

**TOWN OF MINONG ORDINANCE # 25**  
**LICENSING AND REGULATION OF INTOXICATING LIQUOR**

**SECTION I - PURPOSE AND AUTHORITY:**

The title of this ordinance is the Town of Minong Licensing and Regulation of Intoxicating Liquors Ordinance. The purpose of this ordinance is to adopt the provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing, and transfer of alcohol beverages, including provisions relating to minors and persons under the legal drinking age, and to authorize the Town Board of the Town of Minong, to enact or prescribe additional regulations for the sale of alcoholic beverages pursuant to WI Stats 125.10 provided such additional regulations do not conflict with said statutes. A violation of any of such provisions shall constitute a violation of this Section. Any future amendments, revisions, or modifications of the Statutes included herein are intended to be made a part of this Section.

**SECTION II – ADOPTION OF ORDINANCE:**

The Town Board of the Town of Minong, by this ordinance, adopted on proper notice, and by proper vote with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Minong to regulate, revoke, or suspend licenses or permits, and enforce other specific actions at or near alcohol retail sales premises located in the Town and other regulatory and enforcement authority noted in this ordinance.

**SECTION III - APPLICATION FOR LICENSES**

1. **APPLICATION FOR CLASS “B”-** Applications for Liquor licenses need to be submitted to the Town Clerk one week prior to the May Town Board Meeting. License applications will then be published and submitted for approval at the June Town Board Meeting. Respective fees have been set by the Town Board and will be submitted with the license application.

- A. Upon receipt of a new or renewal application, an inspection of the premises may be required.
- B. A yearly record check will be done on all new and existing bar owners prior to license approval.

2. **APPLICATION FOR OPERATORS LICENSES** - Renewal applications for Operators licenses need to be submitted to the Town Clerk one week prior to the June Board meeting for approval at that meeting. New applicants can submit at any time, at which time a 60 day Provisional License can be issued if necessary by the Town Clerk and submitted for approval at the next available Town Board meeting.

- A. All applicants are required to show proof of certification of the required beverage training course.
- B. A record check will be done on all new and renewal applications for an Operator’s license.
- C. The clerk will report all information for town board approval of all Operators’ Licenses. The Town Board will then determine if an Operator’s license will be granted based on the findings of the record check and or applicants qualifications.

3. **APPLICATION FOR SPECIAL CLASS “B” GATHERING OR PICNIC LICENSES AND TEMPORARY OPERATORS LICENSES** - applications for Class “B” licenses for special events can be issued to service or non-profit organizations by board approval. Said applications need to be approved by board action in advance of the date of the event, and need to be accompanied by a Temporary Operator’s License which includes all the names of any person who will be responsible for serving the beverages. This action can be waived if the organization holds a yearly event approved by the board as such. However, a license and list of operator’s still need to be filed with the Town Clerk prior to the date of the event.

#### 4. AMENDMENT – MAY 12, 2014

##### **APPLICATION FOR A CLASS “A” BEER LICENSE OR PROVISIONAL CLASS “A”**

**LICENSE** - A maximum of 3 Class “A” Beer Licenses will be allowed in the Town of Minong. A provisional Class “A” license application can be applied for and issued if all the proper town and state requirements are met. A provisional license is good for a maximum of 60 days, at that time an original Class “A” license can be issued after proper notification and approval by the Town Board.

Renewal applications for Class “A” Beer licenses need to be submitted to the Town Clerk one week prior to the May Town Board Meeting. License applications will then be published and submitted for approval at the June Town Board Meeting. Respective fees have been set by the Town Board and will be submitted with the license application.

A. Upon receipt of a new or renewal application, an inspection of the premises may be required.

B. A yearly record check will be done on all new and existing bar owners prior to license approval.

#### **SECTION IV - COMPLIANCE CONDITIONS AND REASONS FOR SURRENDER OF LICENSES**

**VALIDITY OF PREMISES** It is unlawful for any person to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the town any alcohol beverage or soft drink, except in strict accordance with the provisions of this ordinance and state law. The issuance of any license or permit to any person under this ordinance and chapter 125, Wis. stats., is contingent upon full compliance with this ordinance and chapter 125, Wis. stats. by the licensee or permittee. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this ordinance or chapter 125 or 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of this chapter is a public nuisance and may be closed until the activity in violation of this ordinance is abated. When the activity is abated, the building or place may be used for any lawful purpose.

**UNDER THE INFLUENCE** It is unlawful for a licensee, permittee, or any employee, operator, or manager of a tavern or other licensed or permitted establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance while performing services on the licensed or permitted premises of the town.

**CONDUCT OF LICENSE HOLDER** It is unlawful for any person, including any owner, tenant, employee, operator, or manager of a tavern, who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct in a town tavern premises under circumstances in which that conduct tended to cause or provoke a disturbance and who has been ordered by the town board or law enforcement officer not to enter or to remain in a tavern or other licensed or permitted establishment to so enter or remain during any period after having been ordered not to enter or remain by a law enforcement officer. An order prohibiting entry under this subsection may prohibit entry for a period up to 6 months.

**UNSANITARY OR UNSAFE CONDITION OF BUILDING:** No licensee or permittee in charge and control of a tavern shall fail to keep or maintain a tavern or other licensed or permitted premise up to Code or in a sanitary or safe condition after written notice by the State of Wisconsin, Department of Health and Family Services or the town board.

**REQUIRED CONTINUATION OF BUSINESS:** As a condition of maintaining and keeping an alcohol beverage retail sale license for a tavern in the town, any licensee of a tavern premise must stay open for business and continue in business and demonstrate business continuance satisfactory to the town board. Issuance or retention of a license by a party not open for business and not demonstrating business continuation is declared by this ordinance to be against public policy of the town. A determination by the town board that a person is not demonstrating business continuation establishes

grounds for suspension or revocation of the alcohol beverage retail sale license. The town board shall determine whether the license shall be suspended or revoked under this subsection and in accordance with s. 125.12, Wis. stats. A person who was licensed or permitted for the tavern premises for an alcohol beverage retail tavern is not demonstrating business continuation if any of the following is demonstrated:

- A. The person has delinquent Real Estate taxes, Personal Property taxes, or outstanding liquor bills due on the property in which the establishment is taxed.
- B. The person has not done business in the tavern premises for at least 180 consecutive days.
- C. The person has voluntarily vacated the premises for more than 180 consecutive days.
- D. The person was ordered by a court of competent jurisdiction to vacate the premises.

**MORAL CHARACTER:** A license or permit shall not be denied on the grounds that the applicant lacks good moral character, unless there is evidence that the applicant would, if granted an initial or renewed license or permit, pose a threat to the safety or welfare of patrons of the licensed or permitted establishment in which he or she would be employed. The following will be considered grounds for suspension or revocation of a Class A, Class B, Operator's, or Manager's License or dismissal from a bartending job if the applicant has had a:

- A. A suspension, revocation, or dismissal which occurred within a year of the date of the application, or there has been more than one such suspension, revocation, or dismissal within 3 years of the date of the application.
- B. Record of habitually being a law offender or has been convicted of a felony, unless the person has been legally pardoned.
- C. Pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the permitted or licensed activity.
- D. Conviction of one or more of the following:
  - 1. Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under s.961.41(1), Wis. stats.
  - 2. Possessing, with intent to manufacture, distribute, or deliver, a controlled substance analog under s. 961.41 (1m), Wis. stats.
  - 3. Possessing, with intent to manufacture, distribute or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.

**EVIDENCE OF REHABILITATION:** If any town committee, or local law enforcement recommends to the town board denial of an Operator's License or Manager License or other license or permit on the basis provided under this ordinance, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.

## **SECTION V - LICENSE RESTRICTIONS**

### **A. SALE OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS; RESTRICTIONS.**

- 1. No person may procure for or sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age
- 2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.

**B. INTOXICATED PERSONS.**

- 1. No person may procure for sale, dispense, or give away alcohol beverages to an intoxicated person.
- 2. No license or permittee may sell, vend, deal, or traffic in alcohol beverages to or with an intoxicated person.
- 3. No licensee or permittee may permit an intoxicated person to be on a licensed or permitted premise.

**C. DISORDERLY HOUSE.** No licensee or permittee in charge and control of a licensed or permitted premises shall keep or maintain a disorderly or riotous, indecent, or improper tavern or licensed or permitted establishment.

**D. AFTER HOURS.** No licensee or permittee shall permit any person to be present on the premises operated under a Class "A," "Class A," or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business unless these persons are performing job related activities.

**SECTION VI - SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

**SECTION VII - EFFECTIVE DATE**

A. Code. The code of Ordinances, Town of Minong, Wisconsin when adopted shall take effect as provided by state law.

B. Subsequent Ordinances. All Ordinances passed by the Town of Minong subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, *Sec. 66.035, Wis Stats.*

This ordinance shall be in full force and effective on the 10<sup>th</sup> day of October, 2008, after proper notice and publication of said ordinance as required under *s 60.80 WI Stats.* Amended and

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 2014

**APPROVED BY TOWN BOARD TOWN OF MINONG**

_____	_____	_____	_____
CHAIRMAN	DATE	SUPERVISOR #1	DATE

_____	_____	_____	_____
SUPERVISOR # 2	DATE	SUPERVISOR # 3	DATE

_____	TOWN SEAL
SUPERVISOR # 4	

\_\_\_\_\_  
ATTESTED BY: TOWN CLERK

