

Town of Gardner
Ordinance Regulating Alcohol Beverages in the Town of Gardner
Ordinance No. 01-1989

- 1.01 **PURPOSE:** The town Board of Supervisors of the Town of Gardner, 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, and welfare and convenience of the public.
- 1.02 **STATUTORY AUTHORITY.** This ordinance is enacted pursuant to Sec. 125.10 of the Wisconsin Statutes and the general police of the Town Board.
- 1.03 **DEFINITIONS.** The definitions contained in Sec. 125.02 of Wisconsin Statutes are hereby adopted and made a part of this ordinance by reference.
- 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 Gardner, 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 required under this ordinance.
- 1.05 **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 Wisconsin Statutes. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
- (1) **RETAIL CLASS 'A' FERMENTED MALT BEVERAGE LICENSE:** \$50.00 per year.
 - (2) **RETAIL CLASS 'B' FERMENTED MALT BEVERAGE LICENSE:** \$50.00 per year.
 - (3) **CLASS 'B' PICNIC LICENSE FOR FERMENTED MALT BEVERAGES LICENSE FOR BONA FIDE CLUBS, STATE, COUNTY, OR LOCAL FAIR ASSOCIATIONS, OR AGRICULTURAL SOCIETIES, LODGES, OR SOCIETIES. ETC.** \$10.00 per day.
 - (4) **WHOLESALE'S FERMENTED MALT BEVERAGE LICENSE:** \$25.00 per year.
 - (5) **SPECIAL WHOLESALE PERMENTED MALT BEVERAGE LICENSE:** \$25.00 per year.
 - (6) **OPERATOR'S LICENSE:** \$8.00 per year (no maximum.)
 - (7) **MANAGER'S LICENSE:** (not TO EXCEED \$25.00/yr.)
 - (8) **RETAIL CLASS 'A' INTOXICATING LIQUAR LICENSE:** \$75.00 per year. (Minimum \$50.00, Maximum \$500.00).

- (9) RETAIL CLASS 'B' INTOXICATING LIQUOR LICENSE: \$75.00 per year. (Minimum \$50.00, Maximum \$500.00).

The Town Board has elected to come under the provisions of Sec. 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 consumption off the premises in the original package or otherwise in any quality, provided that between midnight and 8:00 A.M. no person may sell intoxicating liquor or fermented malt beverages for consumption off the premises.

- (10) PHARMACIST' LICENSE: \$10.00 per year.
- (11) LICENSES FOR LESS THAN ONE YEAR.
- (a) A license may be issued after July 1 in any license year. The license shall expire the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining under the following June 30.
 - (b) Licenses valid for 6 months may be issued at any time. The fee for license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

1.06 LICENSE REQUIREMENTS AND RESTRICTIONS.

- (1) APPLICATION PROCEDURE. All applications fro a license authorized under this ordinance and Chapter 125 of 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 spare, to be covered by the license.
- (2) FILING OF APPLICATION. All appreciations shall be filed with the Town Clerk. At the time for filing, the applicant shall pay to the Town Clerk the cost of publication of the applications and the annual fee for the license as established in Sec. 1.05 of the is ordinance. All application must be on file with the Town Clerk at least 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 the following qualifications:
 - I. Have attained the legal drinking age.
 - ii. Be a Wisconsin resident continuously for at least 90 days immediately prior to the date of filing application.
 - iii. Does not have an arrest or conviction record subject to Sec. 11.321, 111.322 and 111.335 of Wisconsin Statutes.

(b). All corporations must designate and agent pursuant to Sec. 125.04(6) of 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' or Class 'B' 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 10 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 a predecessor title to the applicant license.

(5) 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 of 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.

(6) 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 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 and personal property taxes prorated to the date of sale. The Town Clerk shall estimate the tax rate to be used.

1.07 REGULATIONS OF LICENSED PREMISES AND LICENSES.

- (1) POSTING LICENSES. Licenses issued under this ordinance shall be posted and displayed as provided by Sec. 125.04(1) of Wisconsin Statutes. Failure to post a license as required therein shall be 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 MINORS. No retail Class 'B' License shall employ any person under the legal drinking 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 between 12 midnight and 8:00 A.M., but may remain open for the conduct of other regular business.
 - (b) If a retail Class 'B' license between 1:00 A.M. and 8:00 A.M., except as provided in this subsection: During that portion of each year for which the standard time is advanced under Sec. 175.095, the closing hours shall be between 2:00 A.M. and 8:00 A.M. and on January 1, the closing hours shall between 3:00 A.M. and 8:00 A.M. between 12 midnight and 8:00 A.M., no person may sell fermented malt beverages or intoxicating liquor on Class 'B' licensed premises in an original package, container or bottle or for consumption away from the premises.
 - (c) Hotels and restaurants whose principal business is furnishing 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. 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 Sec. 125.51(4) of Wisconsin Statutes.
 - (7) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this ordinance by any authorized agent or employee of a license 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 his or her affidavit as required by Sec. 125.04.(4) of Wisconsin Statutes.
- 1.09 TRANSFER OF LICENSES.
- (1) FROM PLACE TO PLACE. Every alcohol beverage license may be transferred to another place or premises within the Town of Gardner. 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. Proceeding 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 Sec. 125.04(12)(b) of Wisconsin Statutes.

- 1.10 REVOCATION AND SUSPENSION OF LICENES.
- (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 find of a violation of this ordinance or Chapter 125 of Wisconsin Statutes.
 - (2) PROCEDURE. A license may be removed or suspended pursuant to Sec. 125.12(2) of Wisconsin Statutes.
 - (3) EFFECT OF REVOCATION OF LICENSE. When a license is revoked under this section, the revocations shall be recorded by the 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.
- 1.11 SEPARABILITY OF PROVISIONS. Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.
- 1.12 EFFECTIVE DATE. This ordinance shall take effect from and after its passage and posting as provided by law.

Adopted this 7th day of February, 1989 by the Town Board of Supervisors of the Town of Gardner, Door County Wisconsin.

Colin Sacotte, Chairman

Clarence Krueger, Supervisor #1

Walter Rutz Jr., Supervisor #2

Thomas Henquinet, Town Clerk