

## **Chapter 6**

### **ALCOHOL BEVERAGES**

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**Sec. 6.100. Adoption by reference.**

The provisions of Wis. Stats. Ch. 125 are hereby adopted and by reference made a part of this section as if fully set forth herein. Any person violating any provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Wis. Stats. Ch. 125.

**Sec. 6.101. Issuance of licenses.**

Restrictions on issuing alcohol beverage licenses shall be as follows:

1. *Premises.* No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the town are delinquent and unpaid.
2. *Persons.* No initial or renewal alcohol license shall be granted to any person:
  - a. Delinquent in payment of any taxes, assessments or other claims owed to the town;
  - b. Delinquent in payment of a forfeiture resulting from a violation of any ordinance; or
  - c. Delinquent in payment to the state of any taxes owed.

**Sec. 6.102. Retail liquor and beer license fees.**

1. *Class A licenses.* The annual fees for class A licenses shall be from time to time set by the town board.
2. *Class B licenses.* The annual fees for class B licenses shall be as from time to time set by the town board.

**Sec. 6.103. Issuance of operator's license.**

The fee for an operator's license shall be from time to time as set by the town board and, except as otherwise provided, shall be issued for one (1) year and shall expire on June 30 of the year for which issued.

**Sec. 6.104. Operator's license requirement.**

1. An operator's license shall be issued by the town clerk/treasurer only to persons qualified under Wis. Stats. § 125.04(5), as amended, eighteen (18) years of age or over, of good character, who have been citizens of the United States and residents of this state continuously for not less than ninety (90) days prior to the date of the filing of the application. Such licenses shall be operative only within the limits of the town. For the purpose of this section, any member of the immediate family of the licensee shall be considered as holding an operator's license.
2. No operator's license shall be issued, except as otherwise provided, unless the applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they are renewing an existing operator's license, have completed the training course within two (2) years prior to the date of making the application or have held a retail license, manager's or operator's license within the preceding two (2) years. Applicants may be issued a provisional operator's license if they are enrolled in a training course.

**Sec. 6.105. Provisional operator's license.**

The town clerk shall issue a provisional operator's license to a person who has applied for an operator's license. The standards contained in sections 6.103 and 6.104 shall apply to any person issued a provisional operator's

license. Such license shall be effective for a period of sixty (60) days or until a regular operator's license is issued, whichever event shall first occur. The fee for a provisional operator's license shall be set by the town board.

**Sec. 6.106. Business Continuation.**

1. As a condition of maintaining and keeping an alcohol beverage license in this town, any licensee must continue in business. Issuance or retention of a license by a party not doing business is hereby declared to be against public policy and lacking in usefulness.
2. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*a. Time of operation.* The applicant must maintain appropriately zoned premises and be open for the business of selling liquor at least one hundred (100) days of the license period, with each day consisting of at least six (6) continuous hours in a twenty-four (24)-hour period. For each renewal application for licenses to take effect the date of the adoption of this ordinance or thereafter, the applicant must have been open for the business of selling liquor for at least one hundred (100) days during the previous twelve (12) months, except due to circumstances beyond its control, with each day consisting of at least six continuous hours in a twenty-four (24) hour period.

*b. Damage to business premises.* Any applicant whose place of business suffers damage that causes it to be non-operable for a period of time shall make every reasonable effort to timely remedy the damage in order to resume normal operations in six (6) months or less from the date of damage. Open means conducting business publicly at least six hours per calendar day.

**Sec. 6.107 Revocations, suspensions, refusals to issue or renew licenses.**

1. The procedure mandated under Wis. Stats. § 125.12 applies to revocations, suspensions, refusal to issue or to renew licenses resulting from citizen complaints or disciplinary action against an alcohol licensee.
2. The town board may take disciplinary action under this section, including reprimand, license suspension for a specified number of days [up to ninety (90) days] or revocation.
3. Any license that has been revoked shall not be reinstated within the following twelve (12) months.
4. There shall be no refunds of any license fee paid to a party whose license is revoked.
5. In lieu of a hearing, the town board may accept surrender of the license, and the board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
6. The town board may suspend or revoke a license when a tenant has not done business in the licensed premises for at least thirty (30) consecutive days, voluntarily vacated the premises more than thirty (30) days before the Board decision or was court ordered out of the premises with vacation to be at least thirty (30) days before the Board's decision. The board may schedule the hearing date prior to the expiration of the thirty (30)-day period and may make its decision effective on a later date, in its discretion.
7. The licensee shall reimburse the town for the costs of personal services, mailing fax costs and any per diem paid to a town officer or employee to attend the meeting due to a license violation, unless no disciplinary action, including reprimand or probation, is offered by the town board. Payment of the fees shall accrue at five percent interest (5%) if unpaid after thirty (30) days. Payment shall be required before any future license is issued or reinstated to the license holder.

**Sec.6.108. Nonpayment of taxes, assessments, and claims.**

1. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments, or other claims to the town are delinquent and unpaid.
2. No initial or renewal alcohol license shall be granted to any person:
  - a. Delinquent in payment of any taxes, assessments, or other claim owed to the town.
  - b. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the town.
  - c. Delinquent in payment to the state of any state taxes owed.