

## CHAPTER 21

### REGULATING THE SALE OF INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES

Now, therefore, the Town Board of the Town of Wilson does hereby ordain to amend Chapter 21 of the Code of General Ordinances of the Town of Wilson as follows:

#### 21.01 State Code Adopted

The provisions of ch. 125 Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including the penalty provisions therein, are adopted and made a part of this Code. Any future amendments, revisions, or modifications of the statutes incorporated in this Section are intended to be made part of this Code in order to secure statewide regulation of licensing and sale of alcohol beverages.

#### 21.02 Definitions

For purposes of this ordinance, the following definitions shall apply:

- a) "Intoxicating liquor" means all ardent, spirituous, distilled, or vinous liquors, liquids, or compounds, and by whatever name, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages".
- b) "Fermented malt beverage" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops containing 0.5% or more alcohol by volume.

#### 21.03 License Required

No person except as provided by ch. 125, Stats., shall, within the Town of Wilson, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this ordinance of ch. 125 Stats., requires a license, permit, or other authorization without holding the appropriate license, permit or other authorization as provided in this ordinance. Except for licensed public warehouses, a wholesaler, manufacturer, rectifier, brewer, and retailer shall have a separate permit or license covering each location or premise from which deliveries and sales of alcoholic beverages are made or at which alcohol beverages are stored.

#### 21.04 License Classification and Fees.

The following classes of license may be issued by the Town Clerk under the authority of the Town Board after payment of the fee herein specified, plus the costs of publication, where required. When so issued, the following licenses shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in ch. 125, Wis. States.

##### a). Retail Licenses.

Each of the following licenses may be issued to any person qualified under sec. 125.04(5), Stats., except a person acting as an agent for or in the employ of another. Each license must particularly describe the premises for which issued and are not transferable, except as provided in sec. 125.04(12), Stats. (1994-95). Applicants for retail licenses must provide proof that they are in good standing for sales tax purposes (i.e., seller's permit).

1. "Class A" Liquor License.

- (a) "Class A" liquor license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.
    - (b) The annual fee for a "Class A" liquor license shall be \$400.00.
  2. "Class B" Liquor License
    - (a) "Class B" liquor license authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container.
    - (b) The fee for an initial issuance of a "Class B" liquor license shall be \$10,000.00. The initial issuance of a Class "B" liquor license for a bona fide club or lodge situated and incorporated in the state, however, shall be the fee set forth in sub. c, below.
    - (c) The annual fee for renewal of an existing "Class B" license shall be \$400.00
  3. Class "A" Fermented Malt Beverage License.
    - (a) Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles.
    - (b) The annual fee for a Class "A" fermented shall be \$250.00.
  4. Class "B" Fermented Malt Beverage License.
    - (a) Class "B" fermented license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises.
    - (b) The annual fee for a Class "B" fermented shall be \$100.00
  5. Class "C" Wine License
    - (a) Class "C" License authorizes the retail sale of wine by the glass or in opened original contain for consumption on the premises where sold.
    - (b) The annual fee for a Class "C" License shall be \$100.00.
- b). Temporary Picnic Licenses.
- A picnic license may be issued for a picnic or similar gathering of limited duration to bona fide clubs, to country or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least six months, and to veterans' organizations.
1. Class "B" picnic beer licenses allow the sale of beer to consumers at a picnic or other event noted in this Section.
  2. "Class B" picnic wine licenses allow the sale of wine which has no more than 6% alcohol by volume (i.e., wine cooler) at a picnic of other event noted in this Section.
  3. The fee for a temporary picnic license shall be \$10.00 for each 24-hour period in which the event is held.
- c). Operator's Licenses.
- Any person 18 years or older who is serving alcohol beverages in an Establishment which a Class A or B license must obtain an operator's license, unless the person is under the immediate supervision of someone with an operator's license or managers license.
1. Operator's licenses may be issued only on written applications on forms provided by the Town Clerk.
  2. Operator's license may not be issued to individuals who have been convicted of a felony or who are habitual law offenders.
  3. Operator's licenses may only be issued to applicants who have completed a responsible beverage server training course, unless they are renewing an existing operator's license, have completed the training course with the last 2 years, or have held a retail license, manager's license, or operator's license anywhere in the state within the last 2 years.

4. Operator's licenses shall be valid for one year and shall expire on June 30 of each year.
5. The annual fee for an operator's license shall be \$20.00 per year.
6. A temporary operator's license may be issued to any person employed by or donating their services to a nonprofit corporation, and may be valid for no more than 14 days. The fee for a temporary operator's license shall be \$10.00, which shall be non-refundable and shall not apply toward any other operator's license in this Section.
7. A provisional operator's license may be issued to any individual who has submitted an initial application for an operator's license under this Section, is enrolled in a responsible beverage server training course, and who has met all the other requirements of this Section. This license shall be valid for a period not to exceed 60 days, or until the regular operator's license is issued. The fee for a provisional operator's license shall be \$15.00, which shall be non-refundable and shall not apply toward any other operator's license under this Section.

#### **21.05 Additional Licensing Requirements.**

The following requirements must be satisfied by all individuals applying for or holding any alcohol beverage license:

- a) Must be at least 21 years of age, not including applicants for operators licenses, who must be at least 18 years of age.
- b) Must have lived for at least 90 continuous days in the State of Wisconsin prior to application, not including applicants for operator's licenses, who have no residence requirement.
- c) Must not be in arrears for any taxes, assessments, or other dues owed to the Town.
- d) No Class "A" or Class "B" license may be issued for premises which are located within 300 feet of any school, church, or hospital.
- e) Must not have abandoned the premises covered by the license. The closing of the premises for 30 days or more shall constitute such abandonment. Provided, however, that the Town Board, may, in its discretion, waive this requirement when the premises have been closed because of fire, wind, rain or water damage, or other circumstances which, in the opinion of the Board, are not within the licensee's control or which the licensee has made a diligent, good faith effort to address.

#### **21.06 Prorated Licenses.**

Licenses may be issued for a part of a calendar year, and in such case, the license fee shall be computed on the basis of the number of months or fractions thereof remaining in the licensing year.

#### **21.07 License Applications.**

Application for a license to sell or deal in intoxicating liquors and/or fermented malt beverages shall be made in writing on the form prescribed by law and shall be sworn to by the application and filed with the Town Clerk.

#### **21.08 Granting of License.**

Opportunity shall be given by the Town Board to any person to be heard for or against the granting of a license. Upon approval of the application by the Town Board, the Town Clerk shall, after payment of the requisite license fee, and at least 15 days after the application has been filed, issue a license to the applicant. Unless revoked, the license shall remain in effect until the last day of June after the granting thereof. In the event of a sale of a business, the new owner must obtain a new license and must qualify

in the same form and manner as any other applicant for a license.

#### **21.09 Posting.**

Every license and permit issued pursuant to this ordinance shall be posted while in force in a conspicuous place where intoxicating beverages are kept for sale. If a license or permit is lost or destroyed, a duplicate in lieu of the original shall be issued by the Town Clerk for a fee of \$5.00.

#### **21.10 Health and Safety Rules.**

Each premises for which a license is issued under this ordinance shall be conducted in a sanitary and safe manner. State, county, or local health officials are authorized to enforce reasonable rules for the sanitation and safety of all places of business possessing licenses under this ordinance. All rules and regulations of such health officials are incorporated herein and shall have the same force as this ordinance. Infractions thereof may be punished as a violation of this ordinance.

#### **21.11 Hours.**

Premises for which alcohol beverage licenses have been issued shall be permitted to remain open for the sale of such beverages during the hours provided in Chapter 125 of the Wisconsin Statutes. Closing Hours, as established by ss. 125.32(3) and 125.68(4)(c), Wisconsin Statutes shall apply.

#### **21.12 Responsibility of Licensee for Violations.**

A violation of this ordinance by a duly authorized agent or employee of a licensee or permit-holder shall constitute a violation by the licensee or permit-holder.

#### **21.13 License Revocation.**

The license of any person issued hereunder shall be subject to revocation, suspension, or refusal to renew for any of the following reasons:

1. Violation of this Chapter or of Ch. 125 Stats.;
2. Maintaining disorderly, riotous, indecent premises;
3. Giving or selling alcoholic beverages to known habitual drinkers;
4. Failing to possess the qualifications required to obtain a license under this ordinance or under state law;
5. Knowingly providing false information on an application for a license;
6. Failure to file an application of renewal prior to expiration date.

#### **21.14 Penalties.**

Any person who violates any provision of this Chapter or any provision set forth in Ch. 125. Stats., shall be subject to a forfeiture as set forth in Ch. 125, Stats., for that particular violation plus costs, and, in default of payment, to imprisonment in the county jail until such forfeiture has been paid, but not to exceed 90 days.

#### **Section 2. Effective date.**

The herein Ordinance shall take effect upon enactment and publication.

Amended this 25th day of March 2016

Town of Wilson by John Ehmann, Chairman

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 21st day of March 2016.

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Georgene Lubach, Town Clerk