

## Chapter 328

### INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

**[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as §§ 12.02 and 12.25 of the 1985 Code. Amendments where noted where applicable.]**

#### GENERAL REFERENCES

Nuisances — See Ch. 388.

Parks and recreation — See Ch. 401.

Peace and good order — See Ch. 406.

Soda water beverages — See Ch. 455.

#### **§ 328-1. Adoption of statutory provisions.** [Amended by Ord. No. 12-88]

The provisions of Ch. 125, Wis. Stats., relating to the sale of alcohol beverages, except §§ 125.075, 125.09(6), 125.11(1) and 125.66, Wis. Stats., exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this chapter by reference. A violation of any such provisions shall constitute a violation of this chapter.

#### **§ 328-2. Definitions.**

As used in this chapter, the following definitions apply:

LEGAL DRINKING AGE — Twenty-one years of age.<sup>1</sup> [Amended by Ord. No. 13-86]

UNDERAGE PERSON — A person who has not attained the legal drinking age.

#### **§ 328-3. License required.**

- A. When required. No person, except as provided in § 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 intoxicating liquor or fermented malt beverage or cause the same to be done without having procured a license or permit as provided in this chapter and all statutes, ordinances and regulations of the state and Village applicable thereto.
- B. Separate license required for each place of sale. Except for a licensed public warehouse, a separate 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 where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale, and no license shall be issued to any person for the purpose of processing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Furnishing alcohol beverages in hotel and motel rooms. Pursuant to the provisions of §§ 125.26(2m) and 125.51(3)(bm), Wis. Stats., a Class "B" license or "Class B" license, respectively, authorizes a person operating a hotel or motel to furnish registered guests of legal drinking age fermented malt beverages and intoxicating liquor, respectively, in original containers. [Amended by Ord. No. 12-88]

**§ 328-4. Classes of license; fees.** [Amended by Ord. No. 13-86; Ord. No. 12-88; Ord. No. 18-91; Ord. No. 3-96; Ord. No. 29-97; Ord. No. 17-98; Ord. No. 5-02<sup>2</sup>]

There shall be the following classes and denominations of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the fee as provided in the Village Fee Schedule,<sup>3</sup> shall permit the holder to sell, deal or traffic intoxicating liquor or fermented malt beverages as provided in § 125.17, 125.25, 125.26, 125.28(1) and (2) or 125.51(2) and (3), Wis. Stats. Fees for "Class A," Class "A," "Class B" and Class "B" licenses shall be prorated in accordance with §§ 125.25(4), 125.26(4) and 125.51(9)(a), Wis. Stats. For all other licenses, the full license fee shall be charged for the whole or fraction of any year, unless otherwise noted.

- A. Class "A" fermented malt beverage retailer's license.
- B. Class "B" fermented malt beverage retailer's license. A license may be issued at any time for six months in any calendar year for which 50% of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- C. Temporary Class "B" license (picnic license). Picnic licenses may be issued to organizations enumerated in § 125.26(6), Wis. Stats., to sell or serve fermented malt beverages and wine containing not more than 6% alcohol volume at a picnic, meeting or gathering for no more than three consecutive days.
- D. Wholesaler's fermented malt beverage license.
- E. Retail "Class A" liquor license.
- F. Retail "Class B" liquor license.
- G. Combination Class "B" fermented malt beverage and "Class B" intoxicating liquor license.
- H. Retail "Class C" wine license. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold and may be issued to a person qualified under § 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom, or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts which has a barroom in which wine is the only intoxicating liquor sold.
- I. Operator's license.
- J. Provisional license. See § 328-5 below.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: See Ch. A600, Fees.

K. Reserve "Class B" liquor license.

**§ 328-5. Provisional licenses.** [Added by Ord. No. 18-91; amended by Ord. No. 27-95; Ord. No. 3-96; by Ord. No. 29-97]

- A. Application; fee. Application for a provisional license may be made on a form provided by the Village Clerk and shall be accompanied by a fee as provided in the Village Fee Schedule.
- B. Qualifications. Only persons who are qualified to be issued a retail license or operator's license under § 328-8 below and are enrolled in a training course as required under §§ 125.04(5) and 125.17(6)(a), Wis. Stats., may be issued a provisional license.
- C. Issuance; term. The Village Clerk may issue provisional retail and operators' licenses for up to 60 days or until a retail or operator's license is issued to qualified persons when it has been established by the Police Department that they have a clear record and when circumstances require expediency.
- D. Revocation; appeal. In the event that it is discovered that a material statement in the application was not truthful, the Village Clerk shall revoke the license and notify the licensee of his right to appeal the revocation to the Village Board upon written application.

**§ 328-6. Application for license.** [Amended by Ord. No. 13-86; Ord No. 29-97]

Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by § 125.04(3), Wis. Stats., prior to the granting of such license. However, applications for licenses to be issued under § 125.04(6), Wis. Stats., shall be filed with the Village Clerk not less than 48 hours prior to a Village Board meeting. Such application shall be accompanied by the appropriate fee and the cost of publication as provided by § 125.04(3)(g)6, Wis. Stats.

**§ 328-7. Investigation.**

The Village Clerk shall notify the Finance Committee, the Chief of Police and the Building Inspector of each new application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises to be licensed comply with the applicable provisions of this Code and state law. These officials shall furnish to the Finance Committee, in writing, the information derived from such investigation. The Finance Committee shall make a recommendation to the Village Board. No license provided for in this chapter shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a report from the Chief of Police.

**§ 328-8. Qualifications.**

- A. Natural persons. Licenses related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who:
  - (1) Do not have an arrest or conviction record, subject to §§ 111.321, 111.322 and 111.335, Wis. Stats.

- (2) Have been residents of this state continuously for at least 90 days prior to the date of application.<sup>4</sup>
  - (3) Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18 years. [Amended by Ord. No. 12-88]
  - (4) Have successfully completed, within two years prior to the date of the application, a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the Technical College System Board or a comparable training course that is approved by the Department of Revenue or the Educational Approval Board. This subsection does not apply to an applicant who held, or who was an agent appointed and approved under § 125.04(6), Wis. Stats., of a corporation or limited liability company that held, within the past two years, a Class "A," "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.<sup>5</sup> [Added by Ord. No. 29-97]
- B. Criminal offenders. Subject to §§ 111.321, 111.322 and 111.335, Wis. Stats., no license or permit relating to alcohol beverages may be issued to any natural person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.
  - C. Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under § 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of Subsections A(1) and (3) and B above.
  - D. Operators' licenses. Subsection A(2) and (3) above do not apply to applicants for operators' licenses. [Amended by Ord. No. 2-88]

**§ 328-9. License conditions and restrictions.** [Amended by Ord. No. 13-86; Ord. No. 24-98]

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in § 328-1 above, the following conditions and restrictions shall apply to the issuance of licenses or permits pursuant to this chapter:

- A. Tax delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the Village are unpaid.
- B. Posting licenses required. Licenses or permits issued under this chapter shall be posted and displayed as provided in § 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.
- C. Search of licensed premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or other authorized officer of the Village without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

such inspection shall be deemed a violation of this chapter and a revocation of any license issued hereunder.

- D. Disorderly conduct and gambling 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.
- E. Sales to underage persons prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- F. Sale by clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- G. Effect of revocation of license. No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this chapter revoked within 12 months prior to application.
- H. Violation by agents or employees. A violation of this chapter by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee.
- I. Cessation of operation. Where the holder of a Class B license ceases to operate or do business while the same is validly in force and effect, the licensee, or his heirs, may, at the discretion of the Village Board, continue to hold said license for its unexpired term and shall also be eligible to apply for and receive one normal one-year renewal thereof, it being the intent and purpose of this subsection to require the licensee, or his heirs, to consummate bona fide rental or sale of the business assets involved.
- J. Transfer of license. No license shall be transferable from person to person, except as provided § 125.04(12)(b), Wis. Stats., or from place to place, as provided in § 125.04(12)(a), Wis. Stats.

**§ 328-10. Nude dancing in licensed establishments.** [Added by Ord. No. 24-98]

- A. Prohibited. 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, anal clef or cleavage with less than a fully opaque covering;
  - (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
  - (3) Shows the covered male genitals in a discernibly turgid state.
- B. Exemptions. The provisions of this subsection 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 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 erotic dancing.

C. Definitions. For purposes of this section, the following definitions apply:

**LICENSED ESTABLISHMENT** — Any establishment licensed by the Village to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.

**LICENSEE** — The holder of a retail "Class A," "Class B," Class "B," Class "A" or "Class C" license granted by the Village pursuant to Ch. 125, Wis. Stats.

D. Penalties. Any person, partnership, or corporation who or which violates any of the provisions of this section shall be subject to a forfeiture as provided in § 1-4 of this Code. 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 not renewing an alcohol beverage license under § 125.12, Wis. Stats.

#### **§ 328-11. Closing hours.**

No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages as follows:

- A. If a retail Class "A" license for fermented malt beverages, between 12:00 a.m. and 6:00 a.m. [Amended by Ord. No. 1-12]
- B. If a retail "Class A" license for intoxicating liquor, between 9:00 p.m. and 6:00 a.m. [Amended by Ord. No. 1-12]
- C. If a retail Class "B" license for fermented malt beverages or a "Class B" license for intoxicating liquor, between 2:00 a.m. and 6:00 a.m. Monday through Friday, and between 2:30 a.m. and 6:00 a.m. Saturday and Sunday; on January 1 Class "B" and "Class B" licenses have no restrictive hours. [Amended by Ord. No. 2-88]
- D. Hotels and restaurants whose principal business is the furnishing of food and 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.

#### **§ 328-12. Sale of packaged goods.**

- A. Sale restrictions. Pursuant to § 125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of four liters at any one time on any premises for which any "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

- B. Hours of sale. Between the hours of 12:00 midnight and 6:00 a.m. no person may sell any packaged goods from any Class B licensed premises. [Amended by Ord. No. 2-88]

**§ 328-13. Regulation of Class A premises.** [Amended by Ord. No. 11-86; Ord. No. 2-97; Ord. No. 9-09]

No premises shall be issued a Class "A" fermented malt beverage license or a "Class A" or a combination thereof unless the area which will be used for storage, sale or bartering in such commodity shall be a separate and distinct room upon the premises, containing separate entrances and staffed by an employee who holds a valid operator's license.

- A. The separate room shall consist of solid unbroken walls at least six feet high separating the area devoted to the sale of such commodity from any and all other businesses conducted on the same premises. Doors or entranceways to the separate room(s) shall not be wider than 10 feet or narrower than three feet, except where the Administrative Code may require a larger entrance. There may be a separate door to the outside.
- B. Nothing herein provided shall prohibit the holder of a Class A license from selling or displaying on the licensed premises accompaniments or snacks generally associated with the sale of liquor and the following:
  - (1) Lottery tickets.
  - (2) Wicker articles and novelty gift baskets.
  - (3) Gourmet food items.
- C. The licensee shall designate cash registers for the sale of all fermented malt beverages and liquor which must be staffed by an individual holding a bartender's license who shall be present in the cash register-checkout area at all times when the sale of liquor is permitted and who shall observe the checkout of all alcohol beverages.
- D. The area in which the fermented malt beverages and/or liquor is sold shall be arranged and constructed in a manner so as to permit and facilitate its closing during the hours and days required by Wisconsin Statutes and applicable Village ordinances. This secured area shall include a permanent door or flexible gate to prevent entrance by the public during closed hours. [Amended by Ord. No. 11-97]
- E. No operator shall permit any person under the legal drinking age, not accompanied by a parent or guardian, to enter and remain upon the premises segregated for sale of malt beverages/liquor except as provided by law.
- F. Prior to approving a license, the Building Inspector shall review the building's floor plans and make his recommendation to the Finance Committee as to whether the premises meets the requirements of this section.

**§ 328-14. Regulations relating to underage persons.** [Amended by Ord. No. 13-86]

- A. Sale of alcohol beverages to underage persons.
  - (1) Restrictions. No person may procure for, sell, dispense or give away any alcohol

beverage to any underage person not accompanied by his parent, guardian or spouse of legal drinking age.

(2) Penalties. [Amended by Ord. No. 22-89]

(a) A person who violates Subsection A(1) is subject to forfeiture of the following:

[1] If the person has not committed a previous violation: \$250.

[2] If the person has committed a previous violation: \$400.

[3] If the person has committed two or more violations: \$500.

(b) In addition to the forfeitures provided in Subsection A(2)(a) above, pursuant to § 125.07(1)(b)3, Wis. Stats., a court shall suspend any license issued under this chapter to a person violating Subsection A(1).

B. Possession of alcohol beverages; consumption in public places.

(1) No underage person shall receive or purchase from any person or have in his possession any intoxicating liquor, wine or fermented malt beverages.

(2) No person shall sell or give to any underage person any intoxicating liquor, wine or fermented malt beverage.

(3) No underage person shall knowingly possess or consume any alcohol beverage unless he is accompanied by his parent, guardian or spouse of legal drinking age.

C. Misrepresentation of age. No person shall falsely represent that he is of legal drinking age for the purpose of receiving alcohol beverages from a licensee.

D. Possession of alcohol beverages; consumption on school property or at school functions.

(1) Restrictions. No person may possess or consume intoxicating liquor or fermented malt 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 a school-sponsored activity.

(2) Exception. Fermented malt beverages may be possessed or consumed on school premises, in a motor vehicle or by a participant in a school-sponsored activity if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

E. Violations and penalties. See § 1-4 of this Code.

F. Defense of sellers. Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section, as follows:

(1) The purchaser falsely represented in writing and supported with other documentary proof that he was of legal drinking age.

- (2) The appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal drinking age.
  - (3) 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.
- G. Book to be kept by licensee. Every retail alcohol beverage licensee shall cause a book to be kept for the purpose of this section. The licensee or his 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 the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.
- H. Presence in places of sale.
- (1) Restrictions. Pursuant to § 125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any 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 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.
  - (2) Exceptions. Subsection H(1) above shall not apply to:
    - (a) An underage person who is a resident, employee, lodger or boarder on the licensed premises.
    - (b) An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.
    - (c) Hotels, drugstores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
    - (d) Ski chalets, golf clubhouses, curling clubs and private tennis courts.
    - (e) Licensed restaurants where the principal business is that of a restaurant.
    - (f) A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
    - (g) An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.
- I. Consumption and possession of alcohol beverages.

- (1) Restrictions. Pursuant to § 125.07(4)(b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.
- (2) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:
  - (a) The brewer.
  - (b) A fermented malt beverages wholesaler.
  - (c) A permittee other than a Class "B" or "Class B" permittee.
  - (d) A facility for the production of alcohol fuel.
  - (e) A retail licensee or permittee under the conditions specified in § 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
- (3) Selling or serving alcohol beverages. Pursuant to §§ 125.32(2) and 125.68(2), Wis. Stats., any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

**§ 328-15. Revocation, suspension and refusal to renew licenses.**

- A. Procedure. The provision of § 125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this chapter. Revocation and suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
- B. Repossession of license. Whenever any license under this chapter shall be revoked or suspended pursuant to this section, it shall be the duty of the Village Clerk to notify the licensee of such suspension or revocation and to notify the Police Chief, who shall take physical possession of the license wherever it may be found and file it in the Village Clerk's office.
- C. Effect of revocation of license. 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.

**§ 328-16. Grants for certain reserve "Class B" liquor licensees.** [Added by Ord. No. 8-04]

- A. The Village of Plover hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.
- B. Criteria for receipt of grant for certain reserve "Class B" liquor licensees:

- (1) Inspections by the Fire Department, Portage County Health Department, and the Building Inspection Department disclose no violations or that any violations have been corrected and approved.<sup>6</sup>
  - (2) The applicant has not been convicted of any offense, misdemeanor, or felony relating to the sale of either intoxicating liquor or fermented malt beverages or for sale or delivery of any controlled substance for at least five years preceding the request.
  - (3) The applicant has not been delinquent with any obligation to the Village of Plover in any business which holds or has previously held any license issued under this chapter for at least five years.
  - (4) The applicant has not been convicted of operating a motor vehicle while under the influence of an intoxicant within the previous two years before this request.
  - (5) The applicant and all of the employees of the applicant have answered truthfully all questions in applications for any licenses to be used in conjunction with the business applying for the grant.
  - (6) The grant of \$9,500 shall be used to improve the interior or exterior of the licensed premises and to increase the value of the licensed premises.
  - (7) Any requirements of an approved site plan approval have been completed.
  - (8) The application must have been made within one year after the granting of the reserve license.
  - (9) The property must comply in all respects with any other requirements of the Village of Plover.
- C. After granting of any new reserve "Class B" license and the payment of the initial issuance fee under § 328-4K, the applicant may file an application for an economic development grant of up to \$9,500 with the Village Clerk. Upon application, the Village Board may provide a grant to the licensee in an amount not to exceed \$9,500. Prior to awarding such grant, the Village Board shall make such findings to assure the criteria as outlined in Subsection B and establish such conditions to assure that any funds awarded thereunder further the important public purposes identified herein.

**§ 328-17. Violations and penalties.**<sup>7</sup>

Except where another penalty is provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).