

## ORDINANCE 894

## AN ORDINANCE TO REPEAL AND RECREATE THE INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES SECTION OF CHAPTER 4, LICENSES AND PERMITS, OF THE VILLAGE OF SUSSEX MUNICIPAL CODE

WHEREAS: From time to time Ordinances need to be refreshed to reflect best practices; and

WHEREAS: On December 6, 2023 Governor Evers signed 2023 Wisconsin Act 73

WHEREAS: Act 73 makes significant alcohol beverage law changes to Chapter 125 of the Wisconsin Statutes, better known as Wisconsin's alcohol beverage laws

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

**SECTION 1.** Chapter 4, Section 02 entitled "Intoxicating Liquor and Fermented Malt Beverages" of the municipal code of the Village of Sussex is hereby repealed and recreated as follows:

**4.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.**

- (1) **STATE STATUTES ADOPTED.** The current and future provisions of Chapter 125, Wis. Stats., defining and regulating the types, sale, procurement, consumption, dispensing, and transfer of alcohol beverages, as well as provisions dealing with the suspension and revocation of alcohol beverage licenses and permits and including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions, modifications or additions of the statutes incorporated herein, are intended to be made part of this Chapter in order to secure uniform regulations of alcohol beverages in this State.
- (2) **BASIC REQUIREMENTS.**
  - (A) *Occupancy Permit and/or Approved Plan of Operation Required.* No person on any licensed or permitted premises, shall conduct any transactions regulated by this Chapter unless a licensee or permittee holds a valid Occupancy Permit and an approved Plan of Operation/Business Plan, as may be required, issued by the Municipality. The Occupancy Permit and/or approved Plan of Operation/Business Plan shall be specific in detail as to what area of the premises shall be licensed or permitted for the sale of alcoholic beverages. Failure to hold any required Occupancy Permit or to have any required Plan of Operation/Business Plan or any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.
  - (B) *Wisconsin Seller's Permit Required.* No person on any licensed or permitted premises, shall conduct any transactions regulated under this Chapter unless a

licensee or permittee holds and maintains a valid Wisconsin Seller's Permit as required under §77.52 Wis. Stats., issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Seller's Permit or any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.

(C) *Wisconsin Business Tax Registration Certificate Required.* No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid Wisconsin Business Tax Registration Certificate as required by Wisconsin Statutes issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Business Tax Registration Certificate or any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.

(D) *Federal Employment Identification Number (FEIN) Required.* No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid FEIN as required issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid FEIN or any violation is grounds for suspension or revocation of any license or permit issued under this Chapter.

(3) GENERAL LICENSING REQUIREMENTS. Failure to comply with the following requirements are grounds for suspension or revocation of any license or permit issued under this Chapter.

(A) Application Process. The application process is governed by §125.04, Wis. Stats.

1. *Applications.* All applications other than operator's licenses shall contain all the information required by the form required under §125.04(3), Wis. Stats., and any other information as reasonably required by the Municipal Clerk. Operator's license applications shall contain all information required on the form and any other information as may reasonably be required by the Municipal Clerk.

2. *Filing.* Operator's licenses and licenses issued under §125.26(6), Wis. Stats., and/or 125.51(10) lasting less than four (4) days must be filed with the Municipal Clerk at least 48 hours prior to granting of the license or permit. All other applications for licenses and permits to sell alcohol beverages as well as licenses issued under §125.26(6), Wis. Stats., and/or 125.51(10) lasting four (4) or more days shall be filed with the Municipal Clerk as required by Wisconsin Statutes.

3. *Fees.* Fees are governed by §125.04, Wis. Stats.

a. The fees for licenses or permits which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees.

b. Fees for partial licensing or permitting years must be prorated if required by Chapter 125, Wis. Stats. In all cases when an alcohol beverage license or permit is issued for a partial year, a minimum

fee of \$25.00 and all actual publication fees and investigation fees must be paid.

- c. Once any license or permit is issued, no return of any payment shall be made regardless of whether the license or permit is used for the entire year.

- d. Fees for the following licenses and permits shall be established by the Governing Body from time to time by separate Resolution, provided that the fee shall be in an amount approved by Chapter 125, Wis. Stats.:

- (a) Class "A" Fermented Malt Beverages License.
- (b) "Class A" Intoxicating Liquor License.
- (c) "Class A" Liquor (Cider Only).
- (d) Class "B" Fermented Malt Beverages License.
- (e) Class "B" Picnic License under §125.26(6) Wis. Stats.
- (f) "Class B" Intoxicating Liquor License.
- (g) The fee for a reserve "Class B" liquor license shall be \$10,000.00 for initial issuance.
- (h) "Class C" Wine License.
- (i) Provisional Retail Licenses.
- (j) Operators' License - Operator licenses shall be issued for not less than a 13-month, nor more than a 24-month period expiring on June 30.
- (k) Provisional Operator License.
- (l) Transfer from One Premises to Another.
- (m) Temporary Operator License.
- (n) Publication Fee - See §985.08, Wis. Stats. and §125.04(3)(g)(6), Wis. Stats
- (o) Investigation Fee
- (p) Booklet Fees
- (q) Program Fees
- (r) Application Fee
- (s) Fees for any license or permit authorized under Chapter 125, Wis. Stats.

- (B) Investigation Process. Upon receipt of a license or permit application under the provisions of this Chapter, the Municipal Clerk shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant(s) as set forth below.

1. *All Alcoholic Beverage Licenses and Permits.* The Village shall investigate all persons and premises included in the application to determine the suitability and character of the applicants. The Police Department, Fire Department, Health Department, Building Inspector, and other persons authorized, may conduct an investigation and inspection of the persons and premises mentioned in the applications, to determine if the persons and premises comply with all applicable regulations, ordinances and laws.
2. *Operator's Licenses.* The Village shall conduct an investigation of all applicants to determine the suitability and character of the applicant.

3. *Reports.* Upon completion of all investigations, written reports shall be submitted to the Municipal Clerk. The Clerk will then forward the application to the Governing Body for action, if such action is necessary.
- (C) Review. The Governing Body may refer any and all licenses or permits to the appropriate committee for review and recommendation prior to action by the Governing Body.
- (D) Operator's License. In addition to the provisions of §125.17, Wis. Stats.
1. *Regular Operator's License.* Pursuant to and subject to the requirements of §125.17(1), Wis. Stats., regular operator's licenses may be granted to individuals by the Municipal Clerk or their designee as allowed by the adopted policy by the Governing Body.
  2. *Provisional Operator's License.*
    - a. Pursuant to and subject to the requirements of §125.17(5), Wis. Stats., the Municipal Clerk or their designee, may issue a provisional operator's license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death, disability, or absence of the regular operators. The Municipal Clerk or their designee, before authorizing such issuance, shall determine that the applicant has a satisfactory record, and likely would be issued a regular operator's license. All operator's licenses issued under this Section shall expire on June 30 each year.
    - b. Pursuant and subject to the requirements of §125.17(6), Wis. Stats., the Municipal Clerk or their authorized designee may issue a provisional operator's license to a person who is enrolled in a training course and has applied for a regular operator's license.
  3. *Temporary Operator's Licenses.* Pursuant to and subject to the requirements of §125.17(4), Wis. Stats., the Municipal Clerk or their designee may issue temporary operator's licenses.
  4. *State Operator's Permits.* Any individual who receives an operator's permit from the Wisconsin Division of Alcohol Beverages and intends to use the permit within the Municipality must provide the Municipal Clerk with a copy of the permit.
- (E) Provisional Retail Licenses. Pursuant to and subject to the requirements of §125.185, Wis. Stats., the Municipal Clerk or their designee, shall issue a provisional license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death or disability but is not caused by merely failing to file the application for a license or permit timely.
- (F) Managers' Licenses. Pursuant to §125.18, Wis. Stats., the Municipality opts not to issue Managers' Licenses.
- (G) Temporary Class B Retail Licenses. Pursuant to and subject to the requirements of §125.32(6) and 125.51(10), Wis. Stats., the Municipal Clerk or their designee,

are authorized to issue temporary Class B Retail licenses lasting less than four (4) days.

- (H) Public Parks. The sale of fermented malt beverages in any public park operated by a municipality. Fermented malt beverages shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the Municipality.

- (I) Regulation of Underage Persons.

1. An underage person is authorized to enter and remain in a room on Class "B" or "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 the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present on the date specified in the authorization. Before issuing the authorization, the law enforcement agency 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.
2. The Municipality adopts the conduct regulated by §125.07 (1) and (4) (a), (b) and (bm), §125.085 (3) (b) or §125.09 (2) Wis. Stats.

- (J) Commercial Quadricycles. Subject to § 125.10(5)(b), the Municipality prohibits the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

- (K) No-Sale Event Permits. If a property owner is issued a no-sale event permit by the Division of Alcohol Beverages, the property owner must inform the Municipality of the event, including the expected guest count, immediately upon issuance of the permit. The property owner shall provide the Municipal Clerk with a copy of the permit and must comply with all provisions of §125.09, Wis. Stats.

- (4) **RESTRICTION ON ISSUANCE OF LICENSES OR PERMITS.** The following restrictions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following restrictions are grounds for suspension or revocation of any license or permit issued under this Chapter.

- (A) Health and Sanitation Requirements.

1. No initial or renewal alcohol beverage license or permit 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 electrical and plumbing; to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, if the premise is licensed to serve food; and to all such rules and regulations as to building, health and sanitation adopted by the Municipality, the County, the State or the Federal government.

2. Any violation of any of the restrictions imposed by this subsection relating to Health and Sanitation Requirements may be grounds for suspension or revocation of any license or permit issued under this Chapter.

(B) Delinquent Taxes, Assessments, Forfeitures, and Claims

1. No initial or renewal alcohol beverage license or permit shall be issued for any premises or property which is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality
2. No initial or renewal alcohol beverage license or permit shall be issued to any person who is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality.
3. If at any time the premises, property, and/or person is delinquent in the payment of any taxes, assessments, fees, forfeitures, or other claims of the Municipality said delinquency shall be grounds for suspension or revocation of any license or permit issued under this Chapter.

(C) Separate Premises or Limited Access Area. Every person, firm or corporation applying for a new or renewal of an existing Class "A" Fermented Malt Beverage License, a "Class A" Intoxicating Liquor License, a "Class A" Liquor (Cider Only) License, a combination Class "A" Fermented Malt Beverage License and "Class A" Liquor (Cider Only) License or combination Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License shall submit and receive approval from the Governing Body of a site plan and plan of operation with a diagram or photograph of the proposed or existing sale and display area for the alcohol beverages prior to the issuance of any such license(s) or permit(s). The site plan and plan of operation shall be such as to ensure that minors do not have reasonable access to acquire alcohol beverages as well as satisfying the following requirements:

1. For Class "A" Fermented Malt Beverage Licensees, and for Combination Class "A" Fermented Malt Beverage and "Class A" Liquor (Cider Only) Licensees one of the following is required:
  - a. An area must be designated for the display of intoxicating liquors and fermented malt beverages and; said area must be able to be closed off from reasonable access during the closing hours set forth in subsection 5(P) below and; the licensee location must have multiple employees on duty at all times while the store is open who are in a position to supervise the sale of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security plan which will be subject to approval by the Director of Police Services to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages.

OR:

- b. A partition between that portion of the premises used for display

and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments. Ingress and egress shall not be permitted between such department and other departments by the public except for emergencies.

OR:

- c. An area for sale and display of intoxicating liquors and fermented malt beverages access to which shall be limited to employees of the licensee only.
2. For "Class A" Intoxicating Liquor Licensees, and Combination Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor Licensees one of the following is required:

- a. An area must be designated for the display of intoxicating liquors and fermented malt beverages and; said area must be able to be closed off from reasonable access during the closing hours set forth in subsection 5(S) below and; the licensee location must have 4 or more employees on duty at all times while the store is open who are in a position to supervise the sale and prevent the theft of the intoxicating liquors and fermented malt beverages and; the licensee shall provide a detailed security plan which will be subject to approval by the Director of Police Services to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages and to prevent theft of the beverages. To meet this standard a licensee must demonstrate to the Director of Police Services, layers of access control, accountability of personnel, and sufficient procedures for dealing with theft to minimize police service impacts from the same.

OR:

- b. A partition between that portion of the premises used for display and sale of intoxicating liquors and fermented malt beverages and incidental sale of snacks and foods, and that portion of the premises used for sale and display of other merchandise so as to completely separate a self-service liquor department from other departments and provide a detailed security plan, which will be subject to approval by the Director of Police Services to ensure that minors do not have reasonable access to acquire intoxicating liquors and fermented malt beverages and to prevent theft of the beverages. To meet this standard a licensee must demonstrate to the Director of Police Services, accountability of personnel, and sufficient procedures for dealing with theft to minimize police service impacts from the same. Ingress and egress shall not be permitted between such department and other departments by the public except for emergencies.

3. Any violation of any of the restrictions imposed by this subsection relating to Separate Premises or Limited Access Areas may be grounds for suspension or revocation of any license or permit issued under this Chapter.
- (D) Quotas. The number of Licenses shall be limited based upon the most recent decennial Federal Census or special census conducted by the Village under contract with the U.S. Bureau of the Census in the following manner:
1. No Class A Liquor License shall be issued in the Village except as a Combination License with a Class A Fermented Malt Beverage License.
  2. No regular yearly Class B Fermented Malt Beverage Licenses shall be issued in the Village except as a Combination License with a Class B Intoxicating Liquor License or Class C Wine License.
  3. No more than one six-month Class B Fermented Malt Beverage License shall be issued for each 2,000 population or fraction thereof.
  4. No more than one Class B Fermented Malt Beverage License for local, non-profit civic groups shall be issued for each 1,000 population or fraction thereof.
- (E) Premises Extension.
1. *Definition.* As used in this paragraph "premises extension" shall mean an open, unroofed area where alcohol beverages are served and consumed.
  2. *License required.* No person shall keep, maintain, conduct or operate any premises extension without first obtaining approval from the Governing Body of an amendment of the license description of the premises.
  3. *License fee.* The fee for a premises extension shall be that amount as determined from time to time by resolution of the Governing Body.
  4. *Application.* Application for a premises extension shall be made to the Municipal Clerk and shall be submitted to the Governing Body for issuance and approval as the Governing Body, in its discretion, deems appropriate. The application shall contain the following information:
    - a. Name, address and phone number of license holder.
    - b. Type of license held.
    - c. Trade name.
    - d. Date and time of extension of premise.
    - e. Type of event/reason for extension.
    - f. Contact name, address and phone number.
    - g. Diagram of premises extension.



- h. Specify if band or music will be applicable (location on premises and time frame).
  - i. Specify if food will be served (in house preparation, catered, location served).
  - j. Must be signed by license holder.
  - k. Include additional or alternative parking locations.
5. *Filing deadline.* Applications must be submitted to the Municipal Clerk no later than noon five business days before the regularly scheduled meeting of the Governing Body.
6. *Restrictions.* Any violation of any of the restrictions imposed by this subsection relating to Premises Extension may be grounds for suspension or revocation of any license issued under this Chapter. No premises extension shall be licensed, maintained or operated, except in conformity with the following regulations:
- a. The premises extension shall be particularly described and operated as a part of a premises license to sell alcohol beverages for consumption on the premises. The premises for which the premises extension is issued must be owned by or under the control of the licensee.
  - b. All electrical wiring shall comply with national, state and local electrical codes. (Electrical permits may be needed.)
  - c. The premises extension shall be maintained to comply with all state or local fire code provisions.
  - d. The noise emanating from any premises extension shall not violate any of the regulations of the municipal code pertaining to noise.
  - e. If the premises extension allows any food to be served in the premises extension, the licensee or his/her agent must comply with Wisconsin Statutes. Licensee or his/her agent must contact the Governing Body or county health department for inspection and approval.
  - f. Restroom facilities must be provided to adequately accommodate the maximum capacity of persons in both the licensed premises and the premises extension.
  - g. The licensee or his/her agent shall be responsible for preventing violations of this paragraph and for supervising the premises extension at all times.

- h. Any necessary security for the premises extension, including any security required as a condition of the license, shall be the sole responsibility of the licensee.
- i. The licensee shall maintain peace and order over any area adjacent to and used in conjunction with a licensed premises whether or not said premises extension is licensed. Violation of this Section may result in the police department exercising its authority under Wisconsin Statutes and the Municipal Code, and ordering any premises extension or the entire licensed area closed in the public interest.
- j. The licensee is responsible for all clean-up and removal of debris and rubbish from the premises extension and any adjoining area which has suffered a spill over of debris and rubbish.
- k. Each licensed establishment may be granted up to ten premises extensions per license year from July 1 through June 30. The date and hours during which a premises extension shall be valid may be determined by the Governing Body.

(5) **MUNICIPAL REGULATION.** The following conditions are imposed on all license and permits issued by the Municipality as authorized by §125.10(1), Wis. Stats. In addition to any provision contained in this Chapter, failure to comply with the following conditions is grounds for suspension or revocation of any license or permit issued under this Chapter.

- (A) Consent to Inspection. Every applicant obtaining a license or permit thereby consents to the entry of the police or other authorized representatives of the Municipality or the State at any reasonable time for the purpose of inspection and search, and consents to the removal from said premises all things found in violation of Municipal Ordinances or Wisconsin Statutes and consents to the introduction of such things as evidence in any prosecution that may be brought for such offenses.
- (B) Safety and Sanitation Requirements. Every licensed or permitted premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose being used.
- (C) Orderly Conduct Required. Every licensed premise shall be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed.
- (D) Gambling Prohibited. Gambling shall not be permitted on a licensed or permitted premise, unless authorized by Wisconsin Statutes. Slot machines or other devices of chance are prohibited and shall not be kept on the premises, unless authorized by Wisconsin Statutes.
- (E) Lewd, Obscene Performances, etc. Prohibited. No licensee or permittee shall advertise, produce, perform or allow any lewd, obscene, or indecent performance of any kind on the premises.
- (F) Underage Persons. This Chapter is also intended to incorporate as ordinance violations, the regulations of underage persons under §125.10(2), Wis. Stats.

- (G) Consumption on premises. The holder of every alcohol beverage license shall make every effort to discourage the premises patrons from taking alcohol beverages out of the premises when the beverage is sold for consumption on the premises.
- (H) Open Carry. No person shall possess an opened container of alcohol beverage or drink an alcohol beverage in any vehicle, alley, park, public street or other public place except at community functions or events authorized by specific action of the Governing Body or public places for which a license or permit has been granted.
- (I) Violations by Agents and Employees. A violation of this Chapter by an authorized agent or employee of the licensee or permittee shall constitute a violation by the licensee or permittee.
- (J) Controlled Substance Use Prohibited. Any licensee, permittee, partner, agent, authorized representative or employee who is convicted of the use, possession, delivery or intent to deliver, any controlled substance defined and regulated under Chapter 161, Wis. Stats., may be considered grounds for the revocation or suspension of any license provided for in this Chapter.
- (K) Regulation of Entertainment and Entertainers. No Class B licensee or permittee shall employ or permit to perform on the premises any entertainer, except a member of a band, a vocalist, a piano or organ player or a comedian. All such entertainers shall be fully clothed in such a manner as is acceptable in all public places. No licensee or permittee shall allow any entertainment which makes an appeal to prurient interests. Dancing among patrons, but not between patron and employee is permitted upon permit and with the approval of location by the Fire Chief.
- (L) Sales by Clubs. No club shall sell alcoholic beverages except to members and to guests invited by members.
- (M) Municipal Ordinance Violations. Any license or permit holder, who is convicted of violating any Municipal Ordinance, such violation is grounds for the revocation or suspension of the license or permit.
- (N) False Information in an Application. If a person knowingly provides materially false information in an application for a license or permit under this Chapter or on a full-service retail outlet form, and if a person materially violates any representation made in an affidavit under §125.20(6)(a)6. Or (c)4. Wis. Stats., such action is grounds for the revocation or suspension of the license or permit.
- (O) Transfer of Licenses. The transfer of every alcohol beverage license shall be governed by 125.04(12), Wis. Stats. If the transfer is approved by the Governing Body pursuant to 125.04(12), all conditions set forth under this Code shall be complied with. Failure to conform with the terms of license transfer shall be grounds for denial, suspension or revocation of license.
- (P) Non-Use of License or Permit. Non-use of a license or permit issued under this Chapter shall be grounds for cancellation, suspension, revocation, or non-renewal of the license or permit in accordance with the provisions of this Chapter and the Wisconsin Statutes in either of the following circumstances:

1. The license or permit issued under this Chapter is not used within ninety (90) days after its issuance; or
  2. The license or permit issued under this Chapter's usage is discontinued for ninety (90) or more days in aggregate in any licensing year.
- (Q) Non-Renewal of License. Before renewal of any license or permit issued under this ordinance is refused, the licensee or permittee shall be given written notice of any charges or violations or reasons proposed for non-renewal and shall have an opportunity to be heard before the Governing Body.
- (R) Violations by Agents and Employees. A violation of this ordinance by an authorized agent or employee of the licensee shall constitute a violation by the licensee.
- (S) Closing Hours. Closing hours shall be as set by State Statute with the following applicable local options:
1. If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.
  2. If a Retail Class "A" Fermented Malt Beverage License, between 9 p.m. and 6 a.m.
  3. If a Retail "Class A" Intoxicating Liquor License, between 9 p.m. and 6 a.m.
- (T) Local Option. The holder of a Retail "Class B" Liquor License or on "Class C" licensed premises as authorized under §125.51(3r)(a) shall be permitted to sell, deal and traffic in intoxicating liquors in the original packages or containers to be consumed off the licensed premises or containers if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. Off premise sales shall cease at midnight of each day. It is intended by this Section that the packaged sales from Class "B" licensed premises will not be permitted after midnight under the option granted herein and further provided, however, that no single-container sale of fermented malt beverages can be made unless originally packaged as a single container or if a smaller package exists within a larger container.
- (U) Full-Service Retail Location. The Governing Body may, as a part of its approval process of a full-service retail location, include as conditions of approval any of the provisions of this Chapter and the Municipality's Zoning Code.
- (6) **REVOCATION AND SUSPENSION OF LICENSES.** Suspension or Revocation of any licenses or permits issued under this Chapter is governed by §125.12, Wis. Stats.
- (7) **PENALTIES.**
- (A) General Penalty Provisions.
1. Any person who violates a provision of Chapter 125 Wis. Stats., for which a penalty is not specified shall be penalized not less than \$100.00 and up to not more than \$1,000.00 or imprisoned for up to 90 days in jail or both for each day that a violation is determined to exist
  2. A license issued in violation of Chapter 12, Wis. Stats. is void.

3. Any person who violates §125.04(1), Wis. Stats. by selling, manufacturing or distributing alcohol beverages without an appropriate license shall be penalized not less than \$100.00 and up to not more than \$10,000.00 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
4. Any person who sells, or possesses with intent to sell, intoxicating liquor without holding the appropriate license or permit may be penalized not less than \$100.00 and up to not more than \$10,000.00 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
5. Any person who gives away alcoholic beverages or using any other means to evade the laws relating to the sale of alcohol beverages may be penalized not less than \$100.00 and up to not more than \$10,000.00 or imprisoned for not more than 9 months or both for each day that a violation is determined to exist.
6. Any licensee who allows another person to use his or her license to sell alcohol beverages, shall have his or her license revoked.

(8) Specific Penalties Provisions. Chapter 125 Wis. Stats., includes specific penalties which are incorporated herein pursuant to Section 1 above.

## SECTION 2. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

## SECTION 3. EFFECTIVE DATE

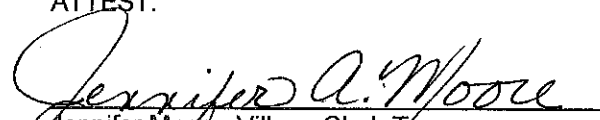
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 26<sup>th</sup> day of November, 2024.

VILLAGE OF SUSSEX

  
Anthony LeDonne, Village President

ATTEST:

  
Jennifer Moore, Village Clerk-Treasurer

Published and/or posted this 27<sup>th</sup> day of November, 2024.