TITLE VII

LICENSES AND PERMITS

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Chapter 29

TAVERNS

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29.01 DEFINITIONS

(1) The following sections of the Wisconsin Statutes relating to definitions are hereby incorporated by reference: 125.02(1), (6), (8), (8M), (9), (11), (14), (14M), (17), (19), (20), (20M) and (22). All references to Wisconsin Statutes are to 1987-1988 Statutes as amended.

(2) In addition to the definition set forth in Section 125.02(14M), "premises" is defined as the physical structure being occupied and operated as a licensed place of business, including attached or attendant structures. In addition, to be considered part of the licensed premises, the structure of the place of business must be sufficiently described on the application for license.

29.02 LICENSE REQUIRED

(1) No person, firm or corporation, with the intent of evading any law or ordinance, shall deal in, vend, sell or give away any fermented malt beverage or intoxicating liquor, or cause the same to be done, without having first procured a license from the City.

(2) The application process and the issuance of a license shall be consistent with this Ordinance and with the Wisconsin Statutes.

(3) Any person who shall sell, vend, distribute or give away, for the purpose of evading the terms of this ordinance, any fermented malt beverages or intoxicating liquors within the City, without having first obtained a license, shall be fined not more than ten thousand dollars ($10,000.00).

29.03 LICENSE APPLICATION

(1) The application for a license to sell or deal in fermented beverages and intoxicating liquors shall be in writing on a form furnished by the Wisconsin Department of Revenue and sworn to by the applicant.

(2) The original application shall state the kind of license applied for, designate the premises where such fermented malt beverages and liquors are to be sold and such other information as may be required by the applicable Wisconsin Statutes.

(3) The application shall be filed in a timely fashion no later than the time prescribed in Section 125.04 of the Wisconsin Statutes. Further, the application shall be accompanied by an amount sufficient to cover the cost of publication.

(4) A separate license application shall be required for each place of business.

(5) Whenever anything occurs to change any facts set out in the application of any applicant, the applicant shall then file with the city, a notice of such change, in writing, within ten (10) days after the occurrence thereof.

(6) The Clerk shall be responsible for filing all applications and making them available for inspection upon request.

29.04 QUALIFICATIONS OF APPLICANTS

(1) No license or permit shall be granted to any person or persons under the age of twenty-one (21) years for the sale of any fermented malt beverage or intoxicating liquors, or to any person who is not a citizen of the United States and a resident of this state and who has not resided in this state continuously for at least ninety (90) days prior to the date of filing the application.

(2) No license or permit shall be granted to any person who is delinquent as to the payment of personal property taxes, special assessments, forfeitures, license fees or any other obligation due to the City of Blair, which is delinquent and unpaid.

(3) No person shall be granted a license who has been convicted of a felony in this state, or any other state, unless the person so convicted has been duly pardoned.

(4) No person shall be granted a license unless sufficient proof of compliance with Section 77.61, Wis. Stat., as amended, is shown and that the person holds a valid Wisconsin Seller's Permit.

(5) Subsections (1), (2) and (3) apply to all officers and directors of a corporation which intends to be licensed under this Chapter.

29.05 GRANTING LICENSES

(1) The Council shall meet no later than May 15th of each year for the purpose of acting upon applications for licenses as may be presented to them pursuant to this Chapter.

(2) The Council shall schedule a public hearing on license applications and allow any person to be heard with regard to the granting or denial of the license.

(3) The Council shall act no later than June 15th of each year with regard to the applications for licenses. The licenses as granted shall be effective on July 1st of each year, subject to the following:

(A) Licenses, once granted, shall be paid in full on or before June 15th of each year;

(B) Failure to pay in full as provided herein shall entitle the Clerk to withhold the license until paid;

(C) No person shall operate under a license until it is duly granted and the fee paid in full as provided herein.

(4) Nothing in this Ordinance shall prevent the council from granting any license, which has been applied for at any other time.

(5) Upon approval of the application by the council, the Clerk shall, upon filing of the required fees by the applicant, issue a license to the applicant. The clerk shall be responsible for issuing the license with the name of the licensee, a description of the premises, the number and fee designated on the face of the license. In addition, the Clerk shall keep a complete file on all licenses granted or denied, and furnish an affidavit as required by Wisconsin law.

(6) All licenses shall remain in force from the first (1st) of July until the thirtieth (30th) of June unless sooner suspended or revoked, as provided by this Ordinance and applicable sections of the Wisconsin Statutes.

(7) The Clerk shall be responsible for keeping minutes and recording any statements with respect to the hearing held on the granting or rejecting of any license application. If an application has been denied, the minutes or statement shall clearly reflect the reasons for denial of any license application.

(8) If an application for license has been denied, the applicant may request a hearing pursuant to the administrative procedures set forth in Chapter 59.

(9) No more than two (2) licenses shall be issued to any one (1) person, firm or corporation.

29.06 TRANSFER OF LICENSES

(1) No license shall be transferable except as provided by Section 125.04(12) Wis. Stat., hereby incorporated by reference.

(2) Every license or permit issued pursuant to this Ordinance may, upon authority granted by the council and upon payment of a fee of fifty dollars ($50.00), be transferred from one premises to another within the City.

(3) No licensee shall be entitled to more than one (1) such transfer in any one (1) license year.

(4) The application and proceedings for such transfer shall be made on a form furnished by the Wisconsin Department of Revenue and shall be made in the same manner and form as the original application.

29.07 FEES

(1) Class "A" license:

(A) "A" beer license, when issued by the council, shall entitle the holder of said license to possess, sell or offer to sell fermented malt beverages only for the consumption away from the premises in original packages, containers or bottles. The fee for such license shall be the sum of one hundred dollars ($100.00) per year or portion thereof, or in an amount as set by Resolution of the City Council.

(B) "A" liquor license, when issued by the Council, shall entitle the holder of said license to possess, sell or offer for sale intoxicating liquors and wine only for consumption away from the premises in original packages, containers or bottles. The fee for such license shall be the sum of five hundred dollars ($500.00) per year or portion thereof, or in an amount as set by Resolution of the City Council.

(C) "A" combination license, when issued by the Council, shall entitle the holder of said license to possess, sell or offer for sale fermented malt beverages and intoxicating liquors only for consumption away from the premises in original packages, containers or bottles. The fee for such license shall be the sum of six hundred ten dollars ($600.00) per year or portion thereof, or in an amount as set by Resolution of the City Council.

(2) Class "B" license:

(A) "B" beer license when issued by the Council, shall entitle the holder of said license to possess, sell or offer for sale fermented malt beverages to be consumed by the glass, mug or similar container only on the licensed premises and not in the original package or container. The fee for such license shall be the sum of one hundred dollars ($100.00) per year or portion thereof.

(B) "B" combination license when issued by the council, shall entitle the holder of said license to possess, sell or offer for sale fermented malt beverages, intoxicating liquors and wine to be consumed by the glass, mug or similar container on the licensed premises. In addition, the holder is entitled to sell or offer for sale fermented malt beverages, intoxicating liquors and wine for

consumption away from the premises in original packages, containers or bottles. The fee for such license shall be the sum of six hundred dollars ($600.00) per year or portion thereof.

(3) Nothing in this Section shall be inconsistent with the requirements of the Wisconsin Statutes.

29.08 POSTING

(1) Every license issued pursuant to this Ordinance shall be enclosed in a suitable wood or metal frame, having a clear glass space and a substantial back so that the entire license may be seen and at all times shall be posted and displayed in a conspicuous place where the business is being carried on so that all persons may readily see it.

(2) Whenever a license shall be lost or destroyed, without fault on the part of the licensee, a duplicate shall be issued by the Clerk upon payment of an appropriate fee to defray the cost of re-issuance.

(3) Any license holder who fails to comply with this subsection of the Code shall be subject to the forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

29.09 HEALTH RULES

(1) The licensed premises shall be operated in a fashion so as to be safe, sanitary and a proper place for the licensed purposes.

(2) The licensed premises shall be in compliance with all rules and regulations of the State Division of Health.

(3) In addition to the rules and regulations imposed by the State of Wisconsin, the Board of Health and City Health Officer may enact and impose further reasonable rules with regard to health conditions.

(4) Any license holder who fails to comply with this subsection of the Code shall be subject to the forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

29.10 LICENSE CONDITIONS

(1) The licensee consents to the entry of City Police Officers at all reasonable hours for the purposes of inspection and for removal from the premises of articles which are in violation of the ordinances or state law. The officer or officers shall be permitted to question the licensee, his employees and any patrons upon the premises. Any evidentiary search and / or seizure shall be within the guidelines of existing law.

(2) No licensee shall employ any person under eighteen (18) years of age in any capacity during business hours.

(3) The licensed premises shall be so arranged as to afford a view from the sidewalk in front of the premises. No device shall obstruct the view from general observation of

adult persons to the inside of the premises. A single view is sufficient, notwithstanding multiple entrances to a given licensed establishment.

(4) If the licensed premises have a special adult entertainment permit, the view to the inside of the licensed premises may be obstructed so as to prevent a clear view of the performer(s) or performance(s). However, such obstruction shall only screen or obstruct the view to be in compliance with Section 29.15 but not otherwise.

(5) Business shall be conducted in an orderly manner and no disorderly, indecent, profane, boisterous or unreasonably loud conduct shall be allowed at any time upon the licensed premises.

(6) No gambling or game of chance shall be permitted in any form upon the licensed premises. Legal gambling devices and games such as the authorized sale of lottery tickets, raffle tickets and the like shall be permitted, provided that the licensee is properly licensed for such activity.

(7) Dancing shall be permitted if done in compliance with the provisions of Chapter 30 of these Ordinances.

(8) Any license holder who fails to comply with this subsection of the Code shall be subject to the forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

29.11 RESTRICTIONS

(1) No license shall be issued for premises, which is less than three hundred feet (300´) from the main entrance of any established school, hospital or church. Such distance shall be measured by the shortest route along the highway, road or street connecting the licensed premises and said school, hospital or church.

(2) No license shall be issued for premises to be located within a zoned residential district.

(3) No license shall be issued until a valid federal tax stamp has been duly obtained.

(4) No license shall be issued unless the premises are in conformity with the sanitary, safety and health requirements of Wisconsin law, Administrative Code and all ordinances and regulations adopted by the City.

(5) No license shall be granted to any corporation when more than twenty percent (20%) of the common stock is held by person or persons not eligible for a license under this ordinance. Section 125.04(6) Wis. Stat. is hereby incorporated by reference.

(6) Any license holder who fails to comply with this subsection of the Code shall be subject to the forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

(7) No person licensed under this code shall allow another to use his or her license to sell alcoholic beverages. Violation of this prohibition shall result in the revocation of the license.

29.12 OPERATOR'S LICENSE

(1) The issuance of an operator's or bartender's license is the responsibility of the City. The City Clerk is authorized to issue an operator's license unless the background check performed by the Police Department indicates possible reasons for denial, at which time said license issuance decision shall be made by the City Council.

(2) The application for an operator's license shall be in writing on a form furnished by the Clerk and sworn to by the applicant.

(3) An operator's license may be issued only to persons who meet the requirements of Section 125.04(5), Wis. Stat. The license, if issued, shall not be granted for a period of five (5) days from the date of application.

(A) The Operator's License, once issued, enables the holder of same to be engaged in establishments with Class A Licenses and Class B Licenses.

(B) The City may issue an Operator's License which is identified as a Limited Operator's License. The Limited Operator's License enables the holder to be engaged in establishments with Class A Licenses only.

(4) Training for operators is permitted upon the licensed premises. However, no operator trainee shall be permitted upon a licensed premises for the purpose of serving customers until such trainee has made application pursuant to subsection (2), paid the fee and been issued a provisional permit by the Clerk.

(5) Commencing July 1, 1991, all applicants for an operator's license must complete a responsible beverage server training course as set forth in Section 125.17(6), Wis. Stat. Persons currently licensed who renew their operator's license or otherwise comply with Section 125.17(6), are exempt from this requirement. A provisional license may be issued as provided by Statute and pursuant to this Ordinance.

(6) The operator's license shall only be effective within the boundaries of the City.

(7) Provisional permits are authorized by Section 125.17(5) Wis. Stat., and hereby incorporated by reference.

(A) The fee for the provisional permit is fifteen dollars ($15.00), or in an amount as set by Resolution of the City Council. Upon satisfactory completion of the responsible beverage server-training course, passing a background check, and approval of application, a regular operator's license will be issued at a fee of twenty-five dollars ($25.00).

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(B) The provisional license permit fee shall not be pro-rated.

(C) The City Clerk is authorized to collect the fee and issue the provisional permit. The provisional permit, if issued, shall not be granted for a period of five days from the date of application.

(D) The provisional permit is valid for sixty (60) days or until the operator's license is issued, whichever is sooner.

(E) A provisional license may not be renewed and shall be issued only once to each applicant.

(8) The operator's license, once issued, shall be effective for one year. All such licenses shall expire on June 30th of each year and may be renewed upon application and payment of the appropriate fee.

(9) The fee for each operator's license shall be twenty-five dollars ($25.00) per year, or in an amount as set by Resolution of the City Council.

(10) The licensee's spouse or children, if eighteen (18) years of age or older, shall be considered as holding an operator's license.

(11) Any license holder who fails to comply with this subsection of the code shall be subject to the forfeiture, suspension, revocation and non-renewable provisions of Section 29.16.

29.13 HOURS OF SALE

(1) Licensed premises shall be permitted to remain open for the conduct of business pursuant to applicable provisions of the 1987 Wisconsin Act 121 and Chapter 125, Wis. Stat., as amended.

(2) No person or persons licensed under this Ordinance shall permit the dispensing of fermented malt beverages and/or intoxicating liquors after hours of sale. No sales, under a Class A. License, shall be permitted after hours as such hours of sale are set by Wisconsin Law.

(3) No person or persons licensed under this ordinance shall permit persons upon the premises after hours of sale, except for the following purposes:

(A) Cleanup
(B) Maintenance and Repairs
(C) Remodeling

Such extended activity shall be under the direction and supervision of the licensee.

(4) Persons upon the premises after hours, contrary to this Ordinance, shall be subject to a forfeiture of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each offense.

(5) Any license holder who fails to comply with this subsection of the Code shall be subject to forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

29.14 DRINKING AGE

(1) Applicable sections of Chapter 125, Wis. Stat., relating to legal drinking age and underage drinking, are adopted by reference. References to Chapter 125, Wis. Stat. are to 1987-1988 Statutes as amended.

(2) Violations by underage persons are subject to Chapter 125, Wis. Stat. Citations for violations issued by law enforcement officers are to be upon appropriate uniform municipal citation forms as authorized by statute.

(3) A person licensed under this code who violates Section 125.07(1), Wis. Stat. and this Section, shall be subject to the penalties set forth in Section 125.07(1)(b).

29.15 SPECIAL ADULT ENTERTAINMENT PERMIT

(1) No premises licensed to sell fermented malt beverages pursuant to these Ordinances shall offer, provide or permit any entertainment or service by any person who partially exposes to view his or her genitals, pubic area, buttocks, or anus, or her vulva or breasts below the top of the areola, without a special adult entertainment permit.

(2) The City Clerk shall issue a special adult entertainment permit to any holder of a license to sell fermented malt beverages and intoxicating liquors pursuant to these ordinances upon approval of the application and payment of the fee of five thousand two hundred dollars ($5,200.00). The fee shall be an annual fee for said permit.

(3) The permit holder shall comply with the following conditions with respect to the permit:

(A) An entertainer or employee shall at all times provide an opaque covering over his or her genitals and female breasts below the top of their areola. Said entertainer or employee shall not be visible from outside the licensed premises.

(B) At the entrance to the premises, a suitable warning advising potential patrons of the nature of the entertainment or employment practices, as it relates to semi-nudity, shall be displayed prominently.

(C) There shall be no photograph or other visual representations on display either within or outside the premises depicting or displaying the genitals, pubic area, buttocks or anus of any person or the vulva or breasts below the top of the areola of a female.

(D) No employee of the premises shall in any manner orally encourage or solicit any other person to come into the premises on the basis of the entertainment or service policies of the premises.

(E) The special adult entertainment permit shall be prominently displayed along with the license to sell fermented malt beverages and intoxicating liquors.

(F) No patron shall be permitted to touch the sexual or genital parts of the entertainer or employee in the premises.

(G) No entertainer shall perform acts of which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(H) Advertisements in any public media shall be limited to the name and address of the establishment and the words "Adult Entertainment".

(I) There shall only be permitted entrance to the premises at the front or main entrance to the licensed premises. All other entries to the premises shall be locked from the outside.

(J) No person under the age of eighteen (18) shall be permitted upon the premises, which has been issued a special adult entertainment permit under this Ordinance.

(K) The licensed premises shall only be permitted to offer the entertainment of service between the hours of 7:00 PM and 12:00 midnight.

(4) The view from the sidewalk in front of the premises shall be modified so as to screen or obstruct the clear view from the outside of the premises. Such screening shall be so arranged in order that a performer(s) or performance(s) is not visible to persons outside the premises. Such screen shall not however completely obstruct the view to the inside of the premises.

(5) During the time that the premises is open and offering the entertainment or service, there shall be a licensed inspector upon the premises. The inspector must be duly approved, upon forms and procedures provided by the Chief of Police, and the Police and Public Protection Committee of the City of Blair. The inspector must be at least eighteen (18) years of age, a resident of the City of Blair and of good moral character. The licensee under this Ordinance shall be required to pay a fee equal to ten dollars ($10.00) per hour of operation. The Clerk shall retain one dollar ($1.00) per hour of said fee and remit the balance of nine dollars ($9.00) to the inspector for the services to be rendered. The inspector shall be given the authority to enforce this ordinance. Additional functions and restrictions with regard to the inspector may be provided by resolution of the City Council.

(6) Any licensee who shall violate the terms of this Ordinance shall be subject to a forfeiture of not less than five hundred dollars ($500.00) per occurrence. In addition, any license holder who fails to comply with this subsection of the Code shall be subject to the forfeiture, suspension, revocation and non-renewal provisions of Section 29.16.

29.16 FORFEITURES, SUSPENSION, REVOCATIONS and NON-RENEWALS

(1) INTENT.

(A) Wisconsin Law, in Chapter 125 of the Wisconsin Statutes, provides for remedies and sets forth proper procedures with respect to suspension,

revocation or non-renewal of licenses. The City of Blair, by enactment of this Ordinance, states that it is the public policy of the City to balance the interest of its citizens and of visitors to the City against the interest of the license holders in operating and maintaining their business activities upon licensed premises.

(B) If the license holder fails to adhere to certain minimum standards or fails to abide by this Ordinance and/or applicable Wisconsin Law, the license holder shall be subject to the provisions herein set forth.

(C) To provide for an orderly administration of this Ordinance and the maintenance of existing licenses, it is the policy of the City to provide and adopt rules relative to maintenance of licenses and the suspension, revocation or non-renewal thereof.

(D) In order to implement this policy, the Council imposes an alcohol beverage demerit point system. This demerit point system is designed to enable the City to enforce violations of this Ordinance and Wisconsin Law. A violation and the accumulation of demerit points may lead to a forfeiture, s uspension, revocation or non-renewal as set forth herein.

(2) DEMERIT POINT SCHEDULE.

(A) The scale of demerit points is listed according to the type of violation.

(B) The following demerit point schedule is adopted:

TYPE OF VIOLATION	POINT OFVALUE
Traffic to Intoxicated Person	25
Underage Person on Premises	25
Altering Premises	50
False Statement on Application	50
Transfer of License without Permission	50
Failure to Frame and Post License	25
Failure to Maintain Residence	25
Conducting Unlawful Business	50
No Licensed Bartender	25
Licensed Premises to be Sanitary	25
Licensed / Federal Stamp to be Posted	25
Sell or Dispense After Hours	50
Open After Hours	50
On-Premise Consumption – Class A	50
After-Hours Consumption – Class B	50
Intoxicated Employee	25
Sell or Serve on Public Street	25
Gambling	25
Sale or Dispense in Building – Off Premises	25
Brand Disclosure on Tap	25
Adult Entertainment Without Permit	50
Nude/Semi-Nude Entertainer or Employee Visible Outside	50

Oral Solicitation	25
Failure to Display Permit	25

(3) PENALTIES FOR ACCUMULATION OF DEMERIT POINTS.

(A) Penalties for the accumulation for demerit points by licensed premises within one (1) year are set forth as follows:

Accumulated points: Penalty

1.) Twenty-five (25) demerit points: none
2.) Fifty (50) demerit points: fifty dollars ($50.00) forfeiture
3.) Seventy-five (75) demerit points: one hundred dollars ($100.00) forfeiture
4.) One Hundred (100) demerit points: Suspension of not less than three (3) nor more than ninety (90) days, or revocation.

(B) The date of the violation shall determine the accumulation of demerit points within a twelve (12) month period.

(C) When one (1) year from the date of a given violation expires, the points for that violation are no longer part of the demerit point accumulation. However, the violation may be considered by the Council in its evaluation of any suspension, revocation or non-renewal matter involving the same licensed premises.

(4) COMPLAINTS.

(A) Any resident of the City may file a sworn written complaint with the City Clerk alleging a violation of this Ordinance.

(5) NOTIFICATION.

(A) The license holder shall be notified that:

1.) A complaint has been filed.
2.) The complaint alleges a specific violation.
3.) The demerit point value of the alleged violation.
4.) He / she may request a fact-finding hearing.
5.) Waiver of the fact-finding hearing shall constitute an admission of the alleged violation, demerit points will be assessed and the penalty, if any, imposed.

(B) The City Clerk shall furnish notification to the license holder within ten (10) days of receiving the sworn written complaint. The notification is to be given in writing and submitted to the license holder by regular mail.

(6) FACT-FINDING HEARING.

(A) If a fact-finding hearing is requested:

1.) The hearing shall be conducted by the Council.

2.) Written notice shall be given no less than five (5) days nor more than ten (10) days prior to the date scheduled for the hearing.

3.) Notice shall be given by certified mail.

(B) The fact-finding hearing shall be conducted in a manner similar to the procedures set forth in Section 125.12(2)(e), Wis. Stat.

(C) Failure of the license holder to appear at the scheduled Fact-Finding Hearing ends the appeal process for twenty four (24) months

(D) At the conclusion of the fact-finding hearing, the Council shall:

1.) Make findings of fact and conclusions.

2.) Announce its decision at a regular or special meeting of the Council.

(E) The Council may take the matter before it in a fact-finding hearing under advisement. If findings and conclusions are not announced within ninety (90) days of the date of the fact-finding hearing, the complaint is deemed to be dismissed.

(F) The Clerk shall notify the license holder of the Council's decision in writing within ten (10) days of the date the decision was announced by the Council.

(G) If the decision involves a suspension of the license, the Council shall specify the dates of the suspension and the notification from the Clerk shall so designate. If the decision involves a revocation, the Council shall specify the effective date of the revocation and the notification from the Clerk shall so designate.

(7) SUSPENSION, REVOCATION or NON-RENEWAL.

Section 125.12, Wis. Stat., is hereby adopted by reference and made a part of this ordinance:

(A) For purposes of determining whether or not a license holder should have his license suspended, revoked or non-renewed due to the accumulation of demerit points in a given period of time.

(B) For causes other than the accumulation of demerit points.

(C) For other violations of this Chapter.

July 6, 2015 – create subsection (a)(b)(c) of paragraph (3) of Section 29.12
March 11, 2015 – repeal and recreate Section 29.02 (3)
December 7, 2015 – delete subsection (c) of Section 29.12(3)
July 11, 2016 – amend subsection (c) and re-letter subsection (d) (e) and (f) of Section 29.16(6)
August 16, 2023 – amended Section 29.07(1)(a) (b) (c) and Section 29.12(7)(a) and (9)
April 23, 2025 – amended Section 29.12(1) and (7)(A) and (9)