or committee shall have any authority to give permission, whether temporary or otherwise, to any person to do anything for which a license under this article is required, unless authority of the Town Board has actually granted such license. Any such permission granted shall be of no effect and shall not constitute a defense in an action brought for the violation of this article or any part thereof.

(Code 1982, § 12.03(3)(f))

**Sec. 14-110. Restrictions.**

The issuance of licenses shall be restricted as follows:

- (1) Persons. No license shall be granted to any person who does not meet the minimum requirements imposed by state statute.
- (2) Location.
  - a. No license shall be granted for any premises that does not meet the minimum requirements imposed by the state statute.



- b. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.
- (3) Limitation as to number.
- a. The number of "Class B" intoxicating liquor licenses shall be the maximum allowed under Wis. Stat. § 125.51(4), unless such location meets an exception allowed thereunder.
  - b. Not more than two of any one type of retail "Class A", Class "A", "Class B" Class "B", or "Class C" licenses shall be issued in the state to any one corporation or person, except in case of hotels or clubs.

(Code 1982, § 12.03(4))

### **Sec. 14-111. Temporary extension of licensed premises for special events.**

- (a) Authority. The granting of a temporary extension of licensed premises for special events shall authorize the licensee to sell or serve intoxicating liquors or fermented malt beverages, as permitted by the specific license held, for a period of time not exceeding 48 hours and in the area described in the application for such temporary extension, as expressly approved by the Town Board. Such authority, however, shall be contingent upon the licensee also obtaining any and all other special privileges or permits required for the conduct of the special event for which the temporary extension of the licensed premises is sought.
- (b) Eligibility. Any person holding a valid "Class B" retail liquor license, Class "B" fermented malt beverage retailer's license or "Class C" retail wine license may apply for temporary extension of such licensed premises for a special event. The area which the licensee wishes to include in any temporary extension of the licensed premises must be contiguous to the licensed premises and owned by or under the control of the licensee. If the applicant seeks a temporary extension of the licensed premises, such that the extended licensed premises would extend into or encroach upon public property or public thoroughfares, then the applicant shall also be required to obtain the applicable special privilege or street festival permit before the document authorizing the temporary extension of the licensed premises is issued by the Town Clerk. The applicant shall also comply with all other applicable statutes, ordinances and resolutions.
- (c) Applicant's responsibility. Application for the temporary extension of licensed premises for special events shall be made by an individual, or authorized agent in the case of a corporation, a limited liability company or other entity or association, who shall be personally responsible for compliance with all of the terms and provisions of this chapter. All applications shall be submitted for review and approval at least thirty (30) days prior to the event.
- (d) Application. An application for the temporary extension of licensed premises shall be filed on or before the deadline established by the Town Clerk on forms provided by the Town Clerk. The application shall be signed and sworn to by the applicant, if an individual; by one partner, if a partnership; or by a duly authorized agent, officer or

member, if a corporation or limited liability company or other entity. The application shall include:

- (1) The name, business address and telephone number of the applicant.
  - (2) The address of the existing licensed premises and a specific description of the site for which the temporary extension is sought.
  - (3) The name of the particular event or function for which the temporary extension of the licensed premises is sought.
  - (4) The date and period of time for which the particular event or function will be operated.
  - (5) Such other reasonable and pertinent information as the Town Board or Town Clerk may require.
- (e) Approval by Town Board. The completed application shall be referred to the Town Board, which shall determine whether to approve the permit. The Town Board may take into consideration the following:
- (1) The appropriateness of the location and site for which the permit is sought and whether the event for which the permit is sought will create problems.
  - (2) The hours during which the event would be operated on the site and the likely effect of the event on the surrounding area.
  - (3) Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems, including, but not limited to, complaints of loud music, noise, litter, or conduct that would be considered to be disorderly conduct.
  - (4) Any other factors which reasonably relate to the public health, safety and welfare.
- (f) Issuance. In the event the Town Board grants the application for a temporary extension of licensed premises for special events, the Town Clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the extended licensed premises shall be in effect. Such document shall also contain any restrictions or conditions which the Town Board may place on such approvals. The Town Clerk shall inform the Code Enforcement Officer and the Racine County Sheriff's Department of the date, place and event for which the temporary extension of licensed premises was issued.
- (g) Limitation as to Number. No more than four (4) temporary extensions of licensed premises for special events shall be granted to any one licensed premises per year.
- (h) On-premises sale.
- (1) A licensee granted a temporary extension of licensed premises for special events may not sell any alcohol or nonalcoholic beverages for consumption in bottles, cans and glass containers in the location of the temporary extension of the

licensed premises. Beverages may only be sold in single service cups for on-premises consumption in the location of the temporary extension of the licensed premises.

- (2) An exception to the limitation on sale of alcohol beverages to single-service cups in Subsection (g)(1) above may be permitted by the Town Board upon application of an event sponsor or the licensee of the extended premises made at least 60 days prior to the special event. No exception shall be permitted allowing glass containers upon extended premises. The applicant shall include a copy of the application and permit, if issued, and information identifying the sponsor or sponsors of the special event, if any, the reason or reasons for which an exception is sought, including a specific description of the procedures and policies for assuring the safety of the public, a description of the entertainment or amusement to be provided during the special event, the type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises, and any other information the Town Board may require. The Town Board may permit beverage containers other than single-service cups when, in its discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of law enforcement officers, it is determined that the exception poses no appreciable risk. These factors may include, but are not limited to, past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances. The Town Board may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.

**Secs. 14-12—14-130. Reserved.**

**Division 3. Regulations**

**Sec. 14-131. Compliance with division.**

All licenses shall be granted subject to the regulations in this division.

(Code 1982, § 12.03(5))

**Sec. 14-132. Inspection of premises.**

The Town Board may, at any and all reasonable times, as it, by majority vote, may deem necessary and proper, cause any premises licensed under this article to be inspected by the Code Enforcement Officer, to determine whether the applicant, licensee and the premises licensed or sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's or licensee's fitness for the trust imposed or to be imposed. These officers, or any one of them, shall furnish to the Town Board in writing the information derived from such inspection and within ten days from notification thereof.

(Code 1982, § 12.03(5)(a))

### **Sec. 14-133. Closing hours.**

No premises for which a wholesale or retail alcohol beverage license has been issued shall be permitted to remain open for the sale of intoxicating liquors or fermented malt beverages:

- (1) If a retail Class "A" license, between midnight and 8:00 a.m. and a "Class A" license, between 9:00 p.m. and 8:00 a.m.
- (2) If a retail "Class B", Class "B", and "Class C" license, between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a "Class B" license are not required to close. No package, container or bottle sales may be made after midnight. On the Sunday that daylight saving time begins as specified in Sec. 175.095(2), the closing hours shall be between 3:30 am and 6:00 am.
- (3) No premises licensed for the sale of alcohol beverages at retail shall, during the day or hours they are required to close, or during the hours in which the sale of intoxicating liquor is prohibited, obstruct by the use of curtains, blinds, screens or in any other manner, a full and complete view of the interior from the outside. During the hours in which the sale of intoxicating liquors is permitted, the premises shall be properly and adequately lighted.
- (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 shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell intoxicating liquors or fermented malt beverages during the hours mentioned in subsection (3) of this section.
- (5) During closing hours, and except as provided in subsection (3) of this section, no patron or guest shall be permitted to enter or remain in the licensed premises.

(Code 1982, § 12.03(5)(b))

### **Sec. 14-134. Health and sanitation.**

All licensed premises shall be kept sanitary and conform to the sanitary, safety and health requirements of the state agencies with jurisdiction over such premises and to all ordinances and regulations of the county and Town.

(Code 1982, § 12.03(5)(c))

### **Sec. 14-135. Repealed.**

### **Sec. 14-136. Conduct.**

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.

(Code 1982, § 12.03(5)(e))

**Sec. 14-137. Violations by agents and employees.**

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

(Code 1982, § 12.03(5)(f))

**Sec. 14-138. Sale to persons under the legal drinking age.**

No person may sell, furnish or give intoxicating liquor to a person under the legal drinking age, or traffic or deal in intoxicating liquor with a person under the legal drinking age. No person shall sell, dispense, give or furnish fermented malt beverages to anyone under the legal drinking age when not accompanied by parent, guardian or adult spouse who has attained the legal drinking age.

(Code 1982, § 12.03(5)(g))

**Sec. 14-139. Sale to intoxicated person prohibited.**

No keeper of a place for the sale of intoxicating liquor may sell, vend or in any way deal or traffic in, or for the purpose of evading this article or any law of the state relating to the sale of intoxicating liquor, give away intoxicating liquor in any quantity to any person intoxicated or bordering on a state of intoxication.

(Code 1982, § 12.03(5)(h))

**Sec. 14-140. Procuring liquor for persons under the legal drinking age.**

No person shall procure intoxicating liquor for a person under the legal drinking age.

(Code 1982, § 12.03(5)(i))

**Sec. 14-141. Suspending business.**

If any licensee shall suspend or cease doing business for a period of 90 consecutive days or more, "Class A" retail liquor license, Class "A" retail license, the "Class B" intoxicating liquor, Class "B" fermented malt beverage license, or the Class C wine license shall be subject to revocation by the Town Board after public hearing thereon in accordance with Section 14-107.

(Code 1982, § 12.03(5)(j))

**Sec. 14-142. Underage person's presence on licensed premises; exceptions.**

Notwithstanding the restrictions and exceptions applicable to underage persons on licensed premises as set forth in Wis. Stat. ch. 125, and as adopted by subsection (1) of this section, an underage person may enter or remain in a room in any "Class B" and Class "B" licensed premises separate from any room where alcohol beverages are sold or served if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present, provided that the licensee shall have accomplished each of the following:

- (1) The licensee shall have submitted to and have obtained the approval of the Town Board for the plan of operation and the anticipated schedule of events for such activity, together with such other information as the Town Board may request. In granting such approval, the Town Board shall first determine that the proposed activity is beneficial for underage persons, the proposed activity serves a community purpose and the presence of underage persons of the premises would not endanger their health, safety and welfare or that of the other members of the community.
- (2) The licensee has obtained the written authorization of the Town Board and the Code Enforcement Officer permitting underage persons to be present under the terms of this article on the date specified in the authorization. The licensee shall obtain a separate authorization from the Town Board and the Code Enforcement Officer for each day on which underage persons will be present on the premises. In determining whether to issue such authorization, the Town Board and the Code Enforcement Officer shall make a determination that the presence of underage persons on the licensed premises would not endanger their health, welfare or safety or that of the other members of the community. Among the criteria, which the Town Board and the Code Enforcement Officer shall utilize in making that determination, are the following:
  - a. The plan is consistent with the authorization of the Town Board.
  - b. Provision has been made for:
    1. An acceptable security plan for the event.
    2. Conducting the event in a separate room or space with walls or partitions to segregate the event from the rest of the premises.
    3. Adequate parking and traffic control.
    4. Securing of all alcohol beverages during any such event.
    5. Prohibiting the bringing of alcohol beverages or other illegal substances to the premises.
    6. Noise control.
    7. Hours of operation.

8. Ages of persons permitted.
9. Control of exit and reentry.
10. Such other matters which may be reasonably considered in approving of the conduct of the event.

(Code 1982, § 12.03(5)(k))

**Sec. 14-143. Sale of fermented malt beverages.**

No retail “Class A” or Class “A” licensee shall sell individual bottles, cans or containers of fermented malt beverages containing 20 ounces or less of fermented malt beverages. All such sales shall be of containers, cases or other receptacles containing six or more bottles, cans or containers each of 20 ounces or less.

(Code 1982, § 12.03(5)(l))

**Sec. 14-144. Penalty.**

For the violation of any of the provisions of this article which are in conformity with the statutes of the state, the persons convicted of such violations shall be subject to forfeitures equal to any fines as provided by such statutes, together with the costs of prosecution, and in default of payment thereof, imprisonment for a period of not more than 90 days or until paid.

(Code 1982, § 12.03(6))

**Secs. 14-145—14-170. Reserved.”**

2. That Section 14-35(3) of the Code of Ordinances for the Town of Yorkville relating to fees for alcohol beverages be, and hereby is, amended to read as follows:

“(3) Alcohol beverages:

- a. Retail “Class A” license;
- b. Retail “Class B” license;
- c. Temporary “Class B” (picnic wine) license;
- d. Retail “Class C” wine license;
- e. Retail Class “A” license;
- f. Retail Class “B” license;

- g. Temporary Retail Class "B" (picnic) license;
- h. Operator's;
- i. Transfer fee;"

3. That this ordinance shall be effective upon adoption and publication as provided by law.


Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 29<sup>th</sup> day of October, 2015.

Ayes:   3  

Nays:   0  

Abstentions:   0  

**TOWN OF YORKVILLE**

By:   
Peter L. Hansen, Chairperson

Attest:   
Michael McKinney, Clerk-Treasurer



**Town of Yorkville**  
**Notice of Newly Enacted Ordinance**

Please take notice that on Thursday, October 29, 2015, the Town Board of the Town of Yorkville enacted Ordinance No. 2015-05, which amends Chapter 14, Article III (Sections 14-81 through 14-170) and Section 14-35(3) of the Town of Yorkville Code of Ordinances regarding the licensing and regulation of alcohol beverage-related activities.

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Town of Yorkville Clerk-Treasurer's Office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, or through the Town's website at [www.townofyorkville.com](http://www.townofyorkville.com). The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney  
*Clerk-Treasurer*

# Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 6<sup>th</sup> day of November, 2015; The last publication was on the 6<sup>th</sup> day of November, 2015.

Signed



By Pam Dwyer, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

6th day of November 2015.



Notary Public, State of Wisconsin

My commission expires

1/20/18

KAREN WHITTINGTON  
Notary Public  
State of Wisconsin

## TOWN OF YORKVILLE Notice of Newly Enacted Ordinance

Please take notice that on Thursday, October 29, 2015, the Town Board of the Town of Yorkville enacted Ordinance No. 2015-05, which amends Chapter 14, Article III (Sections 14-81 through 14-170) and Section 14-35(3) of the Town of Yorkville Code of Ordinances regarding the licensing and regulation of alcohol beverage-related activities.

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Town of Yorkville Clerk-Treasurer's Office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Town's website at [www.townofyorkville.com](http://www.townofyorkville.com). The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney  
Clerk-Treasurer

(Published in Westine Report  
Nov. 6, 2015  
WNAXLP - 224974)