

Chapter 216

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

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[HISTORY: Adopted by the Town Board of the Town of Port Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Underage Persons on Licensed Premises

[Adopted 5-1-1989 by Ord. No. 89-1]

§ 216-1. Authorization.

Underage persons may enter and remain on Class "B" or "Class B" licensed premises within the Town of Port Washington on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away.

§ 216-2. Conduct of events.

During such times, the licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises. During such times, all alcohol beverages shall be stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this article. Further, during such times, the licensee, or the agent named in the license if the licensee is a corporation, shall make reasonable efforts to inspect the

premises, including the parking areas adjacent thereto, to monitor the conduct of such underage persons and to maintain order and the nonalcoholic character of such event.

§ 216-3. Violations and penalties.

A licensee, pennittee or underage person who violates this article is subject to those penalties and forfeitures, including but not limited to license suspension, revocation or nonrenewal, as prescribed by §§ 125.07 and 125.12, Wis. Stats., or the amendments thereto.

§ 216-4. Definitions.

The meaning of all words and phrases used in this article shall be as defined in § 125.02, Wis. Stats., or the amendments thereto.

ARTICLE II

License Fees

[Adopted 9-10-1998 by Ord. No. 98-11]

§ 216-5. Definitions.

Except as otherwise provided, the words and phrases used in this article shall be defined in accordance with the definitions of said words and phrases as contained in Ch. 125, Wis. Stats., as amended from time to time.

§ 216-6. Fees. [Amended 6-4-2007 by Ord. No. 2007-1-B1]

- A. Annual license fees. Pursuant to § 125.51(3)(e)1, Wis. Stats., the annual license fee for a "Class **B**" liquor license issued after December 1, 1997, shall be as set by the Town Board, payable on or before the 30th day of June each year.
- B. Initial issuance fee for reserve "Class B" license. Pursuant to § 125.51(3)(e)2, Wis. Stats., the initial issuance fee for a reserve "Class B" liquor license issued after December 1, 1997, shall be the sum as set by the Town Board, payable upon issuance of said license. The initial issuance fee for a reserve "Class B" liquor license issued after December 1, 1997, to a bona fide club or lodge situated and incorporated in the state for at least six years shall be in the same amount and shall be payable at the same time as the annual license fee set forth in Subsection A hereinabove.

§ 216-7. Violations and penalties.

Any person, corporation or other entity violating the provisions of this article shall be subject to revocation, suspension, nonissuance or nonrenewal of his, her or its liquor license as provided in § 125.12, Wis. Stats., as amended from time to time, and, in addition, shall be subject to a forfeiture in the sum of \$1,000 per day for each day during which he, she or it sells, or possesses with intent to sell, intoxicating liquor without an appropriate license,

together with such other fines and/or imprisonment as provided in Ch. 125, Wis. Stats., as amended from time to time.

ARTICLE III

Operator's License

[Adopted 5-7-2001 by Res. No. 2001-31]

§ 216-8. Application fee. [Amended 6-4-2007 by Ord. No. 2007-1-13]

The application fee for an operator's license for those persons serving alcoholic beverages in the Town of Port Washington shall be as set by the Town Board.

ARTICLE IV

Provisional Operator's License

[Adopted 6-4-2007 by Ord. No. 2007-2]

§ 216-9. Authority to issue; term; fee.

The Town Board has determined that, under § 125.17(5), Wis. Stats., the Town Clerk may issue a provisional operator's license to an individual for a period not to exceed 60 days or until a regular license is issued. Each provisional operator's license fee shall be \$15, payable to the Town of Port Washington upon submission of the application for a provisional operator's license.

§ 216-10. Qualifications; revocation.

The applicant for a provisional operator's license must be currently enrolled in the responsible beverage server training course and successfully pass the background records check. The Town of Port Washington will revoke a provisional license if the applicant fails to successfully complete the training course and may revoke a license if it is discovered that the holder made a false statement on his or her application.

ARTICLE V

Cancellation of Liquor Licenses for Non-Use

[Adopted 7-2-2007 by Ord. No. 2007-3]

§ 216-11. Grounds for cancellation; exception.

A. Any Class A or Class B fermented malt and/or intoxicating liquor licenses granted under this chapter may be canceled by the Town Board for the following reasons:

- (1) The subject premises is not open for business within 120 days of the granting of such license; or
- (2) The subject premises is not opened for business for a period of 120 consecutive days or more; or

- (³) The subject premises is not open for business at least 50% of the days within any twelve-month period either within a licensing year or overlapping two licensing years.

B. Licenses issued by the Town may be canceled in accordance with this section unless after notice of hearing as provided in § 216-2 hereof, the Town Board may determine that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimum set forth herein. If such cause is found to exist, the Town Board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operating for a time frame within which the subject premises must be open for business to avoid cancellation of the subject license. The provisions of this section will not apply for not-for-profit organizations.

§ 216-12. Notice of hearing.

Prior to the cancellation of any license, the Town Clerk shall notify the licensee in writing of the Town's intention to cancel the license for non-use and provide the licensee an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing which shall not be less than 15 days after the date of the notice. Such hearing shall be conducted as provided in § 125.12(2Xb), Wis. Stats., or any amendments thereto. Judicial review shall be provided as in § 125.12(2)(d), Wis. Stats., or any amendments thereto.