

TOWN OF RED CEDAR

Ordinance No. 2024-3

REGULATING FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

It is hereby ordained by the Town Board of the Town of Red Cedar, Dunn County, WI, as follows:

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 are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Ordinance in order to secure uniform statewide regulation of alcohol beverage control.

Section 2. Definitions.

As used in this Ordinance, the terms "alcohol beverages," "intoxicating liquor," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," have meanings pursuant to Wis. Stats. Ch. 125.

Section 3. License required.

- (a) No Person shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away, any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Ordinance nor without complying with all the provisions of this Ordinance and all statutes and regulations applicable thereto, except as provided by § 125.06 or as otherwise exempted by law.

Section 4. Classes of licenses.

- (a) *Retail "Class A" intoxicating liquor license.* A retail "Class A" intoxicating liquor license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.
- (b) *Retail "Class B" intoxicating liquor license.* A retail Class "B" intoxicating liquor license authorizes the retail sale of intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises.
- (c) *Class "A" fermented malt beverage retailer's license.* A Class "A" fermented malt beverage retailer's license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles.
- (d) *Class "B" fermented malt beverage retailer's license.* A Class "B" fermented malt beverage retailer's license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. The holder may sell beverages containing less than 0.5% of alcohol by volume without obtaining a special license to sell such beverages.
- (e) *Temporary Class "B" fermented malt beverage license AKA "picnic license."* A special Class "B" temporary/picnic license shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such license may be issued only to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations. Such license is valid for dates as approved by the Town Board.
- (f) *Temporary "Class B" wine license AKA "picnic license."* A special "Class B" temporary/picnic licenses shall entitle the holder thereof to sell wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container, or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such license may be issued only to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans' organizations.
- (g) *Retail "Class C" licenses.* A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

Section 5. License fees.

All license fees, annual or per event, shall be as set from time to time by resolution of the Town Board, in accordance with state law, as listed on the Town's fee schedule.

Section 6. Application for license.

- (a) *Generally.* Application procedures for obtaining a license are outlined in Wis. Stat. § 125.04(3)
- (b) *Contents.* Applications must be in writing on the form prescribed by the state department of revenue. The applications must be filed with the Town clerk at least 15 days prior to the Board granting the license. The application must describe the physical premises where alcohol beverages will be sold or stored or both by detailing all rooms, buildings, etc. that the license is to cover.
- (c) *Corporations.* Applications must be filed and signed by the applicant, and if a corporation is the applicant, the president and secretary must sign the application.
- (d) *Publication.* The Town clerk will publish each application for a Class "A," Class "B," "Class A," "Class B," or "Class C" license in accordance with Wis. Stat. § 125.04(3)(g), and the costs of publication shall be paid by the applicant at the time the application is filed. There is no publication requirement for temporary licenses under Wis. Stats. §§ 125.26 or 125.51(10).
- (e) *Amending application.* Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.
- (f) *License quotas.* Retail intoxicating liquor and fermented malt beverage licenses issued by the Town Board will be limited in number to the quota prescribed by state law.

Section 7. Qualifications of applicants and premises.

- (a) *Residence requirements.* Applicants must have resided continuously in Wisconsin for at least 90 days prior to the application date.
- (b) *Applicant to have malt beverage license.* No retail "Class B" intoxicating liquor license will be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) *Right to premises.* Applicants must have legal (by lease or deed) possession of the premises described in the application for the license period.
- (d) *Age of applicant.* Licenses related to alcohol beverages shall not be granted to any person who has not attained the legal drinking age.
- (e) *Corporate restrictions.* No license shall be granted to any corporation which does not comply with the provisions of Wis. Stat. §§ 125.04(5)(c) and 125.04(6).
- (f) *Sales tax qualification.* All applicants for retail licenses must provide proof, as required by Wis. Stats. § 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) *Connecting premises.* Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by another type of license or permit, the license or permit last issued is void. If both licenses and permits are issued simultaneously, both are void.
- (h) *Limitations on Other Business; Class "B" Premises.* No Class "B" license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license. These restrictions do not apply to any of the following:
 - (1) A hotel.
 - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern.
 - (5) A combination novelty store and tavern.
 - (6) A bowling center or recreation premises.
 - (7) A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.
 - (8) A movie theater.
 - (9) A painting studio.
 - (10) Premises for which a temporary Class "B" license is issued under Wis. Stat. § 125.26 (6) if the license is one of multiple licenses issued by the Town to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the Town on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.
 - (11) Premises for which a Class "B" permit is issued under Wis. Stat. § 125.27(5).
 - (12) An axe throwing facility.
- (i) *Residential Areas.* No liquor license may be issued for any premises where forty percent (40%) or more of the property fronting on both sides of the same street in the same block whereon the premises is located is used for residence purposes

if a written objection is filed with the Town Clerk signed by owners of more than eighty percent (80%) of such residential property.

- (j) *Off-Street Parking Facilities.* No "Class B", Class "B", or "Class C" liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to fifty percent (50%) of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this Subsection.

Section 8. Investigation.

The Town Clerk must inform the Sheriff's Office, Fire Chief/Inspector, and Building Inspector of a submitted application, and these officials shall inspect or cause to be inspected each application and the premises, together with such investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. After they complete their inspections to ensure premises conform to the applicable regulations, ordinances, and laws, the officials then must submit their written reports thereof along with their recommendation as to whether the application should be approved or denied, and the Town Clerk shall forward such information and recommendation to the Town Board.

Section 9. Approval of application.

- (a) No license shall be granted for operation of any premises for which taxes, assessments, forfeitures, or other financial claims of the Town are delinquent and unpaid.
- (b) No license shall be issued unless the premises conforms to the sanitary, safety and health requirements of the State Building Code and the regulations of the State Department of Health Services applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Town.
- (c) *Considerations.* In determining the suitability of an applicant, the Town Board will consider:
 - (1) arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stat. §§ 111.321, 111.322, 111.335, and 125.12(1)(b);
 - (2) financial responsibility of the applicant;
 - (3) appropriateness of the proposed location and premises where the licensed business is to be conducted; and
 - (4) the applicant's fitness for the trust to be reposed.

Section 10. Granting or denial of license.

- (a) *Generally.* 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.
- (b) *Opportunity for others to be heard.* The Clerk shall schedule public hearings before the Board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of three hundred (300) feet of the proposed site of the dates of the hearings. The notice shall be given at least ten (10) days before the hearing and may be given by mail. Opportunity shall be given by the Town Board to any person to be heard for or against the granting of any license.
- (c) *Approval.* Upon the Town Board's approval and applicant's payment of fees, the Town clerk must issue the applicant a license. The license fee will not be prorated.
- (d) *Denial.* If the Town Board denies the application for a license, the applicant must be notified in writing of the reasons for the denial. The applicant must also be informed of the process for reconsideration, including that the applicant must give notice to the Town Clerk at least ten days prior to the next board meeting at which the applicant may provide evidence as to why the Board should reverse its decision. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stat. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Town Board meeting at which the application is to be reconsidered.

Section 11. Transfer and lapse of license.

- (a) *Transfer.* Pursuant to Wis. Stat. § 125.04(12), a license is not transferable from one premises to another if such transfer is not first approved by the Town Board. An application for transfer must be made on a form furnished by the Town Clerk. Proceedings for a requested transfer will be in the same form and manner as the original application. The fee for such a transfer is ten dollars (\$10.00). Whenever a license is transferred, the Town Clerk must immediately notify the Wisconsin Department of Revenue. In the event a licensee sells a business or business premises, the purchaser must apply to the Town for reissuance of the license, and the Town is not bound to reissue the license to the subsequent purchaser.
- (b) *Corporate agent replacement.* If the agent of a corporate holder of a license is replaced, the licensee must give the Town clerk written notice of the replacement, the reasons therefore, and the new appointment. Until the next regular Town Board

meeting or special meeting, the successor agent has the authority to perform the functions and duties of the original agent. However, that authority may be revoked if the Wisconsin Department of Revenue, Dunn County Sheriff's Office, or other peace officer in the Town sends a notice of disapproval of the successor agent. The corporation's license will not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town.

Section 12. Posting licenses; defacement.

- (a) *Placement.* Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale. Everyone visiting the business must be able to easily see the licenses in that room. Any related permits and licenses (including seller's permits) should be posted with the alcohol beverage license.
- (b) *Defacement.* It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

Section 13. Conditions of license.

All retail Class "A," Class "B," "Class A" and "Class B" licenses granted are subject to the following conditions and all other Ordinances and regulations of the Town applicable thereto:

- (a) *Consent to law enforcement entry.* Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses. Refusing to permit an inspection is grounds for revocation or suspension of the license.
- (b) *Employment of minors.* No retail "Class B" or Class "B" licenses may employ underage persons. This does not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcohol beverages.
- (c) *Disorderly conduct prohibited.* Premises must be conducted in an orderly manner. No disorderly, riotous, or indecent conduct is permitted.
- (d) *Licensed operator, AKA "bartender's license," on premises.* Not all bartenders are required to hold operator's licenses, but there must be at least one licensed operator in charge of the premises pursuant to Wis. Stat. §§ 125.32(2) and 125.68(2).
- (e) *Health and sanitation regulations.* Licensees must follow the rules and regulations of the Dunn County Health Department and the State Department of Agriculture, Trade, and Consumer Protection.
- (f) *Schools and churches.* No retail "Class A" or "Class B" license may be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, tribal school, hospital, or church. Distance will 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. This Subsection does not apply to premises licensed as such on June 30, 1947; premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building; or a restaurant located within 300 feet of a church or school (this applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts).
- (g) *Clubs.* Clubs may only sell intoxicating beverages to bona fide members and their invited guests.
- (h) *Gambling.* Except as authorized by state law, gambling or any game of chance is prohibited on licensee's premises.
- (i) *Credit.* The licensee may not extend credit for the sale of alcohol or receive/exchange goods for alcohol, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) *Licensee or permittee responsible for acts of help.* A violation of this Ordinance by a duly authorized agent or employee of a licensee under this Ordinance constitutes a violation by the licensee. Whenever any licensee or permittee under this Ordinance violates any portion of this Ordinance, proceedings for the suspension or revocation of the license of the holder thereof may be instituted in the manner prescribed in this Ordinance.
- (k) *Improper exhibitions.* No one may perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer, or patron to engage in, any live act, demonstration, dance, or exhibition on the licensed premises which:
 - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - (3) Exposes any portion of the female breast at or below the areola thereof; or
 - (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

Section 14. Closing hours.

Closing hours must conform to Wis. Stats. § 125.32(3).

Section 15. Restrictions on temporary malt beverage or wine licenses (AKA "picnic licenses")

- (a) *Restrictions.* Temporary Class "B" fermented malt beverage or temporary "Class B" wine must comply with the following:
- (1) *Eligibility standards.* The organization must meet the eligibility requirements of a bona fide club, association, lodge, or society as set forth in Wis. Stats. § 125.26(6) and must fully comply with the requirements of this section and other related provisions of the Code.
 - (2) *Informational meeting.* Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization are.
 - (3) *Underage persons prohibited from selling, buying, or consuming.*
 - a. Underage persons are not allowed to purchase, consume, or assist in the sale of beer or wine. They are also not allowed to loiter or linger in sale area.
 - b. Signs must be posted informing all patrons that they must have a valid identification of age to purchase such beverages.
 - (4) *Fencing.* If necessary due to the physical characteristics of the site, the Town Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard, or other competent person at the entrance for the purpose of checking age identification. Where possible, there should only be one entrance/exit. When required, the double fence must be a minimum of four feet high and a minimum of six feet between fences.
 - (5) *Suitable facilities.* For indoor events, the structure must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
 - (6) *Licensed operators' requirement.* A licensed operator (AKA licensed bartender) must always be present at all points of sale.
 - (7) *Waiver.* The Town Board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.
 - (8) *Insurance.* The licensee may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, death of any person, or any damage to property caused by or resulting from the activities for which the permit is granted. The licensee may be required to provide a certificate of comprehensive general liability insurance and/or a performance bond prior to being granted the license.

Section 16. Revocation and suspension of licenses; nonrenewal.

- (a) *Procedure.* If a licensee violates the terms of this Ordinance or related provisions of this Code, suspension or revocation proceedings may be initiated in accordance with Wis. Stat. § 125.12.
- (b) *Abandonment of premises.* It shall be a condition of maintaining and keep an alcohol retail license in the Town that the licensee continue in business. A licensee of an alcohol retail license is not demonstrating business continuation if any of the following is demonstrated:
- (1) The licensed premises has not been open for business and conducting business on the premises for activities for which the license was granted for at least 180 consecutive days in a one-year period;
 - (2) The licensee has voluntarily vacated the premises more than seven days before the hearing held under this ordinance;
 - (3) The licensee was ordered by a court of competent jurisdiction to vacate the premises at least seven days before the hearing held under this ordinance.

Section 17. Non-alcohol events for underage persons on licensed premises.

The presence of underage persons on licensed premises, as provided under Wis. Stats. § 125.07(3)(a)10, is subject to the following:

- (a) The licensee or agent of a corporate licensee must notify law enforcement with jurisdiction in the Town and Town Clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. The non-alcohol event notice must specify the date on which the event is to occur and the time of commencement. All notices must be filed with law enforcement with jurisdiction in the Town by calling the 24-hour phone number and advising Dispatch to forward the information to law enforcement with jurisdiction in the Town. After a non-alcohol event notice is given, the licensee may cancel an event by giving like notice to law enforcement with jurisdiction in the Town and Town Clerk in accordance with the provisions of this subsection. Regardless of the date given, all notices expire and are void no later than the date of expiration or revocation of the applicable license.
- (b) During the period of any non-alcohol event, a notice card prescribed by law enforcement with jurisdiction in the Town must be posted at all public entrances to the licensed premises notifying the public that no alcohol beverages may be consumed,

sold, or given away on, or carried into, the licensed premises during the event. Notice cards are available by the Town to a requesting licensee.

- (c) Once a non-alcohol event commences, no alcohol beverages may be consumed, sold, or given away on, or carried into the licensed premises, until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event, all alcohol beverages must be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and must be under the direct and immediate control and supervision of the licensee or licensed employee of licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") must be either disconnected or otherwise made inoperable.

Section 18. Operator's License (aka Bartender's License) Required.

- (a) *Licensed operators* are responsible for supervising activities on Class "A" beer, Class "B" beer, "Class B" intoxicating liquor, and "Class A" intoxicating liquor and "Class C" wine premises during required hours in absence of the licensee or approved agent of corporation/limited liability company. Licensed operators are also required on the premises of Temporary "Class B" licenses.
- (b) *Use by another prohibited.* No person may allow another to use their operator's license. The license of a person who violates this subsection may be revoked.

Section 19. Operator's License Application Procedures

- (a) *Authority.* Pursuant to Wisc. Stat. 125.17(1), the Town Board authorizes the Town Clerk to issue Operator's licenses under this Ordinance.
- (b) *Age requirement.* The Town Clerk may issue an operator's license to any person who has met the requirements set forth in Wis. Stat. § 125.04.
- (c) *Subject to Investigation.* All applications are subject to an investigation by law enforcement authorities to determine whether the applicant complies with all applicable regulations, ordinances, and laws. These authorities may conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend, in writing, to the Town Board approval or denial of the application. If the authorities recommend denial, the authorities shall provide, in writing, the reasons for such recommendation.

Section 20. Operator's License Duration

Licenses issued under the provisions of this Ordinance are valid for a period of up to one (1) year and expire on the following thirtieth (30th) day of June.

Section 21. Operator's License Fees

The fees for operators' licenses will be set by the Town Board.

Section 22. Provisional or Temporary Operator's Licenses

- (a) *Provisional License.*
 - (1) The Town Clerk may issue provisional operator's licenses in accordance with Wis. Stat. § 125.17(5).
 - (2) The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
 - (3) Law enforcement shall submit to the Clerk a report regarding the applicant's conviction history, if any.
 - (4) The applicant for such provisional license must present evidence to the Clerk establishing that the applicant is enrolled in a responsible beverage server training course established pursuant to Wis. Stat. § 125.17(6). The Town Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending their successful completion of the approved program, and the applicant shall also apply for a regular operator's license.
 - (5) A provisional license may not be issued to any person who has been denied an operator's license by the Town, who has had an operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program.
 - (6) The Town Clerk shall provide an appropriate application form to be completed in full by the applicant. The Town Clerk may revoke the provisional license issued if they discover that the holder of the license made a false statement on the application. A provisional license is nonrenewable.
- (b) *Temporary License.* The Clerk may issue a temporary operator's license provided:

- (1) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
- (2) No person may hold more than two (2) license of this kind per year.
- (3) The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

Section 23. Issuance or Denial or Operator's Licenses.

- (a) *Issuance.* After the Town Clerk approves the granting of an operator's license, they shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license. An operator's license shall not be granted if the applicant has provided false information on his/her application or if the applicant does not meet the qualifications for a license as set forth in Wis. Stat. § 125.04.
- (b) *Denial.*
 - (1) If the application is denied by the Town Clerk, the applicant must be informed in writing of the denial, the reasons therefore, and of the opportunity to request reconsideration of the application by the Town Board. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's consideration of the matter.
 - (2) Consideration for the granting or denial of a license will be based on the qualifications set forth in Wis. Stat. § 125.04. If a license is denied due to a criminal conviction that substantially relates to the licensing activity, the applicant shall be allowed to show evidence of rehabilitation and fitness to engage in the licensed activity pursuant to Wis. Stat. § 111.335(4)(c). Applicants who are able to show sufficient evidence under Wis. Stat. § 111.335(4)(d) shall be issued an operator's license.
- (c) *Appeal to Town Board/Circuit Court.*
 - (1) After receiving the notice of denial in subsection (b) above, the applicant may request to appeal to the Town Board. At the appeal hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (2) If, upon consideration, the Board denies the application, the Town Clerk shall notify the applicant in writing of the reasons. An applicant who is denied any license upon reconsideration of the matter may apply to Circuit Court pursuant to Wis. Stat. § 125.12 for review.

Section 24. Operator's License Training Course

- (a) *Required.* Except as provided below, the Town may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the Division of Alcohol Beverages in the Department of Revenue or the Department of Safety and Professional Services.
- (b) *Exceptions.* Completion of a responsible beverage server training course is not required if the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (c) *Currently enrolled.* The Town may issue a provisional operator's license to a person who is enrolled in a training course and who meets the standards established by the Town by ordinance and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (d) *Additional Training.* The Town may not require that applicants for operators' licenses undergo training in addition to a responsible beverage server training course but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course.

Section 25. Display of Operator's License

Each operator's license issued under the provisions of this Ordinance shall be posted on the premises whenever the operator dispenses beverages or shall be in the operator's possession.

Section 26. Revocation of Operator's License

Violation of any of the terms or provisions of the State law or of this Ordinance relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license in accordance with Wis. Stat. § 125.12.

Section 27. Managers' Licenses

- (a) In accordance with Wis. Stat. §§ 125.18 and 125.32, no person may manage any premises operating under a Class "B" license, unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as

required by Wis. Stat. § 125.04(6), or the holder of a manager's license. A person manages Class "B" premises if that person has responsibility or authority for:

- (1) Personnel management of all employees, whether or not the person is authorized to sign employment contracts;
 - (2) The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or
 - (3) The daily operations of the Class "B" premises.
- (b) The fee for a manager's license shall be set by the Town Board.
- (c) Manager's licenses are valid for a period of up to one (1) year and expire on the following thirtieth (30th) day of June.
- (d) Manager's licenses shall be approved via the same process as operator's licenses set forth in Sections 19 and 23 of this Ordinance.

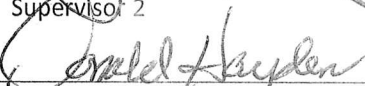
This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 9th day of December, 2024.


Town Board Chairperson


Supervisor 1


Supervisor 2


Supervisor 3


Supervisor 4

ATTEST


Town Clerk