

TOWN OF WAYNE, WASHINGTON COUNTY, WISCONSIN

1. WHEREAS, Wis. Sta. 125 defines Alcohol Beverages;

Now, therefore, the Town Board of Wayne, Washington County does ordain as follows:

2. **ADOPTION**

- a. **STATE STATUTES ADOPTED.** The current and future provisions of Chapter 125, Wis. Stats., defining and regulating the types, sale, procurement, consumption, dispensing, and transfer of alcohol beverages, as well as provisions dealing with the suspension and revocation of alcohol beverage licenses and permits and including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made part of this Section by reference. A violation of any such provision shall constitute a violation of this Section. Any future amendments, revisions, modifications, or additions of the statutes incorporated herein, are intended to be made part of this Chapter in order to secure uniform statewide regulations of alcohol beverages in this State.

3. **BASIC REQUIREMENTS.**

- a. **Occupancy Permit and/or Approved Plan of Operation Required.** No person on any licensed or permitted premises shall conduct any transactions regulated by this Chapter unless a licensee or permittee holds a valid Occupancy Permit and/or an approved Plan of Operation, as may be required, issued by the Municipality. The Occupancy Permit and/or approved Plan of Operation shall be specific in detail as to what area of the premises shall be licensed or permitted for the sale of alcoholic beverages. Failure to hold any required Occupancy Permit or to have any required Plan of Operation or any violation of any required Occupancy Permit or any required Plan of Operation are grounds for suspension or revocation of any license or permit issued under this Chapter.
- b. **Wisconsin Seller's Permit Required.** No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid Wisconsin Seller's Permit as required under §77.52 Wis. Stats., issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Seller's Permit or any violation of a Wisconsin Seller's Permit are grounds for suspension or revocation of any license or permit issued under this Chapter.
- c. **Wisconsin Business Tax Registration Certificate Required.** No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid Wisconsin Business Tax Registration Certificate as required by Wisconsin Statutes issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid Wisconsin Business Tax Registration Certificate or any violation of a Wisconsin Business Tax Registration Certificate are grounds for suspension or revocation of any license or permit issued under this Chapter.
- d. **Business Plan Required.** The Governing Body can request a business plan if needed. Failure to comply with the request could result in suspension, revocation or denial of a new license.
- e. **Federal Employment Identification Number (FEIN) Required.** No person on any licensed or permitted premises shall conduct any transactions regulated under this Chapter unless a licensee or permittee holds and maintains a valid FEIN as required issued to the premises and licensee or permittee described in the license or permit during the period of licensing or permitting. Failure to hold a valid FEIN or any violation of a FEIN are grounds for suspension or revocation of any license or permit issued under this Chapter.

4. **GENERAL LICENSING REQUIREMENTS.** Failure to comply with the following requirements are grounds for suspension or revocation of any license or permit issued under this Chapter.

- a. **Application Process.** The application process is governed by §125.04, Wis. Stats.
 - i. **Applications.** All applications other than operator's licenses shall contain all the information required by the form required under §125.04(3), Wis. Stats., and any other

information as reasonably required by the Municipal Clerk. Operator's license applications shall contain all information required on the form and any other information as may reasonably be required by the Municipal Clerk.

- ii. Filing. Operator's licenses and licenses issued under §125.26(6), Wis. Stats. and/or 125.51(10) lasting less than four (4) days must be filed with the Municipal Clerk at least 48 hours prior to granting of the license. All other applications for licenses and permits to sell alcohol beverages as well as licenses issued under §125.26(6), Wis. Stats., and/or 125.51(10) lasting four (4) or more days shall be filed with the Municipal Clerk as required by Wisconsin Statutes or fifteen (15) days whichever is less.
- iii. Fees. Fees are governed by §125.04, Wis. Stats.
 - 1. The fees for licenses or permits which are not granted shall be refunded after deducting the application fee and all actual publication fees and investigation fees.
 - 2. Fees for partial licensing or permitting years must be prorated if required by Chapter 125, Wis. Stats. In all cases when an alcohol beverage
 - 3. license or permit is issued for a partial year, a minimum fee of \$25.00 and all actual publication fees and investigation fees must be paid.
 - 4. Once any license or permit is issued, no return of any payment shall be made regardless of whether the license or permit is used for the entire year.
 - 5. Fees for the following licenses and permits shall be established by the Governing Body from time to time by separate Resolution, provided that the fee shall be in an amount approved by Chapter 125, Wis. Stats.:
 - a. Class "A" Fermented Malt Beverages License.
 - b. Class A" Intoxicating Liquor License.
 - c. "Class A" Liquor (Cider Only).
 - d. Class "B" Fermented Malt Beverages License.
 - e. Class "B" Picnic License under §125.26(6), Wis. Stats.
 - f. "Class B" Intoxicating Liquor License.
 - g. The fee for a reserve "Class B" liquor license shall be \$10,000.00 for initial issuance.
 - h. "Class C" Wine License.
 - i. Provisional Retail Licenses.
 - j. Operators' License - Operator licenses shall be issued for not less than a 13 month, nor more than a 24 month period expiring on June 30.
 - k. Provisional Operator License.
 - l. Transfer from One Premises to Another.
 - m. Temporary Operator License.
 - n. Publication Fee - See §985.08, Wis. Stats. and §125.04(3)(g)(6), Wis. Stats.
 - o. Investigation Fee.
 - p. Booklet Fees.
 - q. Program Fees.
 - r. Application Fee.
 - s. Fees for any license or permit authorized under Chapter 125, Wis. Stats.
- b. Investigation Process. Upon receipt of a license or permit application under the provisions of this Chapter, the Municipal Clerk shall forward a copy of the application to the appropriate persons to conduct an investigation of the applicant(s).
 - i. All Alcoholic Beverage Licenses and Permits. The Governing Body shall investigate all persons and premises included in the application to determine the suitability and character of the applicants. The Governing Body and Building Inspector and other persons authorized may conduct an investigation and inspection of the persons and premises mentioned in the applications, to determine if the persons and premises comply with all applicable regulations, ordinances and laws. in the application to determine the suitability and character of the applicants.
 - ii. Operator's Licenses. The Governing Body or Municipal Clerk shall conduct an

- investigation of all applicants to determine the suitability and character of the applicant.
- iii. Reports. Upon completion of all investigations, written reports shall be submitted to the Municipal Clerk. The Municipal Clerk will then forward the application to the Governing Body for action, if such action is necessary.
 - c. Review. The Governing Body may review and make recommendations.
 - d. Quotas. The number of Licenses shall be limited based upon the most recent decennial Federal Census or special census conducted by the Governing Body under contract with the U.S. Bureau of the Census in the following manner:
 - i. No Class A Liquor License shall be issued in the Municipality except as a Combination License with a Class A Fermented Malt Beverage License.
 - ii. No regular yearly Class B Fermented Malt Beverage Licenses shall be issued in the Municipality except as a Combination License with a Class B Intoxicating Liquor License or Class C Wine license.
 - iii. No more than one six-month Class B Fermented Malt Beverage License shall be issued for each 2,000 population or fraction thereof.
 - iv. No more than one Class B Fermented Malt Beverage License for local, non-profit civic groups shall be issued for each 1,000 population or fraction thereof.
 - e. Premises Extension.
 - i. Definition. As used in this paragraph "premises extension" shall mean an open, unroofed area where alcohol beverages are served and consumed, and provided such area is connected to a licensed alcohol beverage premises.
 - ii. No person shall keep, maintain, conduct or operate any premises extension without first obtaining approval from the Governing Body of an amendment of the license description of the premises.
 - iii. Application. Application for a premises extension shall be made to the Municipal Clerk and shall be submitted to the Governing Body for issuance and approval as the Governing Body, in its discretion, deems appropriate. The application shall contain the following information:
 - 1. Name, address and phone number of license holder.
 - 2. Type of license held.
 - 3. Trade name.
 - 4. Date and time of extension of premise.
 - 5. Type of event/reason for extension.
 - 6. Contact name, address and phone number.
 - 7. Diagram of premises extension.
 - 8. Specify if band or music will be applicable (location on premises and time frame).
 - 9. Specify if food will be served (in house preparation, catered, location served).
 - 10. Must be signed by the license holder.
 - 11. Include additional or alternative parking locations.
 - iv. Filing deadline. Applications must be submitted to the Municipal Clerk no later than noon five business days before the regularly scheduled meeting of the Governing Body or at license application.
 - v. Restrictions. Any violation of any of the restrictions imposed by this subsection relating to Premises Extension may be grounds for suspension or revocation of any license issued under this Chapter. No premises extension shall be licensed, maintained or operated, except in conformity with the following regulations:
 - 1. The premises extension shall be particularly described, adjacent to and operated as a part of a premises license to sell alcohol beverages for consumption on the premises. The premises for which the premises extension is issued must be owned by or under the control of the licensee.
 - 2. All electrical wiring shall comply with national, state and local electrical codes. (Electrical permits may be needed.)
 - 3. The premises extension shall be maintained to comply with all state or local fire code provisions.
 - 4. The noise emanating from any premises extension shall not violate any of the

- regulations of the municipal code pertaining to noise.
5. If the premises extension allows any food to be served in the premises extension, the licensee or his/her agent must comply with Wisconsin Statutes. Licensee or his/her agent must contact the Governing Body or county health department for inspection and approval.
 6. Restroom facilities must be provided to adequately accommodate the maximum capacity of persons in both the licensed premises and the premises extension.
 7. Beverages must be served in paper, cans or plastic only and may be carried into the premises extension.
 8. The licensee or his/her agent shall be responsible for preventing violations of this paragraph and for supervising the premises extension at all times.
 9. Any necessary security for the premises extension, including any security required as a condition of the license, shall be the sole responsibility of the licensee.
 10. The licensee shall maintain adequate liability insurance for the premises extension and proof of such insurance shall be furnished to the Municipal Clerk before a premises extension is issued.
 11. The licensee shall maintain peace and order over any area adjacent to and used in conjunction with a licensed premises whether or not said premises extension is licensed. Violation of this Section may result in the police department or Governing Body exercising its authority under Wisconsin Statutes and the Municipal Code, and ordering any premises extension or the entire licensed area closed in the public interest.
 12. The licensee is responsible for all clean-up and removal of debris and rubbish from the premises extension and any adjoining area which has suffered a spill over of debris and rubbish.
 13. Each licensed establishment may be granted at the Governing Body's discretion per license year from July 1 through June 30. The date and hours during which a premises extension shall be valid may be determined by the Governing Body.
- f. Operator's Licenses. In addition to the provisions of §125.17, Wis. Stats.,
- i. Regular Operator's License. Pursuant to and subject to the requirements of §125.17(1), Wis. Stats., regular operator's licenses may be granted to individuals by the Municipal Clerk or their designee as allowed by the Governing Body adopted policy by the Governing Body.
 - ii. Provisional Operator's License.
 1. Pursuant to and subject to the requirements of §125.17(5), Wis. Stats., the Municipal Clerk or their designee, shall issue a provisional operator's license to an applicant in case of a bona fide emergency. A bona fide emergency shall be caused by such things as death, disability, or absence of the regular operators. The Municipal Clerk or their designee, before authorizing such issuance, shall determine that the applicant has a satisfactory record, and likely would be issued a regular operator's license. All operator's licenses issued under this Section shall expire on June 30 of each year.
 2. Pursuant to and subject to the requirements of §125.17(6), Wis. Stats., the Municipal Clerk or their authorized designee may issue a provisional operator's license to a person who is enrolled in a training course and has applied for a regular operator's license.
 - a. Temporary Operator's Licenses. Pursuant to and subject to the requirements of §125.17(4), Wis. Stats., the Municipal Clerk or their designee may issue temporary operator's licenses.
 - b. State Operator's Permits. Any individual who receives an operator's permit from the Wisconsin Division of Alcohol Beverages and intends to use the permit within the Municipality must provide the Municipal Clerk with a copy of the permit.
- g. Provisional Retail Licenses. Pursuant to and subject to the requirements of §125.185, Wis.