

February 22, 2008

To: Town Board of Supervisors

From: Carl Broberg

Subject: New Ordinance Chapter 288: Intoxicating Liquor and Fermented Malt Beverages

Attachments:

- (1) General Code Draft of LaPointe Chapter 288
- (2) General Code Editorial Analysis §14 Question RE Article I of Ch. 288
- (3) Trenton, Wisconsin Ordinance Chapter 237: Intoxicating Liquor and Fermented Malt Beverages
- (4) Town of Manitowish Waters Ordinance Chapter 225: Intoxicating Liquor and Fermented Malt Beverages

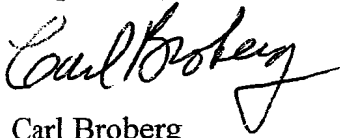
The Town of LaPointe has adopted the Wisconsin Statute § 125 under General Provisions (Chapter 1). The Town also created an ordinance in 1999 that only establishes a \$200 fee for a Special Town Board meeting to decide on whether to issue a liquor license.

General Code has provided samples of typical Wisconsin town ordinances with regard to the sale of intoxicating liquor which generally define:

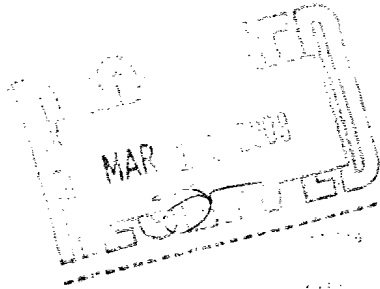
1. The licensing process used in the town.
2. The criteria for issuing, renewing, transferring, suspending, and revoking licenses.
3. Fees and/or penalties for violations.

Please review the attached and provide a response to the question regarding Article I of Chapter 288 and provide any updates to the language you deem appropriate to Chapter 288.

Respectfully,



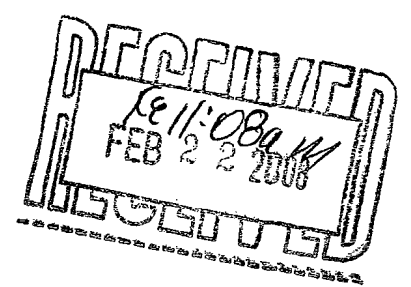
Carl Broberg



⑤ TB
Larry
Burb

Cover page only
to C. Bidwell

Y. J. J.



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mentioned in § 223-1D?

Decision:

- Revise to read "The Town Board adopts the Comprehensive Plan"
- Revise to read "The Town Board adopts the Comprehensive Plan, consisting of the background report and policy document"
- Other:

§13. Conservancy Area. (Ch. 227)

This chapter establishes the Amundsen Road Conservancy Area and appears satisfactory as written, provided that the penalty in § 227-5 (not less than \$10 nor more than \$500) is current and adequate.

Decision:

- Revise as follows:
- Make no change



§14. Intoxicating Liquor and Fermented Malt Beverages. (Ch. 288)

Article I, Fee for Special Town Board Meeting.

A. This article, adopted in 1999, imposes a fee of \$200 for any request for a special Town Board meeting to act on a license application. Is any revision desired to the fee amount?

Decision:

- Omit fee; provide that the fee is set by the Town Board
- Revise as follows:
- Make no change

B. Sample legislation on the procedure for issuance of intoxicating liquor and fermented malt beverage licenses is included following the Manuscript.

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Chapter 288

**INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES**

ARTICLE I

Fee for Special Town Board Meeting

§ 288-1. Fee imposed.

[HISTORY: Adopted by the Town Board of the Town of LaPointe as indicated in article histories. Amendments noted where applicable.]

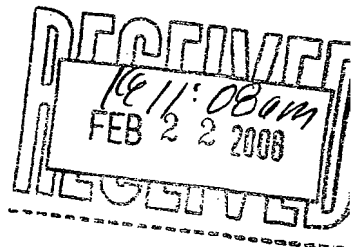
ARTICLE I

**Fee for Special Town Board Meeting
[Adopted 9-14-1999]**

§ 288-1. Fee imposed.

Pursuant to § 125 10(1), Wisconsin Statutes, the Town Board of LaPointe does hereby impose a fee of \$200 for any request to the Town Board Supervisors of the Town of LaPointe to hold a Special Town Board Meeting specifically for the purpose of reviewing, deciding upon or issuing a license application including Class "A," "Class A," Class "B," "Class B," Reserve "Class B," "Class C," operators' or provisional operators' licenses. The fee amount charged will be due to and payable to the Town of LaPointe at the time of the request of such a Special Town Board Meeting.

Draft



Chapter 237

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

- | | |
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| § 237-1. State statutes adopted. | § 237-11. Transfer and lapse of license. |
| § 237-2. Definitions. | § 237-12. Number and contents of license. |
| § 237-3. License required. | § 237-13. Posting licenses; defacement. |
| § 237-4. Classes of licenses. | § 237-14. Conditions of license. |
| § 237-5. License fees. | § 237-15. Closing hours. |
| § 237-6. Application for license. | § 237-16. Temporary permit for special events. |
| § 237-7. Qualifications of applicants and premises. | § 237-17. Revocation, suspension and nonrenewal of licenses. |
| § 237-8. Investigation. | § 237-18. Operator's license. |
| § 237-9. Approval of application. | § 237-19. Violations and penalties. |
| § 237-10. Grant or denial of license. | |

[HISTORY: Adopted by the Town Board of the Town of Trenton 11-7-1989 as Title 7, Ch. 2 of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 280.

Peace and good order — See Ch. 295.

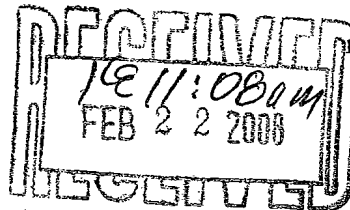
§ 237-1. State statutes adopted.

The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of alcohol beverage control.

§ 237-2. Definitions.

As used in this chapter, the terms "alcoholic beverages," "intoxicating liquors," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers" and "operators" shall have the meaning given them by Ch. 125, Wis. Stats.

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

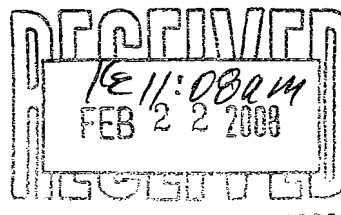


§ 237-3. License required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his/her possession with intent to 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 in any quantity whatever, 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 and regulations applicable thereto, except as provided by §§ 125.26, 125.27, 125.28 and 125.51, Wis. Stats.

§ 237-4. Classes of licenses.

- A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Town Clerk under authority of the Town Board, 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 container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- C. Class "A" fermented malt beverage retailer's license. A Class "A" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles.
- D. Class "B" fermented malt beverage retailer's license. A Class "B" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages to be consumed either upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of 1% of alcohol by volume without obtaining a special license to sell such beverages.
- E. Special Class "B" fermented malt beverage picnic license.
- (1) License. A special Class "B" picnic license, when issued by the Town Clerk under authority of the Town Board as provided for in § 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fair associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Town Board.



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 237-4

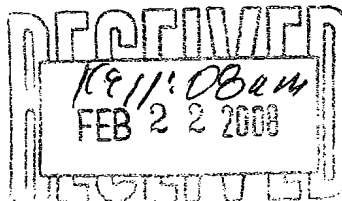
§ 237-4

- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture as provided in Chapter 1, § 1-5 of this Code and will be ineligible to apply for a special Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Town Board at which the application will be considered. Such license shall be valid for no more than five consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.²
- F. Wholesaler's license. A wholesaler's fermented malt beverage license, when issued by the Town Clerk under authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- G. Special wholesaler's license. A special wholesaler's license pursuant to § 125.28(2)(a), Wis. Stats., when issued by the Town Clerk under authority of the Town Board, shall permit the holder to sell or offer to sell fermented malt beverages in original packages or containers and in quantities of not less than 4 1/2 gallons at any one time for consumption off the premises.³
- H. Retail reserve "Class B" license.
- (1) Generally. Those licenses available under the quota system existing before December 1, 1997, that are not granted or issued by the Town as of December 1, 1997. The number of reserve "Class B" licenses available to a municipality is determined by a series of calculations described in § 125.51(4)(a)(4), Wis. Stats.
- (2) Initial retail reserve "Class B" license fee. There shall be a fee of \$10,000, to be paid in addition to the regular Class "B" and "Class B" fee, upon approval of a retail reserve "Class B" license.
- (3) Grants for certain reserve "Class B" licenses.
- (a) Findings and purpose. 1997 Wisconsin Act 27, effective December 1, 1997, establishes a new alcohol license called a retail reserve "Class B" license and requires that all who are granted such a license pay an initial license fee of \$10,000 in addition to the regular Class "B" and "Class B" license fees. The Town Board finds that businesses such as restaurants, hotels and taverns make important contributions to the Town's economy and serve important public purposes, including but not limited to increasing the Town's property tax base, providing employment and promoting tourism. The Town Board also finds that the new initial fee for reserve "Class B" licenses far exceeds

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

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

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the actual cost of licensing the activity and that excessive license fees deter new business and are contrary to economic growth. It is the purpose of this Subsection H(3) to utilize the excess revenue generated by Wisconsin Act 27 to assist new reserve "Class B" licensees in order to assist in the establishment of new businesses.

- (b) The Town Board may provide a grant to a reserve "Class B" licensee if the following conditions are met:
- [1] A retail reserve "Class B" license is granted to the licensee; and
 - [2] The retail reserve "Class B" license applicant properly completes, executes and submits an application for a grant to the Town Board on a form provided by the Town Clerk at the same time the applicant submits the application for a retail reserve "Class B" license.⁴
- (c) In making its determination whether to award any grant to a retail reserve "Class B" liquor licensee under this Subsection H(3), the Town Board shall make such findings and establish such conditions as it deems necessary to ensure that any funds awarded hereunder further the important public purposes identified herein.

§ 237-5. License fees. ⁵

There shall be the following classes and denominations of licenses which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee specified in the schedule of deposits, bonds and fees, shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Ch. 125, Wis. Stats.:

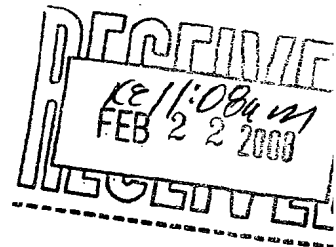
- A. Retail "Class A" intoxicating liquor license.
- B. Retail "Class B" intoxicating liquor license.
- C. Class "A" fermented malt beverage retailer's license.
- D. Class "B" fermented malt beverage retailer's license.
- E. Special Class "B" fermented malt beverage picnic license.
- F. Wholesaler's license.
- G. Special wholesaler's license.

§ 237-6. Application for license.

- A. Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department

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).



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 237-6

§ 237-7

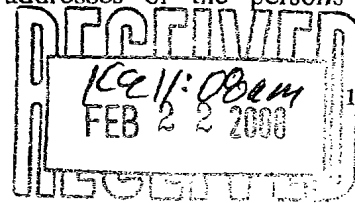
of Revenue and shall be sworn to by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Town Clerk not less than 15 days prior to the granting of such license. The premises shall be physically described, to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

- B. Corporations. Such application shall be filed and sworn to by the applicant, if an individual, or by the president and secretary, if a corporation.
- C. Publication. The application shall be published once in the official Town newspaper, and the costs of publication shall be paid by the applicant.
- D. Amending application. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.
- E. Criminal record check. As a condition of application, the applicant shall complete and sign a criminal record disclosure waiver.

§ 237-7. Qualifications of applicants and premises.

- A. Requirements for licenses and permits. All natural persons, criminal offenders, corporations, operators and managers applying for licenses and permits relating to alcoholic beverages shall be subject to the conditions and provisions of § 125.04(5), Wis. Stats.
- B. Residence requirements. A retail Class A or retail Class B fermented malt beverage or intoxicating liquor license shall be granted only to persons who are citizens of the United States and of Wisconsin.
- C. Applicant to have malt beverage license. No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- D. Right to premises. No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.
- E. Age of applicant. No license, other than an operator's license for persons age 18 or older, shall be granted to any underage person as defined by the Wisconsin Statutes.
- F. Corporate restrictions.
 - (1) No license shall be granted to any corporation which does not comply with the provisions of § 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this chapter or under state law, or which has more than 50% of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are

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stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Town Clerk a statement of transfers of stock within 48 hours after such transfer of stock. The corporation shall, following the approval of each successor agent or another qualified agent as provided in § 125.04(6)(d), Wis. Stats., pay a fee to the Town as shown in the schedule of deposits, bonds and fees.

- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this chapter or under the state law.
- G. Separate license required for each place of sale. 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, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- H. License quotas. License quotas for the Town shall be as provided in Ch. 125, Wis. Stats.
- I. Licensed premises. Licenses issued by the Town shall be for the structure itself and shall not confer any license or right to property outside of the licensed structure.

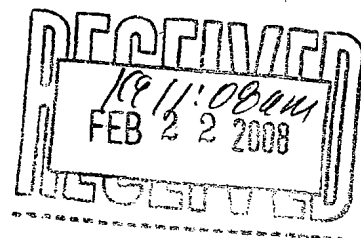
§ 237-8. Investigation.

The Town Clerk shall notify the Town Chief of Police and Fire Inspector of all license and permit applications, and these officials shall inspect or cause to be inspected each application and the premises, together with 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. These officials shall furnish to the Town Clerk in writing, who shall forward to the Town Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required by this section.

§ 237-9. Approval of application.

- A. No license shall be granted or renewed for operation on any premises or with any equipment for which taxes, forfeitures or assessments or other financial claims of the Town are delinquent and unpaid.⁶

6. Editor's Note: See also Ch. 260, Licenses and Permits.



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 237-9

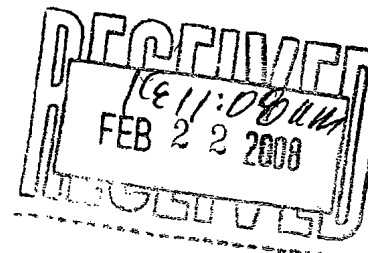
§ 237-10

- B. No license shall be issued for any premises which does not conform to rules made by the Department of Health and Family Services, any health and sanitation requirements of the Town and any applicable health and sanitation ordinances of Washington County.
- C. Consideration for the granting or denial of a license will be based on:
- (1) Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322 and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- D. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

§ 237-10. Grant or denial of license.

- A. Opportunity shall be given by the Town Board to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town.⁷
- B. If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the consideration of the application shall be held in closed session, pursuant to § 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least 10 days prior to the Town Board meeting at which the application is to be reconsidered.

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



§ 237-11. Transfer and lapse of license.

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Town Board. An application for transfer shall be made on a form furnished by the Town Clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be as shown in the schedule of deposits, bonds and fees. Whenever a license is transferred, the Town Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Town for reissuance of said license, and the Town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- B. Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Town Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town and the Wisconsin Department of Revenue.

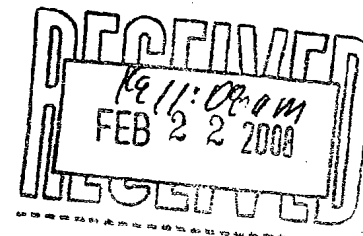
§ 237-12. Number and contents of license. *

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.

§ 237-13. Posting licenses; defacement.

- A. As provided in § 125.04(10), Wis. Stats., every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- B. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

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



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 237-14

§ 237-14

§ 237-14. Conditions of license.

All retail Class "A" and "B" and "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this chapter, and subject to all other ordinances and regulations of the Town applicable thereto.

A. Consent to entry.

- (1) Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town 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.
- (2) 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 law enforcement official or police officer of the Town or the building, electrical or plumbing inspectors without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this chapter.

B. Employment of minors. No retail Class "B" or "Class B" licensee shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.

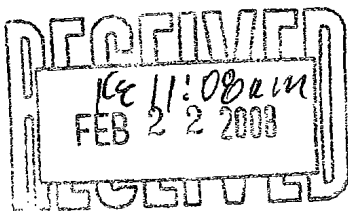
C. Disorderly conduct prohibited. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

D. Licensed operator on premises. There shall be upon premises operated under a Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" or "Class B" license unless he/she possesses an operator's license or there is a person with an operator's license upon said premises at the time of such service.

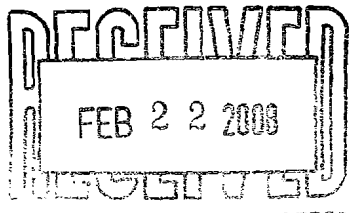
E. Health and sanitation regulations. The rules and regulations of the State Department of Health and Family Services governing sanitation in restaurants shall apply to all "Class B" liquor licenses issued under this chapter. No "Class B" license shall be issued unless the premises to be licensed conforms to such rules and regulations.⁹

F. Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 10)



- G. Gambling prohibited. No gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this chapter or the laws of the State of Wisconsin.
- H. Credit prohibited. No retail Class "A" or "Class A" or Class "B" or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- I. Licensee or permittee responsible for acts of help. A violation of this chapter by a duly authorized agent or employee of a licensee or permittee under this chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this chapter.
- J. Improper conduct. No person possessing a Class "B" fermented malt beverage retailer's license or a "Class B" retailer's intoxicating liquor license, personally or through his/her employee, shall permit or engage in the following conduct on licensed premises, and no entertainer or employee shall engage in the following conduct on said licensed premises:
- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or sexual acts which are prohibited by law.
 - (2) The actual or simulated touching, caressing or fondling on the breast, buttocks, anus, vulva or genitals.
 - (3) The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva or genitals.
 - (4) The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above.
- K. Certain performances and costumes prohibited. No licensee, either personally or through his/her agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through his/her agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:
- (1) That portion of every costume to be worn by dancers, performers or entertainers covered by the provisions of this subsection and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material.



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INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 237-14

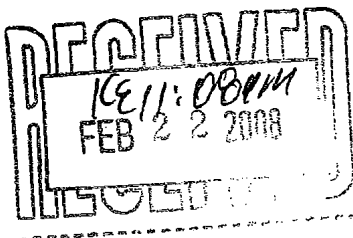
§ 237-15

- (2) The top portion of the costume worn by the female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast completely covered at all times.
- (3) The lower portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.
- (4) The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organs and the cleavage of the buttocks at all times.

§ 237-15. Closing hours.

A. Closing hours established.

- (1) No premises in the Town of Trenton for which a "Class B" or Class "B" intoxicating liquor or fermented malt beverage license(s) for the sale of fermented malt beverages has been issued shall be permitted to remain open between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday and 2:30 a.m. and 6:00 a.m. Saturday and Sunday. No person, except the licensee or his/her employees, shall be permitted on the licensed premises during the hours when such sale is prohibited. There shall be no closing hours on January 1.
- (2) No premises holding a "Class A" or Class "A" intoxicating liquor or fermented malt beverage license(s) nor the holder of a license permitting such premises or holder to sell, deal and traffic in fermented malt beverages nor any person on such premises, whether or not such person holds an operator's license pursuant to § 125.17, Wis. Stats., as amended, shall sell, vend, barter, exchange, offer for sale, give away or otherwise furnish to any person any fermented malt beverages or intoxicating liquor in original packages, intending to mean aluminum/tin cans, bottles, barrels or any containers in which the beverages have been delivered to the premises, and to be removed from the premises, if a "Class A" or Class "A" intoxicating liquor or fermented malt beverage license, between 9:00 p.m. and 8:00 a.m.
- (3) The licensee or permittee and one employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning up during closed hours. Under no circumstances shall the consumption of alcohol beverages be permitted after closing time. Commercial janitorial service personnel shall be allowed to entered the licensed premises for the purpose of cleaning during closed hours. The premises shall be well lighted during cleanup. Prior approval must be



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INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

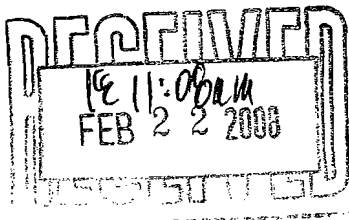
§ 237-16

§ 237-17

- (2) When the event sponsored by the requesting organization is to take place on Town-owned property other than park property and/or privately owned property, the organization shall work closely with the Chief of Police in locating and setting up the snow fence area. The Chief of Police shall work closely with the requesting organization in identifying the size of the fenced-in area and the exact location. Such information shall be made part of the temporary Class "B" permit application. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It shall contain adequate sanitary facilities to accommodate the size of the group.
- H. Insurance. The applicant for a special Class "B" fermented malt beverage license may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Town of Trenton. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 237-17. Revocation, suspension and nonrenewal of licenses.

- A. Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter or Chapter 280 of this Code, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Ch. 125, Wis. Stats., and this section.
- B. Abandonment of premises. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he/she may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six months shall be prima facie evidence of the abandonment, unless extended by the Town Board. All persons issued a license to sell alcohol beverages in the Town for which a quota exists limiting the number of such licenses that may be issued by the Town shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the term of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.
- C. Revocation for noncompliance. The Town Board of the Town of Trenton may revoke any license hereunder at any time for any violation of the provisions of this chapter.
- D. Revocation and suspension of licenses.
- (1) Procedure. Except as hereinafter provided, the provisions of § 125.12, Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this chapter. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.



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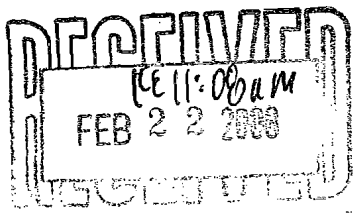
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- (2) Automatic revocation. Any license or permit issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his/her employee, agent or representative of a second offense under Ch. 125, Wis. Stats., or any other state or federal liquor or fermented malt beverage law or any felony.
 - (3) Repossession of license or permit. Whenever any license or permit under this chapter shall be revoked or suspended by the Town Board, action of any court or by effect of Subsection D(2) above, it shall be the duty of the Clerk to notify the licensee or permittee of the suspension or revocation and to notify any applicable law enforcement official who shall take physical possession of the license or permit wherever it may be found and file it in the Town Clerk's office.
- E. Denial of renewals. Before denial of any renewal, the licensee shall be given written notice of any violation or reason for nonrenewal. The licensee shall be entitled to a hearing.
- F. Other provisions. Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the Town Board by amendment to this chapter or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his/her license may be revoked in accordance with this section. In case of revocation of any license for any violation of any provision of this chapter in accordance with this section or by the court or for any reasonable cause, except the imposition of new restrictions, no refund shall be made of any part of the license fee.

§ 237-18. Operator's license.

- A. Operator's license required. There shall be upon the premises operated under a "Class A" or "Class B" intoxicating liquor license or Class "B" fermented malt beverage license at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. An operator's license shall permit the holder to draw or remove any fermented malt beverage for sale or consumption from any barrel, keg, cask, bottle or other container in which fermented malt beverages shall be stored or kept on premises requiring a Class "B" fermented malt beverage license for sale or service to a consumer for consumption in or upon the premises where sold. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the "Class A" or Class "A" or "Class B" or Class "B" licenses unless he/she shall possess an operator's license or unless he/she shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.
- B. Procedure upon application.
- (1) The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk only to persons 18 years of age or older. Operators' licenses shall be operative only within the limits of the Town.



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

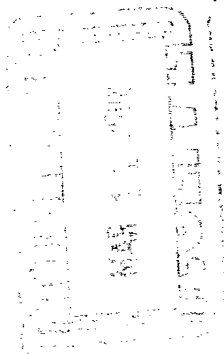
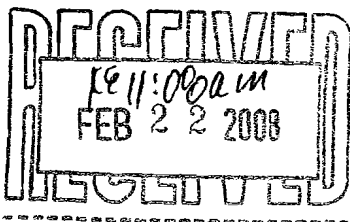
§ 237-18

§ 237-19

- (4) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.
- F. Display of license. Each license issued under the provisions of this chapter shall be posted on the premises whenever the operator dispenses beverages, or a wallet license card shall be carried.
- G. Revocation of operator's license. Violation of any of the terms or provisions of the state law or of this chapter relating to operators' licenses by any person holding such operator's license shall be cause for revocation of the license.

§ 237-19. Violations and penalties.

- A. Forfeitures for violations of §§ 125.07(1) to (5) and 125.09(2), Wis. Stats., adopted by reference in § 237-1 of this chapter, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this chapter, except as otherwise provided in Subsection A herein, or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in Chapter 1, § 1-5 of this Code.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.



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Chapter 225

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

- | | |
|---|---|
| § 225-1. State statutes adopted. | § 225-8. Posting and care of licenses. |
| § 225-2. License, permit or authorization required. | § 225-9. Regulation of licensed premises and licensees. |
| § 225-3. Classes of licenses. | § 225-10. Closing hours. |
| § 225-4. License application. | § 225-11. Revocation and suspension of licenses. |
| § 225-5. License restrictions. | § 225-12. Nonrenewal of licenses. |
| § 225-6. Contents and expiration of licenses. | § 225-13. Violations by agents and employees. |
| § 225-7. Transfer of licenses. | § 225-14. Violations and penalties. |

[HISTORY: Adopted by the Town Board of the Town of Manitowish Waters as §§ 12.03 and 12.10 of the 2001 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 244.
Nuisances — See Ch. 263.

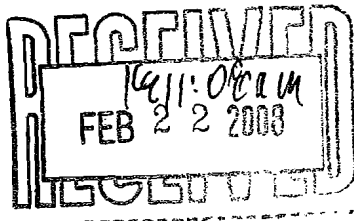
Parks and recreation areas — See Ch. 275.
Peace and good order — See Ch. 280.

§ 225-1. State statutes adopted.

The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this chapter by reference. A violation of any such provisions shall constitute a violation of this chapter.

§ 225-2. License, permit or authorization required.

- A. When required. 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 Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See § 125.04(1), Wis. Stats.
- B. Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See § 125.04(9), Wis. Stats.

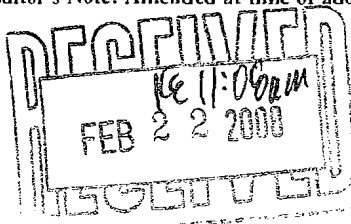


§ 225-3. Classes of licenses. 1

The following classes and denominations of licenses may be issued by the Town Clerk/Treasurer under the authority of the Town Board, upon compliance with law and 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 the referenced state statute:

- A. Class "A" fermented malt beverage retailer's license. See § 125.25, Wis. Stats.
- B. Class "B" fermented malt beverage retailer's license. See § 125.26, Wis. Stats.
- (1) Six-month license. A Class "B" license may be issued at any time for six months in any calendar year, for 50% of the applicable fee. Such license shall not be renewable during the calendar year in which issued. See § 125.26(5), Wis. Stats.
- (2) Special event (picnic). See § 125.26(6), Wis. Stats.
- C. Wholesaler's fermented malt beverage license. The fee for this license may not exceed \$25 per year or fraction thereof. See § 125.28, Wis. Stats.
- D. Retail "Class A" liquor license. See § 125.51(2), Wis. Stats.
- E. Retail "Class B" liquor license. A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed four liters at any one time to be consumed off the licensed premises. See § 125.51(3), Wis. Stats.
- (1) A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.
- (2) Licenses valid for six months may be issued at any time. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued. See § 125.51(9), Wis. Stats.
- F. Operator's license. See § 125.17, Wis. Stats.
- (1) Operators' licenses may be granted to individuals by the Town Board for the purpose of complying with §§ 125.32(2) and 125.68(2), Wis. Stats.
- (2) Operators' licenses may be issued only on written application on forms provided by the Town.
- (3) Operators' licenses shall be valid for one or two years and shall expire on June 30 of each year or on June 30 of the second year after issuance.
- G. Provisional license. This subsection allows for issuance on a provisional basis of a license to those applying for an operator's (bartender's) license for service or sale of alcohol beverages. A provisional license may only be issued to those persons who have not completed a beverage service course and exhibited proof of compliance with that training standard set forth in § 125.17(6), Wis. Stats. A provisional license allows time to

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

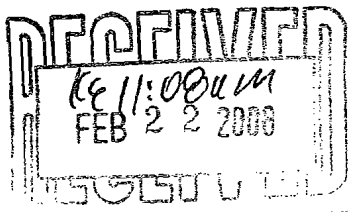


obtain training required for working without supervision of another licensed person in a Class A or B business or organization.

- (1) Each applicant must be at least 18 years of age and have completed an application form supplied by the Clerk/Treasurer in order for the Board to consider approval. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet. The applicant for a provisional license must present with the application proof that the applicant is enrolled in a training course under § 125.17(6)(a), Wis. Stats.
- (2) The provisional license shall be effective until a certificate or other proof of compliance with training requirements is presented to the Clerk/Treasurer. In no case will the provisional license be effective more than 60 days after issuance. The issuance date, final date of validity or both shall be placed on the license form when issued.
- (3) Only those persons initially approved by the Board shall receive a provisional license. The Clerk/Treasurer is authorized to issue such license. In the event a person requests issuance of a provisional license extension and has had no arrests or convictions since prior Board approval, the Clerk/Treasurer is authorized to issue a further license under the standards contained herein and payment of the fee.
- (4) The sum as set by the Town Board is required to be paid by or for the applicant prior to license issuance. This fee will not exceed \$15 unless state law and this subsection are amended.
- (5) In the event, following issuance, it is discovered that a part of the license application was false that in the Clerk/Treasurer's judgment might have affected the Board's decision on whether to license, including but not limited to past crimes or arrests, the Clerk/Treasurer may revoke such license. Upon making such a decision, the Clerk/Treasurer shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action and the right to have a license review hearing before the Town Board upon the applicant's written request. When a request for hearing is made, the Board shall follow general procedures as set forth in § 125.12, Wis. Stats., although no complaint is required. The Clerk/Treasurer shall notify the licensee of the Board's time schedule for hearing the matter by mail or delivery.
- (6) Any mail notice in this Subsection G is sufficient if mailed by first class to the last known address of the licensee in an envelope containing the return address of the Town or Clerk/Treasurer. No request for a license review hearing is valid when received past the final day the provisional license would have been effective.

§ 225-4. License application.

- A. 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 and filed with the Town Clerk/Treasurer at least 15 days prior to issuance. 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.

- B. Application to be notarized. The application will be signed and sworn to by the applicant as provided by § 887.01, Wis. Stats.
- C. Publication. Prior to issuance of a license under this chapter, the Town Clerk/Treasurer shall publish notice of the application in the official Town newspaper.
- D. Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk/Treasurer to the State Department of Revenue.

§ 225-5. License restrictions.

A. Statutory requirements. Licenses shall be issued only to persons eligible therefor under Ch. 125, Wis. Stats.

B. Location.

(1) No retail Class A or Class B license shall be issued for premises the main entrance of which is less than 300 feet 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 the premises covered by the license.

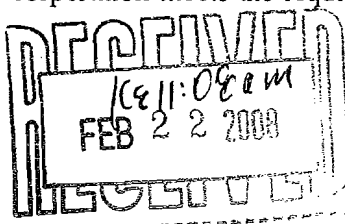
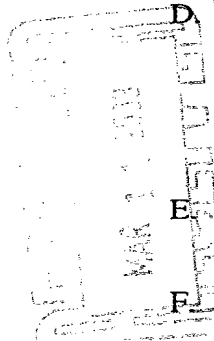
(2) This Subsection B shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

C. 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.

D. Health and sanitation requirements. No retail Class B license shall be issued for any premises which does 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 Town Board.

E. 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.

F. Corporations. No corporation organized under the laws of this state or 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.



INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 225-5

§ 225-7

- G. Age requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age as defined by § 125.02, Wis. Stats. Operators' licenses shall only be issued to persons who have attained the age of 18.²
- H. Revocation of license. Any license revoked shall not be reinstated within the 12 months following date of revocation. There shall be no refund of any license fee paid to a party whose license is revoked.
- I. Delinquency. As a condition of obtaining or renewing a liquor license of the type issued by the Town, all local real estate and personal property taxes, assessments, special charges, forfeitures resulting from ordinance violations, or delinquent state taxes or assessments shall be paid prior to applying for a new liquor license or a renewal of a liquor license. Any fees unpaid within a time limit set by the Town or a court, as the case may be, place the licensee in a state of delinquency and subject to disciplinary action by the Town Board, including but not limited to reprimand, suspension for a set time period up to 90 days, or revocation.
- J. 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.

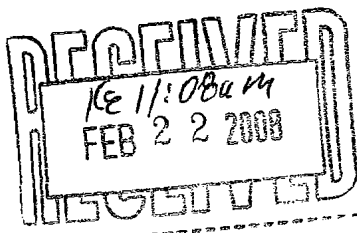
§ 225-6. Contents and expiration of licenses.³

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 by law.

§ 225-7. Transfer of licenses.

- A. As to person. No license shall be transferable as to licensee, except as provided by § 125.04(12), Wis. Stats.
- B. 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. The fee for such transfer shall be as set by the Town Board.⁴

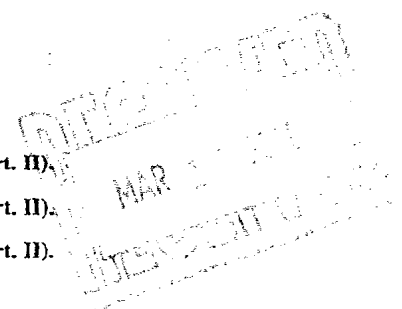
- 2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
- 3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
- 4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).



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INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

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- G. Age requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age as defined by § 125.02, Wis. Stats. Operators' licenses shall only be issued to persons who have attained the age of 18.²
- H. Revocation of license. Any license revoked shall not be reinstated within the 12 months following date of revocation. There shall be no refund of any license fee paid to a party whose license is revoked.
- I. Delinquency. As a condition of obtaining or renewing a liquor license of the type issued by the Town, all local real estate and personal property taxes, assessments, special charges, forfeitures resulting from ordinance violations, or delinquent state taxes or assessments shall be paid prior to applying for a new liquor license or a renewal of a liquor license. Any fees unpaid within a time limit set by the Town or a court, as the case may be, place the licensee in a state of delinquency and subject to disciplinary action by the Town Board, including but not limited to reprimand, suspension for a set time period up to 90 days, or revocation.
- J. 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.

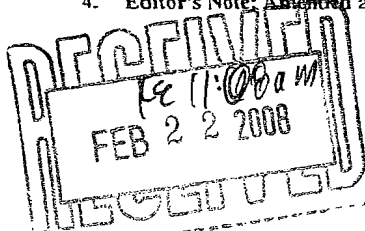
§ 225-6. Contents and expiration of licenses.³

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 by law.

§ 225-7. Transfer of licenses.

- A. As to person. No license shall be transferable as to licensee, except as provided by § 125.04(12), Wis. Stats.
- B. 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. The fee for such transfer shall be as set by the Town Board.⁴

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



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§ 225-8. 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.

§ 225-9. Regulation of licensed premises and licensees.

- A. Gambling and disorderly conduct prohibited. Each licensed and permitted 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 such premises.
- B. Employment of underage persons. No licensee shall employ any underage person to serve, sell, dispense or give away any alcohol beverage except as provided in §§ 125.32(2) and 125.68(2), Wis. Stats.⁵
- C. Sales by clubs. No club shall sell intoxicating liquor or fermented malt beverages, except to members and guests invited by members.
- D. 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.

§ 225-10. Closing hours.

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

- A. If a retail Class "A" fermented malt beverage license, between 12:00 midnight and 8:00 a.m.
- B. If a retail "Class A" intoxicating liquor license, between 9:00 p.m. and 8:00 a.m.
- C. If a retail Class B license, 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 license are not required to close. No package, container or bottle sales may be made after 12:00 midnight.
- D. Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, 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.

APPROVED
MAR 1 2008

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 10:11:00 am
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5. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

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INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES

§ 225-11

§ 225-14

§ 225-11. Revocation and suspension of licenses.

- A. Procedure. Upon complaint by any person or at Board direction and following Board review and approval, written notice shall be given to the licensee of the complaint basis and the date and time the Board will hear the matter. For nonalcohol licenses where no statutory procedure is set, service may be first-class mail to the licensee's last known address or personal service, at the Chairperson's option. For alcohol licenses, § 125.12, Wis. Stats., will be followed. At present, that statute requires personal service of the hearing notice (summons and complaint) and a hearing within three to 10 days thereafter. A record of service will be kept by the Clerk/Treasurer.
- B. Hearing. Evidence and testimony at the hearing shall be done in open session. Pursuant to § 19.85(1)(a), Wis. Stats., the Board may go into closed session to deliberate with regard to its decision, where this has been listed on the hearing notice. The Clerk/Treasurer shall see that the hearing notice is posted or published in a format acceptable to the Chairperson or his designated representative.
- C. Penalty. In lieu of a hearing, the Board may accept license surrender and then determine the time period before another application for the same type of license will be accepted from the former licensee for review. In the event that complaint allegations are proved at hearing, the Town Board shall decide which penalty for violation is appropriate. Multiple offenses may be considered at any hearing involving the same licensee.
- D. Effect of revocation. See § 225-5H of this chapter.

§ 225-12. 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 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.

§ 225-13. 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.

§ 225-14. Violations and penalties.

In addition to the revocation, suspension or nonrenewal of any license issued under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code.

