

## **Chapter 300. Licensing**

### **Subchapter 301. Alcohol Beverages**

- 301.1. **PURPOSE** The purpose of this ordinance is to provide a uniform regulation of the sale of alcohol beverages and to set the fees for mandatory licenses.
- 301.2. **ADOPTION OF STATE ALCOHOL BEVERAGE STATUTES** The Town of Presque Isle adopts by reference, state alcohol beverage laws as found in CH 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, and transfer of alcoholic beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes. A violation of any such provision will constitute a violation of this chapter.
- 301.3. **LICENSES, PERMITS, AUTHORIZATION REQUIRED** No person, except as provided by s. 125.06, Wis. Stats. will, within the Town of Presque Isle, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this section, or CH. 125, Wis. Stats., requires a license, permit, or other authorization without holding the appropriate licenses, permits, or other authorization as provided in this section.
- 301.4. **LOCAL ORDINANCE** It has been determined that the Town of Presque Isle will issue the following applicable licenses for the sale of alcohol beverages within the jurisdiction of the Town of Presque Isle:
- (1). Class “B” licenses (taverns, hotels, restaurants, clubs, societies, lodges, fair associations, etc.) for the retail sale of beer for consumption on or off the premises where sold.
  - (2). Class “A” licenses (stores, etc.) for the retail sale of beer in original packages to be consumed away from the premises where sold.
  - (3). “Class B” licenses (taverns, restaurants, hotels, etc.) for the retail sale of intoxicating liquor for consumption on the premises where sold.
  - (4). The Town of Presque Isle, by passage of this ordinance, elects that a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, 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.
  - (5). “Class A” licenses (stores, etc.) for the retail sale of intoxicating liquor in original packages to be consumed away from the premises where sold.
  - (6). “Class C” licenses (restaurants) for the retail sale of wine for consumption on the premises where sold.
  - (7). Temporary licenses may be issued 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 before the date of application and to posts of veterans’ organizations.
  - (8). Temporary Class “B” licenses authorize the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
  - (9). Temporary “Class B” licenses authorize the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
  - (10). Operators’ Licenses (One year) required for the purpose of complying with CH 125, Wis. Stats.
  - (11). Temporary Operators’ Licenses (one day to 14 days) required for the purpose of complying with CH 125, Wis. Stats.

301.5. FEES The fees shown below (except for Temporary Licenses) are for a full license year, running July 1 to the next June 30. For applications made during the

license year, the fees will be pro-rated according to the number of months or fractions thereof remaining until the following June 30.

1) Operator's License		\$10.00
2) Temporary Operator's License		\$1.00
3) Class "A" Fermented Malt Beverages License	s. 125.25(4)	\$10.00
4) Class "B" Fermented Malt Beverages License	s. 125.26(4)	\$25.00
5) Temporary Class "B" Fermented Malt Beverages Licenses	s. 125.26(6)	\$1.00
6) Temporary "Class B" Wine	s. 125.51(10)	\$1.00
7) "Class A" Intoxicating Liquor License	s. 125.51(2)d	\$50.00
8) "Class B" Intoxicating Liquor License	s. 125.51(3)(e)	\$200.00
9) "Class C" Wine License	s. 125.51(3m)(e)	\$25.00
10) Publication Fee		\$5.00

301.6. TEMPORARY CLASS "B" LICENSE. As provided under s. 125.04(3)(f), Wis. Stats., a Temporary Class "B" License for a picnic or other gathering lasting less than four days, the application for such license must be filed with the Presque Isle Town Clerk at least seven days prior to the beginning of such events.

301.7. PUBLICATION OF APPLICATION FOR LICENSE (EXCLUDES TEMPORARY LICENSES). To meet the requirements under s. 125.04(3)(g), Wis. Stats., the Town Clerk will publish each application one time in the paper of record prior to issuance of the license.

301.8. WITHHOLDING OF LICENSE. A license may be withheld from any individual or corporation for failure to fulfill any financial obligation to the town.

(1). MAINTAINING AND KEEPING A LICENSE. As a condition of maintaining and keeping a "Class B" Liquor license in this town, any licensee must continue in business for the licensed purpose during regular and customary business hours for three (3) months per year, not necessarily consecutive.

(2). DISCIPLINARY ACTION. If, in the judgment of the Town Board, any licensed party violates and fails to meet the requirements and intent of this ordinance, the Town Board may take disciplinary action, including license suspension for a specified number

of days (up to 90 days), or revocation. Any license that has been revoked shall not be reinstated within the following 12 months.

(a). Disciplinary action by the Town Board shall follow the procedure mandated under s. 125.12 Wis. Stats. (or its successor). At present, this procedure requires personal service of the hearing notice (summons) and complaint followed by a hearing conducted by the Town Board within 3 to 10 days thereafter. In the event that the licensee cannot be found, the summons may be published in the newspaper of record.

(b). There shall be no refund of any license fee paid to a party whose license is revoked.

(3). PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

301.9. PREVIOUS ORDINANCE Upon adoption of this ordinance, Ordinances dated 7/6/50 (Ordinance No. I), 2/19/53, 3/7/85 and Ordinance 95-2 are rescinded.

301.10. VALIDITY If any section, clause or provision of this ordinance is declared by the courts to be invalid, the same will not affect the validity of the ordinance as a whole or any part thereof.

301.11. EFFECTIVE DATE This ordinance will be in effect beginning July 1, 2018 and after its passage and posting as required by law.