

CHAPTER XXIII

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

SECTION 23.00 Purpose. The purpose of this Chapter is to provide for and allow the holders of certain retail Class “A” Fermented Malt Beverage Licenses and retail Class “B” intoxicating liquor and fermented malt beverage licenses to sell, deal and traffic in intoxicating liquors and fermented malt beverages as the case may be, in Chapter 125 of the Wisconsin Statutes.

SECTION 23.10 Provisions of State Law Adopted by Reference. The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including the provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this Chapter by reference. A violation of any such provisions shall constitute a violation of this Chapter.

SECTION 23.20 General Provisions.

23.21 Except as provided by § 125.06, Wis. Stats., no person shall, within the Town, serve, sell, manufacture, rectify, brew or engage in any other activity for which this Chapter or Chapter 125, Wis. Stats., requires a license, permit or other authorization as provided in this Chapter.

23.22 Separate License Required for Each Place of Sale. A license shall be required for each location or premises which is in direct communication with each other where alcohol beverages are stored, sold or offered for sale.

SECTION 23.30 Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the Clerk under the authority of the Town Board after payment of the fee as set by the Town Board, which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in §§125.25, 125.26 and 125.51, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class “A” fermented malt beverage retailer’s license. See §125.25, Wis. Stats. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof which the license is issued.

(b) Class “B” fermented malt beverage retailer’s license. See §125.26, Wis. Stats. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(c) Retail “Class A” liquor license. A retail “Class A” liquor license shall permit its holder to sell liquor in original packages or containers to be consumed off the licensed premises.

(d) Retail “Class B” liquor license. A retail “Class B” liquor license shall permit its holder to sell liquor on the premises for consumption on the premises where sold by the glass and not in the original package or container. In addition, wine in any quantity and liquor not exceed four liters, may be sold in the original package or container to be consumed off the premises where sold.

SECTION 23.40 License Application.

23.41 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 Wisconsin Department of Revenue, or governing body for operator’s licenses, and filed with the Town Board. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connected entrances or not separated by a solid wall.

23.42 Application to be Notarized. The application shall be signed and sworn to by the applicant as provided by §887.01, Wis. Stats.

23.43 List of Licensees. The Clerk shall forward such information regarding licensees to the state as may be required by statute or rule.

23.44 Investigation. Submission of an application shall constitute consent to a background investigation by the Town. All applicants shall be investigated by the Town Board, and results of said investigation shall be forwarded to the Clerk.

SECTION 23.50 License Restrictions.

23.51 Statutory Requirements. Licenses shall be issued only to persons eligible therefor under §125.04, Wis. Stats.

23.52 Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this Chapter, or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application, A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

23.53 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 §125.51(4), Wis. Stats.

23.54 Corporations. No corporation organized under the laws of this state, any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of §125.04(6), Wis. Stats.

23.55 Age Requirement. No license hereunder, except an operator’s license, shall be granted to any person who has not attained the legal drinking age. Operators’ licenses may be issued

according to the provisions of Chapter XXXV of the Code of Ordinances.

23.56 Effect of Revocation of License. Whenever any license has been 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 another license shall be granted to the person whose license was revoked.

23.57 Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the Town.

SECTION 23.60 Transfer of Licenses.

23.61 As to Person. No license shall be transferable as to licensee except as provided by §125.04(12), Wis. Stats.

23.61 As to Place. Licenses issued pursuant to this Chapter may be transferred to another premises once during any license year as provided in §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.

SECTION 23.70 Posting and Care of Licenses. Every license or permit required under this Chapter shall be framed and posted and at all times displayed as provided in §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.

SECTION 23.80 Underage Persons. The provisions of §§125.07(1) and (4)(a), (b) and (bm), 125.085 (3)(b) and 125.09(2), Wis. Stats., regulating underage persons, are adopted in their entirety, inclusive of the penalties provided therein. In addition to those provisions:

23.81 No underage person shall enter, remain or loiter in any public or private place, with the exception of any premises for which a license or permit for the retail sale of alcohol beverages has been issued, where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available to underage persons, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

23.82 No person of legal drinking age shall suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available to underage persons, except any premises for which a license or permit for the retail sale of alcohol beverages has been issued, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

SECTION 23.90 Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

23.91 If a retail “Class A” Fermented Malt Beverage license or a retail “Class A”, Intoxicating Liquor License between 9:00 p.m. and 8:00 a.m. If, however, the retail establishment is permitted by the Town to be open during the hours listed herein for the sale of other items, the establishment shall close its alcohol beverage section and shall not make any sale of alcohol beverages during these hours. Further, during all such times the fermented malt beverages and intoxicating liquors to be sold under this chapter shall be kept as follows:

(a) In area of the premises to sufficiently isolate said area from the remainder of the premises so as to allow the licensee to prevent access to said fermented malt beverages and intoxicating liquors during such hours.

(b) The licensee must provide adequate locking mechanisms to further prevent its customers from accessing the intoxicating liquors and fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m.

23.92 If a retail “Class B” or Class “B”, between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class “B” or “Class B” license are not required to close. No package, container or bottle sales contemplated under §125.51(3)(b), Wis. Stats. may be made after 12:00 midnight.

23.93 Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

SECTION 23.100 Revocation and Suspension of Licenses. Proceedings for revocations and suspensions of licenses shall be governed by the provisions of §125.12, Wis. Stats.

SECTION 23.200 Nonrenewal of Licenses. Before renewal of any license under this Chapter is refused, the licensee shall be given a written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Town Board.

SECTION 23.300 Violations by Agents and Employees. A violation of this Chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.