

**STATE OF WISCONSIN
TOWN OF GARDEN VALLEY
JACKSON COUNTY
ORDINANCE NO. 1 - 2016**

The Town Board of the Town of Garden Valley do Ordain as follows:

SECTION 1(A) TITLE AND PURPOSE

The title of this ordinance is the Town of Garden Valley Intoxicating Liquor and Fermented Malt Beverages. The purpose of this ordinance is for the town to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this ordinance for such regulation will promote good order for the Town and promote the health, safety and welfare of the Town and its residents.

SECTION 2. AUTHORITY

This ordinance is enacted pursuant to Wis. Stat. Sec. 125.10 and Wis. Stat. 60.22(3)

SECTION 3. STATE STATUTE ADOPTED.

The provisions of Chapter 125 of the Wisconsin Statutes, including any future revisions or amendments thereto, describing and defining the rules and regulations concerning the sale of alcohol beverages, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by Chapter 125 is required or prohibited by this Chapter. Any penalty imposed by Chapter 125 is not imposed if this Ordinance specifically provides for a penalty herein provided, however, that the penalties prescribed herein shall be limited to and shall not exceed the penalties prescribed by Chapter 125 for the same act. Any future amendments, revisions or modifications of Chapter 125 are intended to be made a part of this Chapter.

SECTION 4. LICENSE APPLICATION.

(1) Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by §125.04(3) Wis. Stats., and shall be filed, together with the cost of publication as provided by §125.04(3)(g)6. Wis. Stats., with the Town Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under §§125.26(6) and 125.51(10), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting an operator's license, the applicant shall sign a waiver permitting the Town to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant.

(2) APPLICATION INVESTIGATION. The Town Clerk shall notify the Building Inspector of each new license and permit application and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. The Building Inspector shall furnish to the Town Board, in writing, the information derived from such investigation.

SECTION 5. GRANTING OF LICENSE

Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town. The full license fee shall be charges for the whole or fraction of any year.

SECTION 6. LICENSE FEES.

The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as follows:

- (a) Class "A" Fermented Malt Beverages. \$50 per year.
- (b) Class "B" Fermented Malt Beverages. \$100 per year.
- (c) Temporary Class "B" License:
 - 1. Picnic License, Beer. \$10 per day. Issued to organizations enumerated in §125.26(6) Wis. Stats., to sell or serve fermented malt beverages at a picnic, meeting or gathering.
 - 2. Picnic License, Wine. \$10 per day, except that no fee shall be charged in the event a license under subpar. 1. above is simultaneously issued to organizations enumerated in §125.51(10), Wis. Stats., to sell or serve wine at a picnic, meeting or gathering.
 - 3. Annual Quota. No more than 2 licenses may be issued to any one organization in any 12 month period.
- (d) "Class A" Intoxicating Liquor. \$250 per year. See §125.51(2), Wis. Stats.
- (e) "Class B" Intoxicating Liquor. \$350 per year. See §125.51(3), Wis. Stats.
- (f) "Class C" Wine. \$100 per year. (See §125.51 (3m), Wis. Stats.)
- (g) Wholesalers Fermented Malt Beverages. \$25 per year.
- (h) Operator's License. Operators' licenses are issued annually, to expire on June 30, as provided in §125.17(3), Wis. Stats. The license fee is \$10 per year. No operator's license shall be granted unless the applicant has successfully completed a VTAE responsible beverage server training course or is otherwise exempt from such requirements under §125.17(6) (a),

Wis. Stats. The Town Clerk may issue a provisional operator's license to a person who is enrolled in said training course and shall revoke such license if the applicant fails to successfully complete the course.

(i) Provisional Operator's License. \$10 for up to 60 days, as provided in §125.17(5), Wis. Stats. (See also par. (h) above)

(j) Temporary Operator's License. \$1.00 for up to 14 days, as provided in §125.17(4), Wis. Stats. The Town Clerk shall issue temporary licenses.

(k) Manager's License. \$25 per year. These licenses shall not be valid for more than one year and shall expire on June 30.

(l) Reserve "Class B" Intoxicating Liquor License. The fee for the initial issuance of a Reserve "Class B" Intoxicating Liquor License shall be \$10,000. The annual renewal fee of a Reserve "Class B" Intoxicating Liquor License, after its initial issuance, shall be as set forth in provision (e) above.

SECTION 7. OPERATOR'S LICENSE.

All applications for an operator's license shall be filed with the Town Clerk.

SECTION 8. LICENSE REQUIRED.

No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all Statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

SECTION 9. QUALIFICATIONS FOR LICENSES AND PERMITS.

(a) Natural Persons . Licenses related to alcohol beverages, issued to natural person under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to §§111.321, 111.322, 111.335 and §125.12(1)(b), Wis. Stats.

2. Have been residents of this State continuously for 90 days prior to the date of the application.

3. Have attained the legal drinking age, except that operators' licenses may be issued to persons who have attained the age of 18.

4. Have successfully completed, within two years prior to the application date, a responsible beverage server training course per 125.04(5) Wis. Stats., or is otherwise exempt from such requirement under §125.17 (6) (a) , Wis. Stats.

5. Have submitted proof under 77.61(11), Wis. Stats.

(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322, 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

(c) Corporations and Limited Liability Companies. See 125.04(5)(c) and (6) Wis. Stats.

SECTION 10. LICENSE CONDITIONS AND RESTRICTIONS.

In addition to the conditions and restrictions imposed by State law on the granting of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses hereunder, the following conditions and restrictions shall apply:

(a) Premises in the Town of Garden Valley for which a Class "B" intoxicating liquor or fermented malt beverage license(s) for the sale of fermented malt beverages or liquor has been issued shall not be permitted to remain open between 2:00 a.m. and 8:00 a.m. Closing hours may be modified for specific events by majority vote of the Town Board.

(b) Sales to Underage Persons Prohibited. No alcohol beverage shall be sold, dispensed, given away or furnished to any underage person unless he is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(d) Commencement of Operations. Within 180 days after the issuance of a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon failure to do business within such time, the license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 180 day period.

(e) Cessation of Operations. If any licensee shall suspend or cease doing business for 180 consecutive days or more, their "Class B" intoxicating liquor license and/or their Class "B" fermented malt beverage license shall be subject to revocation by the Town Board after a public hearing. The Town Board may, for a good cause shown, extend such 180 day period.

(f) Transfer of License. No license shall be transferable from person to person except as provided in §125.04(12)(b) , Wis. Stats., or from place to place, except as provided in §125.04(12)(a) , Wis. Stats.

(g) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Human Services applicable to restaurants, and also shall conform to all ordinances and regulations of the Town.

(h) Town Taxes and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments to the Town.

(i) Disorderly Conduct and Gambling 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 on any licensed premises.

(j) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(k) Location of Premises. No "Class A", "Class B", Class "A" or Class "B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public or parochial school, tribal 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. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection 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.

(3) A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of their gross receipts.

SECTION 11. UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.

(a) Restrictions. Pursuant to §125.07 (4) (b) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian, or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

SECTION 12. REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter or Chapter 125 of the Wisconsin Statutes, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Chapter 125 of the Wisconsin Statutes and the provisions herein relating to granting a new license shall likewise be applicable.

(b) Automatic Revocation. Any license issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this Ordinance or for a violation of Chapters 125 or 139 of the Wisconsin Statutes or any other State or Federal intoxicating liquor or fermented malt beverage laws.