ORDINANCE REGULATING ALCOHOL BEVERAGES IN THE TOWN OF LIBERTY GROVE

Town of Liberty Grove Ordinance No. 11-07

The Town Board of the Town of Liberty Grove (hereinafter referred to as "the Town"), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Ordinance 1-84 and its amendments are hereby repealed.

This ordinance ___-07 supersedes any and all previous ordinances pertaining to the issuance of alcohol beverage licenses in the Town of Liberty Grove.

1.01 Purpose. The Town Board of Supervisors of the Town of Liberty Grove, Door County, Wisconsin, finds that it is in the best interest of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this ordinance for such regulation will promote government and good order of the Town for its commercial benefit and for the health, safety, welfare, and convenience of the public.

1.02 Statutory Authority. This ordinance is enacted pursuant to Section o125.10 of Wisconsin Statutes and the general police order of the Town Board.

1.03 Definitions. The definitions contained in Section 125.02 of the Wisconsin Statutes are hereby adopted and made a part of this ordinance by reference. "Town Clerk", "Town Treasurer", and "Town Board" refer to the Town Clerk, Town Treasurer, and Town Board of the Town of Liberty Grove.

1.04 Licenses and Permits Required. No person, except as authorized by this ordinance and Chapter 125 of Wisconsin Statutes, shall within the Town of Liberty Grove serve, sell, distribute, vend, offer, or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this ordinance.

1.05 Licenses Classes and Fees. There shall be the following classes of licenses, which when issued by the Town Clerk under the authority of the Town Board after the payment of the appropriate fee hereinafter specified, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Chapter 125 of Wisconsin statutes. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Retail Class "A" Fermented Malt Beverage License: $100.00 per year.
(b) Retail Class "B" Fermented Malt Beverage License: $100.00 per year.

(c) Class "B" Picnic License for Fermented Malt Beverage License for Bona Fide Clubs, State, County, or Local Fair Associations or Agricultural Societies, Lodges, or Societies, Etc.: $10.00 per day
(d) Class "B" Fermented Malt Beverage License for Six Month Period: $75.00 per six month period.
(e) Wholesaler's Fermented Malt Beverage License: $25.00 per year.
(f) Special Wholesaler Fermented malt Beverage License: $25.00 per year.
(g) Operator's License: $10.00 per year.
(h) Manager's License: $25.00 per year.
(i) Retail Class "A" Intoxicating Liquor License: $500.00 per year.
(j) Retail Class "B" Intoxicating Liquor License: $500.00 per year.

The Town Board has elected to come under the provisions of Section 125.51(3)(b), Wis. Stats., which authorizes the holder of a Retail Class "B" License to sell intoxicating liquor in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

(k) Retail Class "B" intoxicating Liquor License for six month period: $250.00 per six month period.
(l) Pharmacist's License: $10.00 per year.
(m) Retail Class "C" wine license, $100.00 per year

1.06 License Requirements and Restrictions.

(1) Application Procedure. All applications for a license authorized under this ordinance and Chapter 125 of the Wisconsin Statutes shall be made in writing on forms prescribed by the State Department of Revenue, as approved by the Town Board. The application shall describe the physical premises, including every room and storage space, to be covered by the license. All applications shall be signed and sworn to by the applicant as provided by Section 887.01 of the Wisconsin Statutes.
(2) Filing of Application. All applications shall be filed with the Town clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of publication of the application and the fee for the license as established in Section 1.05 of this ordinance. All applications must be

on file with the Town Clerk at least fifteen (15) days before the Town Board may grant or deny the application.

(3) Qualifications of Applicants.

(a) All individuals, partners, and all officers and directors of Wisconsin corporations applying for licenses under this ordinance must meet all of the following qualification:

i. Have attained the legal drinking age;

ii. Be a Wisconsin resident continuously for at least ninety (90) days immediately prior to the date of filing application, except no residency requirements shall exist for officers and directors of corporations and nonprofit organizations.

iii. Does not have an arrest or conviction record subject to Section 111.321, 111.322 and 111.335 of Wisconsin Statutes.

(b) All officers and directors of foreign corporations must meet the qualifications of Subsections (a) i and iii stated above.

(c) All corporations must designate an agent pursuant to Section 125.04(6) of the Wisconsin Statutes. The agent must meet the qualifications of (a) i and iii stated above and must, with respect to character, record, and reputation, be satisfactory to the Department of Revenue. Each corporate agent must have full written authority and control of the premises.

(4) Qualifications for Renewal of Licenses. All applicants for renewal of Retail Class "A", Class "B" or Class "C" licenses shall, before such application is approved by the Town Board, furnish to the Town Board proof of operation of a business by the applicant requiring such a license. The minimum period of operation of such business during a license year shall be 150 days of 8 hours per day.

In the situation where the applicant has held the license for a period of time less than the license year, applicant shall be entitled to all 8 hour days of operation during the licensing year, whether such days of operation were by the applicant or predecessor in title to the applicant license.

This subsection shall become effective for all renewal licenses to be issued on July 1, 1985.

(5) Inspection of Application and Premises. The Town Clerk shall notify the building inspector and fire inspector of all license and permit applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and law applicable thereto and the applicant's fitness for the trust to be approved. These officials shall furnish to the Town

Board in writing the information derived from such investigation. No license or renewal of license provided for in the ordinance shall be issued without an inspection or re-inspection of the premises and a satisfactory report is issued as herein required.

(6) Health and Sanitation Requirements. No license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.

(7) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes (real or personal), assessments, or other claims of Town are delinquent and unpaid, or to any person delinquent in payment of such claims to the town. In the event of the sale of the premises or transfer of a license during a license year, the Town Board shall condition the granting of a license upon payment of real estate or personal property tax prorated to the date of sale. The Town Treasurer shall estimate the tax rate to be used.

(8) Location of Premises.

(a) No retail Class "A" or "B" fermented malt beverage license or liquor license or Class "C" wine license shall hereafter be issued for premises less than 300 fee from any established public or parochial school, hospital, or church except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church, or hospital to the closest entrance to such premises.

The prohibition in this paragraph does not apply to any of the following:

1. Premises covered by a license or permit on June 30, 1947.
2. Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.

(b) 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, residential apartment, or other building which is not a tavern, restaurant, supper club, store, or other type of building where alcohol beverages are normally sold or consumed by the public.

(9) Federal Tax Stamp. No license or permit to sell alcohol beverages may be issued to any person until the person has provided proof of

application for a federal special tax stamp appropriate to the business covered by the license or permit. When the federal special tax stamp is obtained, the stamp or a copy thereof shall be shown to the issuing authority. If within 90 days of the issuance of the license or permit, a federal special stamp has not been shown to the issuing authority, the license or permit shall become invalid unless the holder shows cause why the federal special tax stamp has not been obtained.

1.07 Regulation of Licensed Premises and Licenses.

(1) Posting Licenses. Licenses issued under this ordinance shall be posted and displayed as provided by Section 125.04(10) of Wis. Stats. Failure to post a license as required therein shall be a presumption of operating without a license.

(2) Gambling and Disorderly Conduct Prohibited. Each licensed 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 or on any such premises.

(3) Employment of Underage Persons. No retail Class "B" licensee shall employ any person to serve, sell, dispense, or give away any alcohol beverage who has not attained 18 years of age.

(4) 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.

(5) 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" license, between 9pm and 8am.

(b) If a retail Class "B" license, between 2am and 6am, except 2:30am and 6am. on Saturdays and Sunday: and on January 1, no closing hours shall be in effect. Between 12 midnight and 6am., no person may sell fermented malt beverages on Class "B" licensed premises in an original package, container, or bottle or for consumption away from premises.

(c) Hotels and restaurants whose principle business is furnishing of food and lodging to patrons, bowling alleys, and golf courses, may remain open for the conduct of their regular business but may not sell intoxicating liquors or fermented malt beverages during prohibited hours specified above.

(6) Quotas.

(a) "Class B" license: The number of persons and places that may be granted a retail "Class B" liquor license under this ordinance in the town is limited as provided in Section 125.51(4) of Wis. Stats.

(b) No more than one retail Class "A" or Class "B" liquor license shall be issued to any one (1) person.

(7) Violations by Agents and Employees. A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

1.08 Form and Expiration of Licenses. 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. The Town Clerk shall affix the Clerk's affidavit as required by Section 125.04(4) of Wis. Stats.

1.09 Transfer of Licenses.

(1) From Place to Place. Every alcohol beverage license may be transferred to another place or premises within the same municipality. Transfers shall be approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment of the fee prescribed by Section 125.04(12) (a), Wis. Stats. Proceedings considering such transfer shall be conducted in the same manner and form as the original application. No retail licensee is entitled to more than one transfer during the license year.

(2) From Person to Person. Licenses issued under this ordinance may be transferred to another person only under the terms and conditions as provided by Section 125.04(12) (b) of Wis. Stats.

1.10 Revocation and Suspension of Licenses

(1) Grounds for Revocation, Suspension, or Refusal to Renew. The Town Board may revoke, suspend, or refuse to renew any license issued under this ordinance under the procedures described herein upon the finding of a violation of this ordinance or Chapter 125 of Wis. Stats.

(2) Procedure. A license may be revoked or suspended pursuant to Section 125.12(2) of Wis. Stats. The Town Board may refuse to renew a license pursuant to Section 125.12(3), Wis. Stats.

(3) Revocation. Any license issued under this ordinance may be revoked or suspended, or not renewed, if a licensee or employee, agent or representative thereof violates any applicable provision of this ordinance or of Chapter 125 of the Wis. Stats. or any other applicable state or federal alcohol beverage law. Proceedings for revocation, suspension or non-renewal shall be governed by Wis. Stats. Sec. 125.12

(4) Effect of Revocation of License. When a license is revoked under this section, the revocation shall be recorded by the clerk and no other license issued under this ordinance may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

(5) Repossession of License. Whenever any license under this section shall be revoked or suspended, the licensee shall surrender the license to the Town

Clerk. The Town Clerk or constable shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in the Clerk's office.

1.11 Separability of Provisions. Should any section or provisions of this ordinance of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of the ordinance. Future amendments to Wis. Stats. are hereby incorporated in this ordinance by reference.

1.12 Effective Date. This ordinance shall take effect from and after its passage and posting as provided by law.

Adopted this third day of Octoer, 2007, by the Town Board of Supervisors of the Town of Liberty Grove, Door County, Wisconsin.

Wm. P. Casey
William P. Casey, Chairman

John E. Mahoney
John Mahoney, Supervisor

Ann M. Miller
Ann Miller, Supervisor

Nancy B. Goss
Nancy Goss, Supervisor

John Jensen
John Jensen, Supervisor

Attest: Walter L. Kalms
Walter L. Kalms, Clerk/Administrator

10/3/07
Date