

1988

TOWN OF PELICAN - LICENSES AND PERMITS

1.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(a) When Required. No person except as provided by Ch. 125.06, Wis. Stats., shall within the Town of Pelican serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization as provided in this chapter. Sec. Ch. 125.04(1), Wis. Stats.

(b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. Sec. ch. 125.04(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES. The following classes and denominations of licenses may be issued by the Town Clerk under the authority of the Town Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in ch. 125.17, 124.25, 125.26, 125.28, 125.51, and 125.57, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class "A" Fermented Malt Beverage Retailer's License. \$20.00 per year. See Ch. 125.25, Wis. Stats.

(b) Class "B" Fermented Malt Beverage Retailer's License. \$100.00 per year. The license fee for new applications covering only a portion of the remaining license year shall be prorated on a quarterly basis. See Ch. 125.26, Wis. Stats.

1. Six Month. A license may be issued at any time for six months in any calendar year, for which 3/4 of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.

2. Picnic. \$2.00 per day or \$10.00 per event, whichever is greater.

(c) Wholesaler's Fermented Malt Beverage License. \$25.00 per year, or fraction thereof. See Ch. 125.28, Wis. Stats.

(d) Retail "Class A" Liquor Licenses. \$300.00 per year. The license fee for new applications covering only a portion of the remaining license year shall be prorated on a quarterly basis. See Ch. 125.51(2), Wis. Stats.

(e) Retail "Class B" Liquor License. \$300.00 per year. The license fee for new applications covering only a portion of the remaining license year shall be prorated on a quarterly basis. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

2. Licenses valid for six months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(f) Operators. \$15.00 per year on new applications and \$10.00 per year on renewal applications. See ch. 125.17, Wis. Stats.

1. Operators' licenses may be granted to individuals by the Town Board for the purposes of complying with Ch. 125.32(2) and 125.68(2), Wis. Stats.

2. Operators' licenses may be issued only on written application on forms provided by the Town Clerk.

3. Operators' licenses shall be valid for one year and shall expire on June 30 of each year.

(4) FEES, WHEN PAYABLE. No license shall be issued hereunder until the applicant shall first have paid to the Town Clerk the fee herein required. On applications concerning premises where construction is not complete, the fee shall be paid within five days of the granting of the license and upon the payment of the fee, the license shall remain in effect for the license year.

(5) LICENSE APPLICATION.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue or Town Board for operators' licenses, and filed with the Town Clerk. The premises shall be physically described, including every room

and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Ch. 887.01, Wis. Stats.

(c) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk to the State Department of Revenue.

(6) LICENSE RESTRICTIONS.

(a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Ch. 125.04 and 125.33(3)(b), Wis. Stats.

(b) Location.

1. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

2. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Effect of Revocation of License. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(e) Inspection of Application and Premises. The Town Clerk shall notify the Town Board of all license and permit applications, and the Town Board shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the

regulations, ordinances and laws applicable thereto and shall furnish to the Town Board, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of the Town Board and no license shall be renewed without a reinspection of the premises and report as herein required.

(f) 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 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.

(g) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.

(h) Age Requirements. No license hereunder shall be granted to any person who is underage.

(i) Delinquent Taxes, Assessments, Etc.

1. Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid.

2. Persons. No initial or renewal alcohol license shall be granted to any person delinquent in payment:

a. Of any taxes, assessments or other claims owed to the Town.

b. Of a forfeiture resulting from a violation of any ordinance of the Town.

(j) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(k) Unobstructed View Required. All windows of any licensed premises shall be of clear glass and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box stalls, screens, curtains, plants, advertising placed or other devices which shall obstruct the view of such premises from the general observation of persons passing, provided, that booths not higher than 48 inches from the floor shall not be construed as in conflict with the foregoing provisions.

(1) Premises Below Street Level. Except in the sole discretion of the Town Board, Class B licenses will not be issued for premises below the street level, but this shall not prohibit service by hotels or clubs to bona fide guests or members.

(m) Consumption, etc., on Streets Prohibited. No person shall sell, serve, consume or carry in an open container, can or bottle, any intoxicating liquor or fermented malt beverage on any public street.

(n) Employees and Entertainers. No entertainer, waitress, bartender or employee of any Class "B" or "Class B" licensee shall stand or sit at or behind the bar except for the specific purpose of receiving food or drink orders for delivery to patrons, nor shall any entertainer, waitress, bartender or other employee sit at any table or in any booth or in the premises with any patron. The solicitation of drinks by any of the herein-named employees is expressly prohibited.

(7) SEARCH OF LICENSED PREMISES. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Town without any warrant, and the application for the license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

(8) POSTING AND CARE OF LICENSES. Every license or permit required under this section shall be framed and posted and at all time displayed as provided in Ch. 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. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) 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 Ch. 125.04(4), Wis. Stats.

(10) TRANSFER OF LICENSES.

(a) As to Person. No license shall be transferable as to licensee except as provided by Ch. 125.04(2), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Ch. 125.04(12), Wis. Stats. Application for such transfer shall be made on blanks

furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(11) REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted 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 such premises.

(b) Employment of Underaged Persons. No licensee shall employ any underaged person to serve, sell, dispense or give away any alcohol beverage.

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

(d) 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.

(12) 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 wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(b) If a retail Class "A" license, between midnight and 8:00 a.m.

(c) If a retail "Class A" license, between 9:00 p.m. and 8:00 a.m.

(d) If a retail Class "B" or "Class B" license, between 2:30 a.m. and 8:00 a.m. on weekdays, and 2:30 a.m. and 10:00 a.m. on Sundays, except on January 2 when the closing hours shall be between 3:00 a.m. and 8:00 a.m., and except on that day of each year when the standard of time is advanced under Ch. 175.095, Wis. Stats., when the closing hours shall be between 3:30 a.m. and 8:00 a.m. on weekdays, and 3:30 a.m. and 10:00 a.m. on Sundays. No package, container or bottle sales may be made after midnight.

(e) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(f) No person other than the licensee and his employes shall remain in such licensed premises during any of the time during which such premises are required to be vacated and closed as herein provided. The licensee and his employes may remain on the premises in order to clean and lock up, but during the time when same would otherwise be required to be vacated and closed, such premises shall be fully lighted, and such licensee or employee shall upon demand of any police officer immediately admit such officer for the purpose of making any investigation upon such licensed premises as such officer in his discretion may determine.

(g) During the time when the licensed premises shall be vacated and closed, the premises shall be illuminated with a light sufficiently bright and so located as to enable such premises to be observed by a police officer from without.

(13) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceeding for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Ch. 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.

(b) Suspension of Licenses. The Town Board upon obtaining reasonable information that any licensee has violated any provision of this section or any State or federal liquor or fermented malt beverage law or committed any felony, may suspend the license or permit of such person for a period not to exceed ten days pending hearing by the Town board pursuant to paragraph (a).

(c) Automatic Revocation. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Ch. 125 or 139, Wis. Stats., or any other State or federal liquor or fermented malt beverage laws.

(d) Effect of Revocation. See sub. (6)(d) of this section.

(e) Revocation for Nonuse. Any license or permit issued hereunder may be revoked if not used within 30 days after its issuance or if its use is discontinued for 30 days or more.

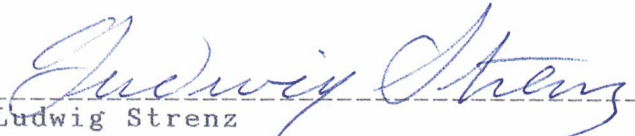
(f) Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended as in paragraph (c), or by the town board or action of any court, it shall be the duty of the Town Clerk to notify the licensee or

permittee of such suspension or revocation and to take physical possession of the license or permit wherever it may be found and file it in the Town Clerk's office.

(14) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges, violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Town Board.

(15) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

Dated this 25 day of April, 1988.


Ludwig Strenz
Chairman, Town of Pelican


Kenneth Gardner
Clerk, Town of Pelican