



# ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning \_\_\_\_\_ 20\_\_\_\_; ending \_\_\_\_\_ 20\_\_\_\_

TO THE GOVERNING BODY of the:  Town of } \_\_\_\_\_  
 Village of }  
 City of }

County of \_\_\_\_\_ Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ \_\_\_\_\_

Applicant's WI Seller's Permit No.:		FEIN Number:	
LICENSE REQUESTED ▶			
TYPE		FEE	
<input type="checkbox"/>	Class A beer	\$	
<input type="checkbox"/>	Class B beer	\$	
<input type="checkbox"/>	Class C wine	\$	
<input type="checkbox"/>	Class A liquor	\$	
<input type="checkbox"/>	Class A liquor (cider only)	\$	N/A
<input type="checkbox"/>	Class B liquor	\$	
<input type="checkbox"/>	Reserve Class B liquor	\$	
<input type="checkbox"/>	Class B (wine only) winery	\$	
Publication fee		\$	
<b>TOTAL FEE</b>		\$	

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	_____	_____	_____
Vice President/Member	_____	_____	_____
Secretary/Member	_____	_____	_____
Treasurer/Member	_____	_____	_____
Agent ▶	_____	_____	_____
Directors/Managers	_____	_____	_____

3. Trade Name ▶ \_\_\_\_\_ Business Phone Number \_\_\_\_\_

4. Address of Premises ▶ \_\_\_\_\_ Post Office & Zip Code ▶ \_\_\_\_\_

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? .....  Yes  No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? .....  Yes  No
8. (a) **Corporate/limited liability company applicants only:** Insert state \_\_\_\_\_ and date \_\_\_\_\_ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? .....  Yes  No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) \_\_\_\_\_

10. Legal description (omit if street address is given above): \_\_\_\_\_

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No
- (b) If yes, under what name was license issued? \_\_\_\_\_

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] .....  Yes  No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. .....  Yes  No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? . . .  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

## SUBSCRIBED AND SWORN TO BEFORE ME

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

\_\_\_\_\_  
 (Clerk/Notary Public)

\_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires \_\_\_\_\_

\_\_\_\_\_  
 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

## TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



**SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY**

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  Village of \_\_\_\_\_ County of \_\_\_\_\_  City

The undersigned duly authorized officer(s)/members/managers of \_\_\_\_\_  
*(registered name of corporation/organization or limited liability company)*

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as \_\_\_\_\_  
*(trade name)*

located at \_\_\_\_\_

appoints \_\_\_\_\_  
*(name of appointed agent)*

\_\_\_\_\_ *(home address of appointed agent)*

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? \_\_\_\_\_

Place of residence last year \_\_\_\_\_

For: \_\_\_\_\_  
*(name of corporation/organization/limited liability company)*

By: \_\_\_\_\_  
*(signature of Officer/Member/Manager)*

And: \_\_\_\_\_  
*(signature of Officer/Member/Manager)*

**ACCEPTANCE BY AGENT**

I, \_\_\_\_\_, hereby accept this appointment as agent for the  
*(print/type agent's name)*

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

\_\_\_\_\_  
*(signature of agent)* \_\_\_\_\_ *(date)* Agent's age \_\_\_\_\_

\_\_\_\_\_  
*(home address of agent)* Date of birth \_\_\_\_\_

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY  
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
*(date)* *(signature of proper local official)* *(town chair, village president, police chief)*



[Home](#) > [Training](#) > [Alcohol Seller/Server](#)

## Alcohol Seller/Server

While the following Responsible Beverage Server training courses have been approved for certification in the state, the Wisconsin Department of Revenue does not endorse nor administer any of these programs. **Any issues you have concerning registration, student certification, fees, certificates, etc., must be directed to the individual vendor for resolution.**

### Classroom instruction providers:

- [Wisconsin Technical Colleges](#)
- [Crashing, Burning & Learning \(Brown County Area\)](#)
- [Serving Alcohol Inc. - Wisconsin Alcohol Seller/Server Course](#)
- [ServSafe Alcohol \(WRAEF/NRAEF\)](#)
- [TEAM](#)
- [TIPS](#)

### Online instruction providers:

- [CARE \(American Hotel & Lodging Education Institute\)](#)
- [Learn2Serve](#)
- [Rservicing.com \(Professional Server Certification Corporation\)](#)
- [Seller/Server.com](#)
- [ServerLicense.com](#)
- [Serving Alcohol Inc. - Wisconsin Alcohol Seller/Server Course](#)
- [ServSafe Alcohol \(WRAEF/NRAEF\)](#)
- [TEAM](#)
- [TIPS](#)

Page last updated February 2, 2015

City of Hudson, WI  
Tuesday, December 29, 2015

## Chapter 145. Intoxicating Liquor and Fermented Malt Beverages

[HISTORY: Adopted by the Common Council of the City of Hudson as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Controlled substances and drug paraphernalia — See Ch. 118.

Nuisances — See Ch. 175.

Intoxicating beverages in parks — See Ch. 181, § 181-5.

Peace and good order — See Ch. 187.

Tobacco products — See Ch. 225.

## Article I. Possession and Consumption

[Adopted by Ord. No. 1-81 as Ch. 10, Secs. 10.16 and 10.40 of the 1981 Code]

### § 145-1. Outside taverns or picnic areas.

No person shall consume intoxicating liquor or fermented malt beverages or carry about an open container of intoxicating liquor or fermented malt beverages outside a licensed tavern or off the premises of an established picnic area where such possession and consumption is not prohibited.

### § 145-2. Parked vehicles.

No person shall consume any intoxicating liquor or fermented malt beverages while in a vehicle parked on a public thoroughfare or any public parking lot.

### § 145-3. Open containers in vehicles.

No person shall possess or permit to be possessed in any moving or parked vehicle under his control any open container of intoxicating liquor or fermented malt beverages.

### § 145-4. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, § 1-18 of this Municipal Code. In addition to any penalty imposed for violation of this article, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.

## Article II. Licensing

[Adopted by Ord. No. 1-81 as Ch. 13, Secs. 13.01 and 13.11 of the 1981 Code; amended by Ord. No. 12-83]

### § 145-5. Adoption of statutory provisions.

[Amended by Ord. No. 3-92; 5-1-2000 by Ord. No. 9-00]

The provisions of W.S.A. ch. 125 relating to the sale and regulation of alcohol beverages, except ss. 125.04(11), 125.09(6), 125.14(2) and (3), 125.56(2), 125.60, 125.61, 125.62 and 125.66(3), exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made a part of this article by reference. A violation of any such provisions shall constitute a violation of this article. Any future amendments, revisions or modifications of W.S.A. ch. 125 shall, without further action by the Council, be made a part of this article.

### § 145-6. License required.

No person shall vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage or cause the same to be done without having procured a license as provided in this article.

### § 145-7. Classes of licenses; fees.

- A. The following sums shall be paid for the following licenses:  
[Amended by Ord. No. 15-93; Ord. No. 17-96; Ord. No. 18-97]

#### Type of License

#### Fee

Retail "Class A" liquor license	\$500 per year
Retail "Class B" liquor license	\$500 per year
Retail Class "B" fermented malt beverage license (Note: The foregoing licenses may be issued for 6 months at 1/2 the annual fee.)	\$100 per year \$50 per year
Retail Class "A" fermented malt beverage license	\$50 per year
Temporary Class "B" fermented malt beverage (picnic) license	\$10 per event
Retail "Class C" wine license	\$100 per year
Wholesaler's beer license	\$25 per year
Operator's license (bartender) [Amended by Ord. No. 12-99]	\$25 for two years
Provisional operator's license	\$15 per year
Pharmacist's permit	\$10 per year
Temporary retail "Class B" (wine) license	\$10 per event
Reserve "Class B" license	\$10,000 initial year
Provisional retail license under W.S.A. § 125.185	\$15 per year

- B. A retail license, "Class A" liquor license, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers to be consumed off the premises so licensed.
- C. A retail license, "Class B" liquor license, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or containers, in multiples not to exceed four liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be

consumed off the premises.

- D. A retail Class "A" fermented malt beverage license authorizes sales only for consumption away from the premises where sold and in the original package, containers or bottles.
- E. A retail Class "B" fermented malt beverage license permits its holder to sell fermented malt beverages either to be consumed on the premises where sold or away from such premises.
- F. A retail "Class C" wine license authorizes the retail sale of wine by the glass or in an open original container for consumption on the premises where sold.

## § 145-8. License application.

- A. Application for a license to sell or deal in intoxicating liquor shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided by W.S.A. §§ 887.01 to 887.03 and shall be filed with the Clerk not less than 15 days prior to the granting of such license, except that applications for a temporary license issued under Wis. Stat. § 125.26(6) for an event lasting less than four days, and any operator's license applications associated with said temporary license application shall be filed with the Clerk not less than five business days prior to the granting of said license.  
[Amended 5-1-2000 by Ord. No. 9-00; 4-15-2002 by Ord. No. 2-02]
  - B. The application shall be accompanied by the cost of publication as required by W.S.A. § 125.04(3).
  - C. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the Clerk a notice, in writing, of such change within 10 days after the occurrence thereof.
  - D. <sup>[1]</sup> Public notice of license availability.  
[Added 9-10-2001 by Ord. No. 10-01]
    - (1) Whenever any Retail "Class A" liquor license, Retail Class "A" fermented malt beverage license, Retail "Class B" liquor license, Retail Class "B" fermented malt beverage license, or Retail "Class C" wine license becomes available, the City Clerk shall publish a notice in the official newspaper that the alcohol beverage license is available (identifying the type of license) and that further information is available from the City Clerk's office. The Common Council shall not consider any applications for said liquor license until 15 days have elapsed from the date of the public notice and all applicants applying within that fifteen-day period have met the waiting period required under state law. All provisions of state law and the Hudson City Code shall apply to the consideration of any liquor license applications.  
[Amended 11-17-2003 by Ord. No. 12-03; 10-3-2005 by Ord. No. 16-05; 1-23-2012 by Ord. No. 2-12]
    - (2) Exception. The public notice requirement established in Subsection E(1) shall not apply when a liquor license is surrendered, not renewed, or expires in connection with a sale, transfer, or some other similar change in an on-going business licensed for the sale of fermented malt beverages or intoxicating liquor and application for a comparable liquor license at that premises is made in connection with that sale/transfer or other change. While the above public notice shall not apply, all other provisions of state law and Hudson City Code shall apply to the consideration of a new license issued in connection with a sale/transfer or some other change in an on-going business licensed for the sale of liquor.
- <sup>[1]</sup> *Editor's Note: Former Subsection D, regarding the forwarding of a duplicate application copy to the State Treasurer, was repealed 1-23-2012 by Ord. No. 2-12 as obsolete; said ordinance also redesignated former Subsection E as Subsection D.*

## § 145-9. Investigation.

The Clerk shall notify the Finance Committee of the Common Council, and this Committee shall inspect or cause to be inspected each application and the premises and shall make such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. This Committee shall furnish to the Common Council, in writing, the information derived from such investigation accompanied by a recommendation as to whether a license shall be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.

## § 145-10. Restrictions on granting licenses.

[Amended by Ord. No. 12-87; Ord. No. 27-90]

- A. No license or permit shall be granted to any person under the legal age set forth in W.S.A. ch. 125.
- B. No license shall be issued until proof of a Wisconsin business tax registration certificate appropriate to the business has been obtained.  
[Amended 5-1-2000 by Ord. No. 9-00]
- C. Whenever any license shall be revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.
- D. No retail Class B licenses shall be issued unless the premises to be licensed conforms to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Board of Health applicable to restaurants and all ordinances and regulations adopted by the City.
- E. No license shall be granted to any corporation when more than 50% of the stock interest, legal or beneficial, is held by any person or persons not eligible for a license under this article.
- F. No "Class A" retail intoxicating liquor license nor any Class "A" retail fermented malt beverage license shall be issued when the licensee operates other retail businesses open to the public (such as grocery stores or gas stations) unless the following requirements are met:  
[Added by Ord. No. 18-97]
  - (1) The licensed premises shall be in a separate room, bay or enclosure with access limited to customers of legal drinking age.
  - (2) The licensed premises shall be restricted to the area of storage and the area where the product is displayed for sale.
  - (3) The point of sale shall be on the licensed premises, which shall be separate from other checkout counters.
  - (4) During all hours that the premises are open for sale, there shall be a licensed operator on the licensed premises.
- G. No original license authorized by this article shall be issued to any corporation, limited liability corporation or partnership which has not first filed with the office of the City Clerk a current list of its officers, directors and shareholders or partners. If a corporation or limited liability company changes its name or its officers, directors, stockholders or members or managers, the Municipal Clerk must be notified, in writing, within 10 days.  
[Added by Ord. No. 10-99; amended 6-20-2011 by Ord. No. 10-11]

## § 145-11. Granting of license.

[Amended 9-10-2001 by Ord. No. 10-01]

A. Opportunity shall be given by the Common Council to any person to be heard for or against the granting of any license. Upon the approval of the application by the Common Council and the payment of the license fee, the Clerk shall issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid and the name of the licensee. Except for picnic licenses, all licenses shall remain in force until July 1 next after the granting thereof unless sooner revoked in the manner provided by § 145-16.

B. The Common Council may, but is not required to, issue fermented malt beverage, wine, and intoxicating liquor licenses as such licenses become available. The Common Council establishes the following criteria to be used in evaluating applications for such fermented malt beverage, wine, and intoxicating liquor licenses, and any requests for transfer of any such licenses to a different location:  
[Amended 10-3-2005 by Ord. No. 17-05]

- (1) The number of employees and creation of new jobs proposed by the applicant.
- (2) The expansion of the tax base resulting from any new construction that may be associated with the application.
- (3) The adequacy of parking and ability of City departments to provide services to any new establishment, including police protection.
- (4) Any adverse impact that the proposed premises may have upon adjoining neighborhoods or other businesses.
- (5) The number of alcohol beverage licensed establishments already operating in the area where the applicant seeks to establish a new alcohol beverage licensed business.  
[Added 3-19-2007 by Ord. No. 3-07]
- (6) The proximity of the proposed alcohol beverage licensed business to other alcohol beverage licensed establishments in the area.  
[Added 3-19-2007 by Ord. No. 3-07]
- (7) The potential future need for alcohol beverage licenses to be available in other areas of the City.  
[Added 3-19-2007 by Ord. No. 3-07<sup>[1]</sup>  
[1] *Editor's Note: This ordinance also redesignated former Subsection B(5) as B(8).*
- (8) Any other relevant criteria or matters that may be appropriate under the individual circumstances of each application.

## § 145-12. Conditions of license.

All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions and all other ordinances and regulations of the City applicable thereto:

- A. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search and consents to the removal from such premises of all things and articles there had in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. No retail Class A or B licensee shall sell or offer to sell any intoxicating liquor or fermented malt

beverage to any person on credit, excepting credit extended by a hotel to a resident guest or by a club to a bona fide member and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell intoxicating liquor or fermented malt beverage to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquor or fermented malt beverages.

- C. 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.
  - D. This article shall not apply to any gambling activities authorized and permitted by the Wisconsin statutes and by the Indian Gaming Act of 1988.  
[Amended by Ord. No. 13-94]
  - E. No person shall peddle intoxicating liquor or fermented malt beverages from house to house where the sale is consummated and delivery made concurrently.
  - F. Timely start-up and continuation of business.  
[Added 3-19-2007 by Ord. No. 3-07; amended 1-23-2012 by Ord. No. 2-12]
- (1) Ninety-day start-up/continuation of business. Timely start-up and continuation of business is an ongoing condition of an alcohol beverage license issued under this article. The Common Council may cancel, revoke, or not renew any license granted under this article if: 1) the privileges granted under the license are not exercised within 90 days after the granting of the license; or 2) the business for which the license was issued is discontinued or not open for business for the purpose of the license for a period of 90 consecutive days or more. Being open intermittently for periods of two days or less during the ninety-day period shall not be sufficient to avoid cancellation under this subsection.
  - (2) Extension of ninety-day period. The Council, in its discretion, may extend the ninety-day start-up or continuation of business period in situations in which the applicant or licensee is not able to start up within 90 days, or continue to be open for business for 90 days, due to circumstances such as extensive remodeling of a licensed premises, or where the license is issued for new construction and the applicant shows that the construction cannot reasonably be completed within the ninety-day period, or other similar circumstances. The Council may require applicants/licensee requesting such an extension to provide information documenting and supporting the need for the extension. In such situations, the Council may extend the ninety-day period as it deems reasonable and appropriate under the circumstances, and may condition any such extension upon evidence of progress, or other conditions that may be reasonable and appropriate under the circumstances.
  - (3) Licensee undertakes business activity related to license at its own risk. Whether or not an extension is granted, any licensee granted an alcohol beverage license under this article commences any construction/remodeling or other activity related to opening the licensed business at its own risk. The granting and/or issuing of a license under this article are subject to the start-up/continuation of business requirement. The granting and/or issuing of the license does not in any way preclude or limit the Council's authority to cancel, revoke, or not renew the license if the licensee fails to comply with the ongoing ninety-day start-up/continuation of business requirement or any extension that is granted or any conditions of such an extension.
  - (4) Notice of hearing before cancellation. Before cancellation, revocation or nonrenewal of the alcohol beverage license under this section, the City shall notify the licensee in writing of the City's intent to cancel, revoke or not renew the license for noncompliance with § 145-12F and provide the licensee with an opportunity for a hearing. The hearing shall be conducted according to W.S.A. § 125.12(2)(b) or any amendments thereto.

## § 145-13. Closing hours.

No premises shall remain open for the sale of intoxicating liquor or fermented malt beverages:

- A. If a retail Class "A" license, between 9:00 p.m. and 8:00 a.m. each day.  
[Amended by Ord. No. 3-88]
- B. If a retail Class "B" license, between 2:00 a.m. and 6:00 a.m., excepting Saturdays and Sundays, when it shall be between 2:30 a.m. and 6:00 a.m., and excepting January 1, when there shall be no required closing.  
[Amended by Ord. No. 2-88]

## § 145-14. Sale of beer to underage persons.

[Amended by Ord. No. 24-84]

No person shall sell, dispense, procure for, give away or furnish any fermented malt beverages to any underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age.

## § 145-15. Sale near Prospect Park.

No person shall sell or offer for sale any intoxicating liquor or fermented malt beverage within 175 feet of Prospect Park.

## § 145-16. Suspension nonrenewal and revocation of license.

[Amended by Ord. No. 3-92; 5-5-2008 by Ord. No. 2-08]

- A. Any person to whom a license has been issued pursuant to this article may have such license suspended, nonrenewed, or revoked by proceedings pursuant to W.S.A. s. 125.12.
- B. Upon conviction under this article or under state statutes of a licensee or employee, agent or representative of any person to whom a license has been issued pursuant to this article for maintaining a disorderly or riotous, indecent or improper place of business, for permitting gambling upon or within the licensed premises or any appendage thereto or for violating any federal or state liquor or beer or gambling law requiring suspension or revocation, the Council shall notify the person to whom the license has been issued of the time and place at which the Council shall deliberate whether to suspend such liquor license for from three to 14 days or to revoke. Upon the second violation under this article within 24 months, the Council shall notify the person to whom the license has been issued of the time and place at which the Council shall deliberate whether to suspend such liquor license for from 14 to 90 days or to revoke. Hearings conducted under this article by the Common Council shall procedurally follow the provisions of W.S.A. s. 125.12(2).
- C. A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

## § 145-17. Operator's license.

- A. License required. No premises operated under a Class "A," Class "B," "Class A" or "Class B" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a "Class B" or Class "B" permit

or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquor to customers. No person, other than the licensee, permittee, or agent, may serve or sell alcohol beverages unless he or she 1) has an operator's license or the privilege of an operator's license under W.S.A. ch. 125 or 2) is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a licensed operator. The licensee, permittee, agent, or licensed operator supervising the unlicensed server must be on the premises at the time of service and must be able to see at all times the activities of those unlicensed persons serving alcohol beverages. It is not enough for the person supervising the unlicensed server to merely be on the premises.

[Amended by Ord. No. 22-90; 4-1-2009 by Ord. No. 5-09]

- B. Application; term. The Council shall issue an operator's license, as authorized by W.S.A. s. 125.17, to any applicant who is qualified under W.S.A. s. 125.04(5). An operator's license may be issued only upon written application. An operator's license shall be issued only to persons who have obtained the age of 18 years. The written application shall contain the applicant's name, age, address and intended place of employment and shall list any pending alcohol-related offenses. The fee for an operator's license issued under this article shall be \$25 and shall be valid for two years. All licenses shall expire on June 30. No license shall be issued if the applicant is delinquent in payment of any taxes, assessments, forfeitures for violations of City ordinances, utility bills, or any other claims owed to the City.  
[Added by Ord. No. 38-87; amended by Ord. No. 17-96; Ord. No. 12-99; 3-28-2011 by Ord. No. 6-11]
- C. License card. The Clerk shall issue a wallet-sized card upon approval by the Council of the application. When working on licensed premises as an operator, the licensee must be able to show the card upon request of the Compliance Officer or a law enforcement officer.  
[Amended 4-1-2009 by Ord. No. 5-09]
- D. Revocation. Any violation of any provision of this article or any federal or state intoxicating liquor or fermented malt beverage law by any person holding an operator's license shall be cause for suspension or revocation of such license. The Council shall notify the licensee at the address given on his last application of the time and place at which the Council shall deliberate whether to suspend or revoke such license. The licensee shall have the opportunity to be heard and present whatever information he wishes.
- E. Provisional operator's license. The Clerk may issue a provisional operator's license to a person qualified under W.S.A. ch. 125 for an operator's license, provided that such person has applied for a regular operator's license and is enrolled in a training course under W.S.A. s. 125.17(6). The fee for a provisional operator's license shall be \$15, and such license shall expire 60 days after its issuance. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council, and the Clerk may revoke the provisional operator's license if he or she discovers that the holder of the license made a false statement on the application.  
[Added by Ord. No. 13-91]

## § 145-18. Delinquent taxes and assessments.

[Added by Ord. No. 17-83]

- A. Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims to the City are delinquent and unpaid.
- B. Persons. No initial or renewal alcohol beverage license shall be granted to any person delinquent in:
- (1) Payment of any taxes, assessments or other claims owed to the City.
  - (2) Payment of a forfeiture resulting from a violation of any ordinance of the City.<sup>[1]</sup>

- [1] *Editor's Note: Former Subsection B(3), regarding delinquent state taxes, which immediately followed this subsection, was repealed 5-5-2008 by Ord. No. 2-08.*

## § 145-19. Underage persons.

[Added by Ord. No. 16-86]

- A. In addition to the exceptions contained in W.S.A. ch. 125, an underage person may enter or remain in a room on Class "B" or "Class B" licensed premises on a date specified by the licensee or during times when no intoxicating liquors are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises, unless all intoxicating liquors are stored in a locked portion of the premises. An underage person may enter and remain on Class "B" or "Class B" premises under this subsection only if the City Police Department issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization.
- B. Before issuing an authorization, the Chief of Police 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. The request for written authorization shall be made at least five days prior to that date. The Chief of Police shall specify on each such authorization terms and conditions necessary to fulfill the requirements of this article.

## § 145-20. License quotas.

- A. Class "A" fermented malt beverage and "Class A" intoxicating liquor license quota restrictions.  
[Added by Ord. No. 21-87; amended by Ord. No. 18-97]
- (1) The number of persons or places that may be granted a retail Class "A" fermented malt beverage license is limited to whichever of the following is the largest:
    - (a) One license per 2,500 population, or fraction thereof, as annually estimated by the Wisconsin Department of Administration.
    - (b) The number of Class "A" fermented malt beverage licenses lawfully issued and in force within the municipality on May 1, 1987, to wit, four licenses.
  - (2) The number of persons or places that may be granted a retail "Class A" intoxicating liquor license is limited to whichever of the following is the largest:
    - (a) One license per 2,500 population, or fraction thereof, as annually estimated by the Wisconsin Department of Administration.
    - (b) The number of "Class A" intoxicating liquor licenses lawfully issued and in force within the municipality on May 1, 1987, to wit, four licenses.
- B. Class "B" fermented malt beverage license quota restrictions.  
[Added by Ord. No. 20-87; amended by Ord. No. 18-91; Ord. No. 24-91; Ord. No. 23-95; Ord. No. 18-97].
- (1) The quota of Class "B" fermented malt beverage licenses established in this subsection shall be in addition to the number of Class "B" fermented malt beverage licenses which the City may grant to premises holding a "Class B" intoxicating liquor license under W.S.A. ch. 125. The quota provided for herein shall only apply to premises which are not licensed as a "Class B" intoxicating liquor

establishment under W.S.A. ch. 125.

- (2) The number of persons or places that may be granted a separate retail Class "B" fermented malt beverage license, without holding a "Class B" intoxicating liquor license, is limited to whichever of the following is the largest:
    - (a) Six licenses.
    - (b) One license per 1,000 population, or fraction thereof, as annually estimated by the Wisconsin Department of Administration.  
[Amended 7-6-2009 by Ord. No. 9-09]
  - (3) The quotas herein established shall not apply to any license issued by the Common Council and outstanding on May 1, 1987, or to the six-month Class "B" fermented malt beverage license currently issued to a nonprofit corporation operating a concession stand in a municipal park.  
[Amended 11-10-2008 by Ord. No. 8-08]
  - (4) No separate Class "B" fermented malt beverage license issued under this article shall be issued to any premises unless the premises are also licensed as a restaurant, with the principal business of the establishment being the furnishing of food under the restaurant permit, except that a Class "B" fermented malt beverage license may be issued to a nonprofit corporation operating a concession stand in a municipally owned park.
- C. "Class B" intoxicating liquor license quota restrictions.  
[Added by Ord. No. 28-87; amended by Ord. No. 18-97; 10-3-2001 by Ord. No. 15-01]
- (1) The number of persons or places that may be granted a retail "Class B" intoxicating liquor license is limited to whichever of the following is the largest:
    - (a) The number of licenses as allowed under the provisions of W.S.A. ch. 125, which, at the time of enactment of this ordinance<sup>[1]</sup> is one per 500 population of the City, as annually estimated by the Wisconsin Department of Administration. Any future amendments, revisions or modifications of the quota under W.S.A. ch. 125 shall, without further action by the Council, be made part of this article.  
[Amended 3-19-2007 by Ord. No. 3-07; 2-17-2010 by Ord. No. 2-10; 1-23-2012 by Ord. No. 2-12]  
[1] *Editor's Note: The wording "this ordinance" was included with the amendment of this subsection by Ord. No. 2-12.*
    - (b) The number of "Class B" intoxicating liquor licenses lawfully issued and in force within the municipality on May 1, 1987, to wit, 13 licenses.
  - (2) This quota shall apply to all "Class B" intoxicating liquor licenses, including reserve "Class B" licenses as defined in Wis. Stat. s. 125.51(4)(a)4. Under no circumstances shall the quota established hereunder be greater than the quota established under Wisconsin State law.
- D. "Class C" wine license quota restrictions.  
[Added by Ord. No. 28-91]
- (1) The number of persons or places that may be granted a retail "Class C" wine license is limited to whichever of the following is the largest:
    - (a) Six licenses.
    - (b) One license per 1,250 population, or fraction thereof, as annually estimated by the Wisconsin Department of Revenue.
  - (2) No separate "Class C" wine license issued under this article shall be issued to any premises unless the premises are also licensed as a restaurant, with the principal business of the establishment

being the furnishing of food under the restaurant permit. For purposes of this article, "principal business" shall have the meaning set forth in W.S.A. s. 125.02(15m).<sup>[2]</sup>

[Added by Ord. No. 5-99]

[2] *Editor's Note: Former § 145-20E, Establishment of a state reserve "Class B" licenses quota, added by Ord. No. 18-97, which previously followed this subsection, was repealed 10-3-2001 by Ord. No. 15-01. See now § 145-20C.*

- E. Temporary Class "B" fermented malt beverage (picnic) license restrictions.  
[Added 12-15-2008 by Ord. No. 10-08]
- (1) Not more than six temporary licenses may be issued to eligible organizations, under W.S.A. s. 125.26(6), in any regular licensing year (July 1 to June 30).
  - (2) License applications shall designate a specific area or enclosure where fermented malt beverages may be served or consumed.

## § 145-21. Room capacity restrictions.

[Added by Ord. No. 40-94]

- A. No person holding a "Class B" or Class "B" license shall allow the number of persons on the licensed premises to exceed the capacity limit provided for herein.
- B. Establishment of room capacity. The maximum capacity for any premises governed by this section shall be established by the Fire Inspector, based upon the following factors:
  - (1) The maximum capacity for any premises covered by this section shall be calculated to provide at least 10 square feet per person. In arriving at this calculation, rest rooms, aisles, halls, stairways, game tables and areas not frequented by the public shall not be calculated in the net total.
  - (2) In addition to the square footage requirements, maximum capacity shall be based on the widths of exits available in the premises as determined by the Wisconsin Administrative Code, § ILHR 51.15(6).
  - (3) In arriving at the maximum capacity for any premises, the licensing officer shall take into account the distribution of exits so as to afford the best possible means of egress in case of fire, having due regard for the provisions of the Wisconsin Administrative Code, Chs. ILHR 51, 54 and 55.
- C. Signs posted. All premises governed by this section shall be required to post signs provided by the City of Hudson which state the maximum number of persons permitted on each level of any premises. Such signs shall be in full view at all times and shall be kept in legible condition. For purposes of this subsection, intermittent occupancy of areas on the same level shall require separate posting.
- D. Retroactivity. The provisions of this section shall apply to all licensed premises, regardless of date of construction.
- E. Enforcement. This section shall be enforced by the City of Hudson Fire Department and the City of Hudson Police Department.
- F. Penalties. A person who commits a violation of this section is subject to a forfeiture of:
  - (1) One hundred dollars if the person has not committed a previous violation within 12 months of the violation.
  - (2) Two hundred dollars if the person has committed a previous violation within 12 months of the violation.

- (3) Five hundred dollars if the person has committed two previous violations within 12 months of the violation.
- G. Suspension of license. In addition to the forfeiture penalty set forth above, any person who commits a violation of this section shall have any license or permit issued under this chapter suspended for:
  - (1) A period of three days, if the court finds that the person has not committed a violation within the previous 12 months.
  - (2) Seven days, if the court finds that the person committed a violation within 12 months after committing one previous violation.
- H. If a person commits a third violation within 12 months after committing two other violations, the enforcement officer shall file a sworn written complaint with the Clerk pursuant to W.S.A. s. 125.12.

## § 145-22. Nude dancing in licensed establishments.

[Added by Ord. No. 1-99]

- A. Prohibition. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in, any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
  - (1) Shows his or her genitals, pubic area, vulva, anus or anal cleft with less than a fully opaque covering;
  - (2) Shows the female breast with less than 1/4 of the breast surface area, contiguous to and containing the areola, completely and opaquely covered; or
  - (3) Shows the covered male genitals in a discernibly turgid state.
- B. Exemptions. The provisions of this section do not apply to the following licensed establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social and political merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude dancing.
- C. Definitions. For purposes of this section, the following terms apply:

### **LICENSED ESTABLISHMENT**

Any establishment licensed by the Common Council of the City of Hudson to sell alcoholic beverages for consumption on the premises pursuant to W.S.A. ch. 125.

### **LICENSEE**

The holder of a retail "Class B," Class "B" or "Class C" license granted by the Common Council of the City of Hudson pursuant to W.S.A. ch. 125.

### **NUDITY**

The appearance of the anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva with less than a fully opaque covering or the female breast with less than 1/4 of the breast surface area, contiguous to and containing the areola, completely and opaquely covered. Each female person may determine which 1/4 of her breast surface area contiguous to and containing the areola is to be covered.

**REGULARLY**

Recurring on a basis which is frequent, customary or typical.

- D. Penalties. Any person, partnership or corporation who or which violates any of the provisions of this section shall be subject to a forfeiture of not less than \$250 and not more than \$500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this section constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under W.S.A. s. 125.12.

## § 145-23. Violations and penalties.

[Amended by Ord. No. 26-88]

Except as otherwise provided, any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, § 1-18 of this Municipal Code.