

CHAPTER 11

ALCOHOL BEVERAGES

GENERAL LICENSING PROVISIONS

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GENERAL LICENSING PROVISIONS

11.01 LICENSE FEES. Unless otherwise indicated, fees for licenses issued under this chapter shall be as follows:

- (1) CLASS A FERMENTED MALT BEVERAGE RETAILER'S LICENSE. \$100 per year.
- (2) CLASS B FERMENTED MALT BEVERAGE RETAILER'S LICENSE. \$125 per year. Picnic license, \$10.
- (3) WHOLESALER'S FERMENTED MALT BEVERAGE LICENSE. \$50 per year.
- (4) RETAIL CLASS A INTOXICATING LIQUOR LICENSE. \$150 per year.
- (5) RETAIL CLASS B INTOXICATING LIQUOR LICENSE. \$125 per year.
- (6) TRANSFER FROM ONE PREMISES TO ANOTHER. \$10 per transfer.
- (7) OPERATOR'S LICENSE. \$30 for a two year period: \$15 for any period of less than one year. **Application fee is non-refundable.**
- (8) TEMPORARY OPERATOR'S LICENSE. \$5 FOR 1-14 days for persons employed by or donating their services to non-profit corporations. **Application fee is non-refundable.**
- (9) PROVISIONAL LICENSE. \$35 for a two year priod; \$20 for any period of less than one year – Person must be enrolled in State Beverage Server Training course. **Application fee is non-refundable.**
- (10) RESERVE CLASS B LIQUOR LICENSE. Said license shall have the meaning established by Wis. Stats., Section 125.51(4)(a)4. The initial fee for said license shall be \$10,000. After issuance of an original Reserve Class B liquor license, and upon application, the Common Council may provide an economic development grant to the licensee in the amount of \$10,000. Prior to awarding any grant hereunder, the Common Council shall make such findings and establish such conditions as will insure that any funds awarded hereunder further the important public purpose of economic development. The annual fee for obtaining the initial license and for renewal of a license granted under this section shall be the fee established by Section 11.01(5)."

11.02 DEFINITIONS. As used in this chapter, the following terms have the meanings indicated:

- (1) ALCOHOL BEVERAGES. Fermented malt beverages and intoxicating liquor.

(2) BREWER. Any person who manufactures fermented malt beverages for sale or transportation.

(3) CLUB. An organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

(4) DEPARTMENT. The State Department of Revenue.

(5) FERMENTED MALT BEVERAGES. Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

(6) HOTEL. All places where accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith provided with a restaurant. See Section 125.02(7), Wis. Stats.

(7) INTOXICATING LIQUOR. All ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages."

(8) LICENSE. An authorization to sell alcohol beverages issued by the City Council under this chapter. Licenses issued under this chapter are described as follows:

(a) Class A Fermented Malt Beverage License. Authorizes retail sales of fermented malt beverages in original packages, containers and bottles for consumption off the premises where sold.

(b) Class B Fermented Malt Beverage License. Authorizes retail sales of fermented malt beverages to be consumed whether on the premises where sold or off the premises.

(c) Temporary Class B License. A fermented malt beverage license issued to bona fide clubs, county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for not less than 6 months before the date of application, and to posts of veterans' organizations authorizing them to sell fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

(d) Wholesaler's Fermented Malt Beverage License. Authorizes sales of fermented malt beverages, only in original packages or containers, to retailers or wholesalers, not to be consumed in or about the premises where sold.

(e) Retail Class A Intoxicating Liquor License. Authorizes the retail sale of intoxicating liquor in original packages, containers and bottles for consumption off the premises where sold.

(f) Retail Class B Intoxicating Liquor License. Authorizes retail sales of intoxicating liquor for consumption on the premises where sold by the glass and in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity.

(g) Operator's License. A license which authorizes a person who has attained the legal drinking age, who is neither the licensee nor the agent of the licensee, to serve or sell alcohol beverages in any place operated under a Class A or B license or permit without the immediate supervision of the licensee or agent or a person holding an operator's license on the premises at the time. All operator's licenses shall be for 2 years and expire on June 30th of odd-numbered years. The administrator may issue a license for lesser term than 2 years, and that term shall end June 30th. A liquor license application that is denied for any reason will be required to wait 6-months before re-applying.

(h) Provisional Operator's License. [#372 10/8/91] The City Administrator may issue a provisional operator's license to a person qualified under Chapter 125, Wis. Stats. for an operator's license, provided such person has applied for a regular operator's license and is enrolled in a training course under Section 125.17(6), Wis. Stats. The fee for a provisional operator's license shall be \$25.00 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 City Administrator 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.

(9) MANUFACTURER. A person, other than a rectifier, who ferments, manufactures or distills intoxicating liquor.

(10) PEACE OFFICER. A sheriff, under sheriff, deputy sheriff, police officer, constable, marshal, deputy marshal or any employee of the Department of Revenue or the Department of Justice authorized to act under Chapter 125, Wis. Stats.

(11) PERMIT. Any permit issued by the Department of Revenue under

Chapter 125, Wis. Stats.

(12) PERSON. A natural person, sole proprietorship, partnership, limited liability company, corporation or association.

(13) PREMISES. The area described in a license or permit.

(14) REGULATION. Any rule or ordinance adopted by the City Council.

(15) RESTAURANT. Any building, room or place where meals or lunches are prepared, served or sold to transients or the general public, and all places used in connection therewith. See Section 254.61(5), Wis. Stats.

(16) RETAILER. Any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or license under this chapter.

(17) SELL, SOLD, SALE OR SELLING. Any transfer of alcohol beverages for a consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for or the sale for future delivery of, alcohol beverages.

(18) WHOLESALER. A person, other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

(19) WINE. Products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain .5% or more of alcohol by volume.

11.03 STATE STATUTES ADOPTED. The provisions of Chapter 125, Wis. Stats., relating to the sale, procurement and consumption of intoxicating liquor and fermented malt beverages, including provisions relating to the penalty to be imposed for violation of such statutes, except where such penalty is a fine or term of imprisonment, are adopted and made a part of this chapter by reference. A violation of any of such provisions shall constitute a violation of this chapter.

11.04 LICENSES REQUIRED. (1) WHEN REQUIRED. No person, except as provided by Section 125.06, Wis. Stats., shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or, for the purpose of evading any law or ordinance, give away any beverages, or cause the same to

be done, without having procured a license as provided in this chapter, nor without complying with all the provisions of this chapter and all statutes, ordinances and regulations of the State and City applicable thereto. See Section 125.04(1), Wis. Stats.

(2) **SEPARATE LICENSE REQUIRED FOR EACH PLACE OF SALE.** A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where alcohol beverages are kept, sold or offered for sale.

11.05 LICENSE APPLICATION. (1) **FORM.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Administrator. The fee prescribed for such license in Section 11.01 shall be paid at the time the license is issued. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall,.

(2) **APPLICATION TO BE NOTARIZED.** Applications shall be signed and sworn to by the applicant as provided by Section 887.01, Wis. Stats.

(3) **DUPLICATE.** Upon approval, a duplicate copy of each application shall be forwarded by the Administrator to the State Department of Revenue.

(4) **SUBSEQUENT CHANGES.** If any fact given in an application subsequently changes, the licensee shall file a notice in writing of such change with the Administrator within 10 days.

(5) [#414 5/6/88] Prior to the issuance of an operator's license pursuant to Section 11.04, the Police Department shall be required to conduct a background check on each applicant. The background check system used may be the State of Wisconsin TIME system or a similar system.

11.06 FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Administrator shall affix his or her affidavit.

11.07 TRANSFER OF LICENSES. (1) **AS TO PERSON.** No license shall be transferable as to licensee except as provided by Section 125.04(12), Wis. Stats.

(2) **AS TO PLACE.** Licenses issued pursuant to this chapter may be

transferred as provided in Section 125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

11.08 POSTING AND CARE OF LICENSES. Every license issued under this chapter shall be posted and at all times displayed as provided in Section 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application or knowingly deface or destroy such license.

11.09 REVOCATION AND SUSPENSION OF LICENSES. (1) PROCEDURE. Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Section 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(2) EFFECT OF REVOCATION. See SECTION 11.15(7) of this chapter.

11.10 NONRENEWAL OF LICENSES. Before renewal of any license issued under this chapter is refused, the licensee shall be given written notice of any charges or violations against him and the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the City Council.

RESTRICTIONS AS TO LICENSES

11.15 LICENSE RESTRICTIONS GENERALLY. (1) STATUTORY REQUIREMENTS. Class A and B licenses shall be issued only to persons eligible therefor under Section 125.04(5), Wis. Stats.

(2) LOCATION. (a) No retail Class A or B license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises.

(b) This paragraph shall not apply to premises licensed as such on June 30, 1974, nor shall it apply to any premises licensed as such prior to the occupying of real property within 300' thereof by any school building, hospital building or church building.

(3) HEALTH AND SANITARY REQUIREMENTS. No retail Class B license

shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Department of Commerce pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Family Services applicable to restaurants and to all such ordinances and regulations adopted by the City.

(4) LICENSE QUOTA. The number of persons and places that may be granted a retail Class B liquor license under this chapter is limited as provided in Section 125.51(4), Wis. Stats.

(5) CORPORATIONS. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this chapter.

(6) AGE REQUIREMENT. No license hereunder shall be granted to any person under the legal drinking age.

(7) EFFECT OF REVOCATION OF LICENSE. Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(8) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS. No license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid, or to any person or agent delinquent in payment of such claims to the City.

(9) ISSUANCE FOR SALES IN DWELLINGS PROHIBITED. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

11.16 REGULATION OF LICENSED PREMISES AND LICENSEES. (1) **GAMBLING AND DISORDERLY CONDUCT PROHIBITED.** Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(2) SALES BY CLUBS. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(3) SAFETY AND SANITATION REQUIREMENTS. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(4) SALES TO INTOXICATED PERSONS. No licensee or permittee shall sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(5) **SOLICITATION OF DRINKS PROHIBITED.** No person shall solicit or be allowed to solicit drinks on licensed premises.

(6) **SALES TO UNDERAGE PERSONS.** No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any person under the legal drinking age not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any person under the legal drinking age.

(7) **NUDE AND NEARLY NUDE DANCE PROHIBITED.** [#356 9/26/89] (a) It shall be unlawful for a person to perform nude or nearly nude when that person appears on the premises of an establishment licensed to sell liquor for consumption on the premises, in such a manner or utilizing such attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on such an establishment's premises in such a manner of attire as to expose to view that portion of the breast referred to as the areola, nipple, or simulation thereof.

(b) The proprietor or owner of a licensed establishment who knowingly permits the nude or nearly nude activity proscribed by subsection (a) on his or her premises shall have his or her liquor license for said premises revoked for not less than twelve (12) months. Each performance in violation of subsection (a) shall be a separate offense.

(c) Any person who performs nude or nearly nude in violation of subsection (a) shall be subject to a forfeiture as stated in Section 25.04 of the Municipal Code.

11.17 CLOSING HOURS. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of alcohol beverages:

(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 license, between 9 p.m. and 6 a.m.

(3) [#369 12/11/90] If a retail Class B license, between 2 a.m. and 6 a.m. on week days, Monday through Friday, and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays; except on January 1, when premises operating under a Class B license or permit are not required to close. As a further exception, on that day of each year when the standard of time is advanced under Section 175.095, Wis. Stats., the closing hours shall be between 3:30 a.m. and 6:00 a.m.

(4) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

11.18 OUTDOOR PREMISES

(1) Purpose. The City Council finds that restrictions are necessary for Outdoor Premises (also referred to as “Beer Gardens”) at premises holding “Class B” and Class “B” liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to police power provides a framework for regulatory controls on such Outdoor Premises.

(2) Approval Required.

(1) Generally. No Licensee shall conduct or sponsor any outdoor Outdoor Premises on property forming any part of the real property on which the licensed premises exist without the prior approval of the City Council.

(2) Permit Required for Outdoor Premises / Outdoor Consumption. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under an Outdoor Premises permit granted by the City Council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the City Council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premise which is not described in a valid Outdoor Premises permit.

(3) Application. If a Licensee desires to maintain a Outdoor Premises on the Licensee's property, the Licensee shall file an application with the Clerk-Treasurer setting forth the following information: The application shall accurately describe the area intended for use as a Outdoor Premises and shall indicate the nature of fencing or other measures intended to provide control over the operation of the Outdoor Premises. Every Outdoor Premises shall be enclosed with a fence or wall of a style and design subject to approval by the City of Kiel City Council upon recommendation of the City Building Inspector and Plan Commission. Except for emergency exits, customer access to the Outdoor Premises must be made through the main licensed premise. Application must also include a detailed drawing with measurements describing the outdoor area to be included within the description of the licensed premise as an “Outdoor Premises”. The Licensee's application must also include a plan for maintaining the cleanliness of the Outdoor Premise to prevent the accumulation of litter and/or other refuse.

(4) Filing Fee. The application shall be accompanied by payment of a non-refundable fee of Thirty Dollars (\$30.00) for review and processing of the application.

(5) Review. The City Council shall review the applications in light of the standards of this Section. If the nature of the property requires the imposition of additional regulations, the City Council may impose these regulations upon an express finding detailing the reasons for additional regulation. All property owners within one hundred fifty (150) feet of the proposed Outdoor Premises shall be notified of the pendency of an application for a permit by first class mail and be provided with an opportunity in a public forum to voice their opinion to the City Council to approve or disapprove of an Outdoor Premises Permit.

(6) Limitations on Issuance of Outdoor Premises Permits. Outdoor premises approved under this section are subject to the following requirements;

(a) Outdoor Premises may be permitted only on properties located in areas zoned commercial.

(b) Outdoor Premises shall not be located in any actual or required yard area that directly abuts an adjoining property specifically used for residential purposes unless there is at least a 3 foot buffer zone between the Outdoor Premises and the adjoining property and an approved privacy fence is installed (See building code for fence reference)

(c) Lighting in the Outdoor Premises must be shielded and not be of intensity or brilliance to create glaring which is distracting or nuisance to adjoining property owners or which is a hazard or danger to vehicular traffic.

(d) Noise from any source that is emitted from the outdoor area is to cease as of 10:00pm unless specifically modified (increased or decreased) by the City Council as part of the permit application review process. Factors to consider when modification is necessary include the physical location of the licensed premise and its proximity to adjoining residential properties that may be affected by noise from the Outdoor Premise.

(e) No permit shall be issued for an Outdoor Premises if the Outdoor Premises area is greater than fifty percent (50%) of the gross area of the adjoining licensed premises.

(f) Maximum capacity for an Outdoor Premise is subject to the State of Wisconsin Building Codes as part of the licensed premise.

(g) The sale of alcoholic beverages upon an area licensed as an outdoor premise shall be prohibited. Consumption of alcoholic beverages shall be permitted but the sale or service of alcoholic beverages upon said licensed area licensed as an outdoor premise is prohibited.

(7) State Statutes Enforced Within Outdoor Premises. Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are

clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the Outdoor Premises permit by the Common Council.

(8) Violations. Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, non-renewal or revocation of the Licensee's alcohol beverage license or licenses.

RESTRICTIONS AS TO UNDERAGE PERSONS

11.25 SALES OF ALCOHOL BEVERAGES TO. No person shall procure for, sell, dispense or give away any fermented malt beverages to any person under the legal drinking age not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or procure for, sell, dispense or give away any intoxicating liquor to any person under the legal drinking age.

11.26 PRESENCE OF UNDERAGE PERSONS IN PLACES OF SALE. No person under the legal drinking age not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may enter or be on the premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This section does not apply to:

(1) A person under the legal drinking age who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consist or are a part.

(2) A person under the legal drinking age who enters or is on Class A retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. Any person under the legal drinking age so entering the premises may not remain on the premises after the purchase.

(3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Section 125.51(5)(b)1.d., Wis. Stats., which are owned by a county or municipality.

(4) Concessions authorized on State-owned premises in the State parks and State forests and defined or designated in Chapters 27 and 28, Wis. Stats.,

and parks owned or operated by agricultural societies.

(5) Ski chalets and golf clubhouses.

(6) Premises operated under both a Class B fermented malt beverage or a Class B intoxicating liquor license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class B fermented malt beverage or Class B intoxicating liquor license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

(7) A person under the legal drinking age who enters or remains on Class B premises for the purpose of transacting business at an auction or market as defined in Section 125.07(3)(a)(7), Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.

11.27 MISREPRESENTATION OF AGE. (1) No person shall misrepresent that he or she is at least of legal drinking age for the purpose of receiving alcohol beverages from a licensee or permittee.

(2) Proof of the following facts by a seller of alcohol beverages to a person under the legal drinking age is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented in writing and supported with other documentary proof that he or she was of legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal drinking age.

(c) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser was of legal drinking age.

(3) Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purposes of this section. The licensee or permittee or his or her employee shall require any person who has shown documentary proof which substantiates that the person is of legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

11.28 POSSESSION OR CONSUMPTION IN PUBLIC PLACES. No person under the legal drinking age not accompanied by his or her parent, guardian or

spouse who has attained legal drinking age shall knowingly possess or consume in public any intoxicating liquor or fermented malt beverage. This section shall not prevent a person under the legal drinking age in the employ of a licensee or permittee from possessing fermented malt beverage for sale or delivery to customers.

11.29 POSSESSION ON SCHOOL GROUNDS. (1) **DEFINITIONS.** In this section, terms shall have the meanings prescribed below:

(a) Motor Vehicle. A motor vehicle owned, rented or consigned to a school.

(b) School. A public, parochial or private school which provides an educational program for one or more grades between grades K and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(c) School Administrator. The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(d) School Premises. Premises owned, rented or under the control of a school.

(2) **PROHIBITED.** Except as provided by sub. (3), no person shall possess or consume alcohol beverages:

(a) On school premises.

(b) In a motor vehicle, if a pupil attending the school is in the motor vehicle.

(c) While participating in school-sponsored activities.

(3) **EXCEPTIONS.** Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

OTHER RESTRICTIONS

11.35 SALES TO INTOXICATED PERSONS. No person shall procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

11.36 FREE ALCOHOL BEVERAGES IN RESTAURANTS. No person holding a permit to operate a restaurant may give away or permit to be given

away any alcohol beverages on the restaurant premises.

11.37 PUBLIC PLACE. No owner, lessee or person in charge of a public place shall permit the consumption of alcohol beverages on the premises of the public place unless the person has an appropriate retail license or permit. This section does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park or clubs.

11.38 PLACE-TO-PLACE DELIVERIES. No person shall peddle any alcohol beverage from house-to-house where the sale and delivery are made concurrently.

11.39 PUBLIC CONSUMPTION OF ALCOHOL BEVERAGES PROHIBITED. No person shall drink any alcohol beverage or have in his possession open containers of alcohol beverages on any public sidewalk, street or alley within the City. The only exception shall be where the City Council gives its approval for drinking alcohol beverages or possessing open containers of alcohol beverages for a particular event.

PENALTIES

11.40 PENALTY. (1) Any person who commits a violation of this chapter shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code.

(2) Any person under 18 years of age who commits a violation of this chapter shall be subject to a forfeiture which shall be consistent with the provisions of Section 938.344, Wis. Stats., and disposition and proceedings against a person under 18 years of age on the date of disposition shall be as provided by Section 938.344, Wis. Stats., all as incorporated into the Kiel Municipal Code by Section 9.01.

(3) Any license or permit issued to a person who commits a violation of this chapter may be revoked by the municipal court.

(4) A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.