

ORDINANCE NUMBER 5.01
AN ORDINANCE OF THE TOWN OF BRIGHAM
TO REGULATE THE SALE OF ALCOHOL BEVERAGES

SECTION A PURPOSE

The Town Board of Supervisors of the Town of Brigham, Iowa County, Wisconsin finds that it is in the best interests 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.

SECTION B STATUTORY AUTHORITY

This ordinance is enacted pursuant to Section 125.10 of the Wisconsin Statutes and the general police power of the Town Board.

SECTION C DEFINITIONS

The definitions contained in Section 125.02 of the Wisconsin Statutes are hereby adopted and made a part of this ordinance by reference.

SECTION D LICENSES AND PERMITS REQUIRED

No person except as authorized by this ordinance and Chapter 125 of the Wisconsin Statutes shall within the Town of Brigham, 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.

SECTION E LICENSE 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 the 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: \$500.00 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) Operator's license: \$10.00 per year.
- (e) Retail "Class A" intoxicating liquor license: \$500.00 per year.
- (f) Retail "Class B" intoxicating liquor license: \$500.00 per year.

(g) Retail "Class C" intoxicating liquor license: \$100.00 per year.

(h) Retail Manager's intoxicating liquor license: \$25.00 per year.

SECTION F LICENSE REQUIREMENTS AND RESTRICTIONS

1 Application Procedure. All applications for a license authorized under this ordinance and Chapter 125 of the Wisconsin State 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 annual fee for the license as established in Section E of this ordinance. All applications must be on file with the Town Clerk at least 15 days before the Town Board may grant or deny the application, except as provided in Section 125.04(3)(f)3 of the Wisconsin Statutes, applicable to Class "B" "Picnic" licenses.

3 Qualifications of Applicants.

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

(i) be 18 years of age or older;

(ii) be a Wisconsin resident continuously for at least one year immediately prior to the date of filing of the application;

(iii) does not have an arrest or conviction record subject to Sections 111.321, 111.322, and 111.335 of the Wisconsin Statutes.

(b) All officers and directors of foreign corporations must meet the qualifications of Subsection 3(a)(i) and Subsection 3(a)(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 Subsection 3(a)(i) and Subsection 3(a)(iii) stated above and must, with respect to character, record, and reputation, be satisfactory to the Department of Revenue or the Town Board, whichever is applicable. Each corporate agent must have full written authority and control of the premises, as provided in Section 125.04(6)(a)2 of the Wisconsin Statutes.

4 Alcohol Awareness Training Programs.

(a) No person, including the licensee, a member of the licensee's immediate family or agent shall on or after July 1, 1987, supervise the sale or service of alcohol beverages on any premises or in any place within the Town for which a license or permit is required under Chapter 125 of the Wisconsin Statutes, unless such person either holds a valid operator's license or has filed with the Town Clerk proof of successful completion of an approved alcohol awareness training program.

(b) Effective for the 1986-87 licensing year, no operator's license shall be issued or renewed unless the applicant presents proof of successful completion of an alcohol awareness training program approved by the State of Wisconsin or any Wisconsin municipality. The Town Clerk shall verify approval and maintain a list of approved alcohol awareness programs on file in the Town office.

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

SECTION G 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 the Wisconsin Statutes. 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 such premises.

3 Employment of Minors. No retail Class "B" licensee or "Class B" licensee shall employ any person under 18 years of age to serve, sell, dispense, or give away any alcohol beverage.

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 or a retail "Class A" license, between 12:00 midnight and 8:00 a.m.

(b) If a retail Class "B" license or a retail "Class B" license, between 1:00 a.m. and 8:00 a.m.,

except as provided thusly: During that portion of each year for which the standard time is advanced under Section 175.095 of the Wisconsin Statutes, the closing hours shall be between 2:00 a.m. and 8:00 a.m. and on January 1, the closing hours shall be between 3:00 a.m. and 8:00 a.m.

(c) Between 9:00 p.m. and 8:00 a.m., no person may sell fermented malt beverages on Class "B" licensed premises in an original package, container or bottle or for consumption away from the premises.

6 Quotas. 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 the Wisconsin State Statutes.

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.

SECTION H 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 his or her affidavit as required by Section 125.04(4) of the Wisconsin Statutes.

SECTION I TRANSFER OF LICENSES

1 From Place to Place. Every alcohol beverage license issued by the Town may be transferred to another place or premises within the Town. Transfers shall be approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment of a fee of \$10.00. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail license 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 the Wisconsin Statutes.

SECTION J REVOCATION AND SUSPENSION OF LICENSES

1 Grounds for Revocation or Suspension. A license issued under this ordinance may be suspended or revoked by the Town Board under the procedures described herein upon the finding of a violation of this ordinance or Chapter 125 of the Wisconsin Statutes.

2 Procedure. A license may be revoked or suspended pursuant to Section 125.12(2) of the Wisconsin Statutes.

3 Effect of Revocation of License. When a license is revoked under this section, the revocation shall be recorded by the Town Clerk, and no other license issued under this ordinance may be granted within 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.

4 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.

SECTION K OPERATOR'S LICENSES

1 Operator's licenses may only be issued upon written application. The applicant must appear in person before the Town Board only upon submitting an original application. Renewal of an Operator's License shall only require a written application be submitted to the Town Clerk. An Operator's License will be valid for one year and expire on June 30.

2 Operator's licenses granted by the Town Board and issued by the Town Clerk are valid only within the Town of Brigham.

3 Provisional License. The Town Clerk may issue provisional operator's licenses, in accordance with 125.17(5) of the Wisconsin State Statutes.

(a) A provisional operator's license may be issued only to a person who has applied for an operator's license under Section F, while they are taking the responsible beverages server training course as required by 125.17(6) of the Wisconsin Statutes.

(b) A provisional operator's license may not be issued to any person who has been denied a license under Section F by the Town Board.

(C) A provisional operator's license expires 60 days after its issuance or when a license under Section F is issued the holder, whichever is sooner.

(D) The Official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

4 The fee for an Operator's License shall be \$10.00 per year. The fee for a Provisional Operator's License shall be \$10.00. The \$10.00 fee paid for a Provisional License shall be applied to the cost of an Operator's License upon issuance. In the event that an Operator's License is denied or a Provisional License is revoked, the \$10.00 fee shall not be refundable.