**T.22N-R.-16E**

**ORDINANCE #2022-01**

**ALCOHOLIC BEVERAGE LICENSES AND PERMITS**

**TOWN OF ELLINGTON, WISCONSIN**

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Chairman, Joseph Schumacher

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Supervisor, Joseph Vermiglio

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Supervisor, Allen Kaddatz

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Attest – Town Clerk Date

Alcoholic Beverage Licenses and Permits

SECTION 1. State Statutes Adopted. The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, except Sections 125.09(6), 125.11, 125.20(6), 125.66(3), and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, the penalty for commission of such offenses limited to a forfeiture imposed under this statute are hereby adopted and made part of this ordinance by reference.

SECTION 2. When License Required: No person, except as provided under 8.01(1), shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section nor without complying with all of the provisions of this section and all statutes, ordinances and regulations of the State and the Town applicable thereto.

SECTION 3. License Fees. There shall be the following classes and denominations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages. Liquor license fees are reviewed annually and set by resolution of the Town Board.

* 1. Class "A" Fermented Malt Beverage Retailer's License
  2. Combination Class "B" Fermented Malt Beverage Retailers License and Liquor License
  3. Beverage Operator's License
  4. Retail Class "A" Liquor License
  5. One-Day Malt Beverage License
  6. Temporary (Picnic) “Class B” (beer) License
  7. Temporary (Picnic) “Class B”

SECTION 4. License Restrictions.

1. Tax Delinquencies. In the event of a licensed tavern business being sold during the license year, the Town Clerk may not issue a license to the new owner until the Town Clerk is furnished receipts showing that there are no delinquent real estate taxes, delinquent personal property taxes, and the sewer and water services, if any, are all paid. An estimated amount for personal property taxes shall be provided by the Town Treasurer and an amount sufficient escrowed pending issuance of the final personal property bill.
2. Delinquent Taxes, Assessments.
   * 1. Premises: No initial or renewal of alcoholic beverage license shall be granted for any premises for which taxes, assessments or other claims to the Town are delinquent or unpaid.
     2. Persons: No initial or renewal of alcoholic beverage license shall be granted to any person:
        1. Delinquent in payment of any taxes, assessments or other claims owed to the Town;
        2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.
        3. Delinquent in payment to the State of any State taxes owed.

SECTION 5. Search of Licensed Premises. It shall be condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any law enforcement official employed by the Town of Ellington without any warrant and the application for a license hereunder shall be deemed a consent of this provision. Any refusal to permit such inspection shall constitute grounds for revocation of any license issued hereunder and shall be deemed a violation of this section.

SECTION 6. Posting License. Licenses or permits issued under this section shall be posted and displayed as provided in § 125.04(10) of the Wisconsin Statues and any licensee or permittee who shall fail to post their license or permit as therein required shall be presumed to be operating without a license.

SECTION 7. Regulation of Licensed Premises.

1. Restrictions on Sales. Provisions of Section 125.07 of the Wisconsin Statutes relating to the sale of alcohol and malt beverages to minors and intoxicated persons and all under provisions thereunder are specifically adopted as part of this ordinance.
2. 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.

SECTION 8. Revocation and Suspension of Licenses.

1. Procedure. Except as hereinafter provided, the provisions of Section 125.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.

SECTION 9. Closing Hours.

1. No premises for which a retail Class "B" license has been issued shall be permitted to remain open at any times in violation of Wisconsin Statute 125.32(3)
2. It shall be unlawful for any person to remain in such licensed premises during any of the time during which said premises are required to be vacated and closed as herein provided. In the event the owner or operator of any licensed premises desires to be present upon such premises for the purpose of making repairs or performing work incidental to the care or maintenance of said premises, during that time when the same is required to be vacated and closed, he may make application for such permission specifying the date, time and purpose for which the same is desired, to the Town Chairperson or their designee, after investigating the application, shall issue a permit for the purpose to be indicated upon such permit, after having concluded that the application and purpose designated are bona fide; and it is further provided that during the time the owner or operator, specified in said permit, are upon such licensed premises during the time when same would otherwise be required to be vacated and closed, said premises shall be fully lighted and such owner, operator, or employees shall, upon demand of any police officer, immediately admit such officer for the purpose of making an investigation upon such licensed premises as such officer in his discretion may determine.

SECTION 10. Semi-Annual Licenses. Licenses may be granted which shall expire on the 30th day of June of each year, upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30th of each year bears to twelve. Licenses may also be issued at any time for a period of six months in any calendar year for which 3/4 of the annual license fee shall be paid. Such six months licenses shall not be renewable during the calendar year in which issued.