

Chapter 4 ALCOHOL BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 4-1. State law adopted.

The provisions of Wis. Stats. ch. 125, 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 amendment, 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.

State law reference(s)—Authority for municipality to enact ordinances regulating the sale of alcohol beverages and to adopt state provisions, Wis. Stats. § 125.10.

Secs. 4-2—4-20. Reserved.

ARTICLE II. LICENSING

Sec. 4-21. Prohibiting issuance of licenses for nonpayment of taxes, assessments and claims.

No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims to the town are delinquent and unpaid. No initial or renewal alcohol license shall be granted to any person:

- (1) Delinquent in payment of any taxes, assessments or other claims owed to the town.
- (2) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the town.
- (3) Delinquent in payment to the state of any state taxes owed.

(Ord. No. 1983-00, 5-5-1983)

Sec. 4-22. Period of operation required.

- (a) Any person or corporation holding a Class A or Class B license for the sale of fermented malt beverages, or Class A or Class B license for the sale of intoxicating liquor, as those terms are defined by state law,

¹State law reference(s)—Alcohol beverages, Wis. Stats. ch. 125; local option, Wis. Stats. § 125.05; municipal regulation of alcoholic beverages, Wis. Stats. § 125.10; fermented malt beverages generally, Wis. Stats. § 125.25 et seq.; intoxicating liquor generally, Wis. Stats. § 125.51 et seq.; unlicensed places serving alcoholic beverages as nuisance, Wis. Stats. § 125.14 carrying handgun where alcohol beverages may be sold and consumed, Wis. Stats. § 941.237; parental liability for acts of minor child, Wis. Stats. § 895.035; beverage taxes, Wis. Stats. § 139.01 et seq.

shall operate the premises, for which the license is located for at least 90 continuous days in any one calendar year.

- (b) The licensee has voluntarily vacated the premises more than 30 days before the hearing held under this ordinance;
- (c) The licensee was ordered by a court of competent jurisdiction to vacate the premises at least 30 days before the hearing held under this ordinance.
- (d) In the event the premises are not operated as provided in subsection (a-c) of this section, the town board may, in its discretion, revoke, suspend, or refuse to issue or renew the license for subsequent years.
- (e) The procedure to be followed for revocation, suspension, or refusal to issue or renew such licenses shall be in accord with the procedures set forth in state law applicable at the time.

(Ord. No. 1989a, §§ 1, 2, 4-12-1989)

Secs. 4-23—4-47. Reserved.

ARTICLE III. REGULATIONS (RESERVED)

Secs. 4-48—4-100. Reserved.

ARTICLE IV. PROVISIONAL OPERATOR'S LICENSE

Sec. 4-101. Purpose.

This article allows for issuance of a provisional operator's license to those applying for a regular operator's license for the service or sale of alcoholic beverages. A provisional operator's license may only be issued to:

- (1) Those persons that have not completed a responsible beverage service course. At the time of application, the applicant for a provisional operator's license must present proof that the applicant is enrolled in a training course under Wis. Stat. § 125.17(6).
- (2) Those persons, who, at the time of application and payment for an operator's license, present a certified copy of a valid operator's license issued by another Wisconsin municipality.
- (3) Those persons who, at the time of application and payment for an operator's license, meet the requisite training requirement and wish to commence work as an operator before the board will be able to meet to decide their application.

(Ord. No. 2011-02, § 1, 5-4-11)

Sec. 4-102. Eligibility.

Each applicant must be at least 18 years of age, and have completed an application form supplied by the town clerk. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet.

(Ord. No. 2011-02, § 2, 5-4-11)

Sec. 4-103. Term.

The provisional operator's license shall be effective for 60 days from the date of issue, or until a regular operator's license is issued, whichever is sooner.

(Ord. No. 2011-02, § 3, 5-4-11)

Sec. 4-104. Issuance.

Upon written application for an operator's license, the clerk shall conduct a record check for past crimes or arrests. If the applicant has no past crimes or arrests, the clerk is authorized to issue a provisional operator's license to the applicant. The town board shall review the issuance of any such provisional operator's license at the next regularly scheduled town board meeting, reserving final approval authority. If the applicant does have an arrest or conviction record, the town board must determine whether the provisional operator's license will be issued.

(Ord. No. 2011-02, § 4, 5-4-11)

Sec. 4-105. Fees.

The fee for a provisional operator's license is \$10.00 pursuant to Wis. Stat. § 125.17(5)(c).

(Ord. No. 2011-02, § 5, 5-4-11)

Sec. 4-106. Revocation.

The clerk may revoke a provisional operator's license if:

- (1) He or she discovers that the holder of the license made a false statement on the application for the license;
- (2) He or she discovers that the operator license issued by the other Wisconsin municipality is not valid;
- (3) The town board denies the person's application for a regular operator's license.

Upon making the decision to revoke, the clerk shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the town board, upon the applicant's request. When a request for a hearing is made, the board shall follow the general procedures as set forth in Wis. Stat. § 125.12, although no complaint is required. The clerk shall notify the licensee of the board time scheduled for hearing the matter, by mail or hand delivery. Any mail notice in this article is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk. No request for a license review hearing is valid when received past the final day the provisional operator's license would have been effective.

(Ord. No. 2011-02, § 6, 5-4-11)