

State of Wisconsin  
County of Dunn

**TOWN OF RED CEDAR  
ORDINANCE REGULATING ALCOHOL BEVERAGES AND LICENSING  
No.: 2017-6**

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin does hereby ordain as follows:

**Section 1 – Title and Purpose.**

This ordinance is entitled the Town of Red Cedar Ordinance Regulating Alcohol Beverages and Licensing. The Town Board finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this ordinance for such regulation will promote the health, welfare, and safety of the public within the Town.

**Section 2 – Authority.**

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin, has the specific authority under Wis. Stats. 60.22 and 125.10 to regulate the sale at retail or wholesale of alcohol beverages at premises located in the Town of Red Cedar ("Town"), to the extent that Town regulations are not in conflict with State Statutes.

**Section 3 – Licenses Required.**

No person, except as authorized by this ordinance and Chapter 125 of the Wisconsin Statutes, shall sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the Town, any alcohol beverages, without a license and without complying with the provisions of this ordinance and Chapter 125 of the Wisconsin Statutes.

**Section 4 – License Classifications and Fees.**

There shall be the following classes of licenses, which when issued by the Town Clerk under the authority of the Town Board after the payment of the appropriate fee, shall permit the holder to sell alcohol beverages as provided in Chapter 125 of the Wisconsin Statutes. Fees for the following classes of license shall be as established by resolution of the Town Board:

- (1) Temporary Class "B" (picnic) license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats. These licenses are issued to bona fide clubs; state, county, or local fair associations, or agricultural societies; churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application; posts of veteran's organizations; or Chambers of Commerce or similar civic or trade organizations organized under Ch. 181, Wis. Stats.;
- (2) Temporary "Class B" (picnic) license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats. These licenses are issued to bona fide clubs; state, county, or local fair associations, or agricultural societies; churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application; posts of veteran's organizations; or Chambers of Commerce or similar civic or trade organizations organized under Ch. 181, Wis. Stats.; and
- (3) Operator's License. Beer - ss. 125.26(6), 125.32(2) Wis. Stats.; Wine - 125.51(10), 125.68(2) Wis. Stats. These licenses are issued to an applicant that has taken the Responsible Beverage Server Training Course or has held a retail alcohol license or permit or a manager's or operator's license within the past two years.

## **Section 5 – License Requirements and Restrictions.**

- (1) Application Procedure. All applications for a license authorized under this ordinance and Chapter 125 of the Wisconsin Statutes shall be made in writing on forms prescribed by the Wisconsin Department of Revenue, as approved by the Town Board. The application shall describe the physical premises, including every room and storage space, to be covered by the license. All applications shall be signed and sworn to by the applicant as provided by Wis. Stats. § 887.01.
- (2) Filing of Application. All applications shall be filed with the Town Clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of the fee for the license as established in the Town's Schedule of Fees for Alcohol Related Licenses and Permits. All applications must be on file with the Town Clerk at least forty-five (45) days before the Town Board may grant or deny the application.
- (3) Qualifications of Applicants. Individuals and officers, directors and agents of nonprofit organizations must meet the following qualifications:
  - (a) Must be of legal drinking age, except that a person may obtain an operator's license if he/she is at least 18 years of age.
  - (b) Be a Wisconsin resident continuously for at least ninety (90) days immediately prior to the date of application.
  - (c) May not have an arrest or conviction record subject to Wis. Stats. §§ 111.321, 111.322, 111.335, 125.04(5)(a)1.) and 125.12(1)b).
  - (d) All officers and directors of non-profit corporations are not subject to the 90-day state residency requirement.
- (4) Restrictions.
  - (a) Temporary Retailer' Licenses may not be issued to individuals.
  - (b) Licenses to organizations, other than ex-servicemen's organizations, can only be issued for picnics or similar gatherings, and not for business or social meetings of the organization.
  - (c) Licenses for club or organizational meetings may be issued only to ex-servicemen's posts.
  - (d) License may cover either a specified area or the entire picnic grounds.
  - (e) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.).
  - (f) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats).
  - (g) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) – Beer; 125.51(10), 125.68(2) – Wine; 125.17).
  - (h) The licensed club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B" / "Class B" licensed picnic area (s.125.32(6), Wis. Stats.).
  - (i) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veteran's post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: (1) each license is issued for the same date and times; (2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times; (3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event; and (4) within the immediately preceding

12-month period, the municipality has issued these *multiple* licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit.

- (j) Licensed organizations must purchase their product from a licensed wholesaler.
  - (k) No more than 2 licenses shall be issued in any 12-month period to the same entity.
  - (l) Organizations that have not obtained this license previously must present proof of their eligibility, i.e. proof of incorporation as a non-profit organization.
  - (m) This license will not be issued to any premises already licensed for alcoholic beverages.
  - (n) The location for which the applicant applies must be owned by or under the control of the applicant.
- (5) Delinquent Taxes, Assessments and Claims. No license shall be issued for any premises or person for which taxes, assessments or other claims of the Town or the State of Wisconsin are delinquent and non-paid. Included within the definition of delinquent taxes, assessments or claims due the Town shall be any delinquency (unpaid) for special assessments, personal property taxes, real estate taxes, claims, fees, forfeitures, dog licenses, solid waste/recycling charges, or failure to pay current any fees or monies due to the Town of any kind or nature.

#### **Section 6 - Regulation of Licensed Premises and Licenses.**

- (1) Posting Licenses. Licenses issued under this ordinance shall be posted and displayed as provided by Wis. Stats. §125.04(10). Failure to post a license as required herein shall be a presumption of operating without a license.
- (2) Employment of Underage Persons. No temporary retail Class "B" or "Class B" licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any alcohol beverage.
- (3) Safety and Sanitation Requirement. 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 it is used.
- (4) Violations of Agents and Employees. A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation of the license.

#### **Section 7 - Revocation and Suspension of Licenses**

A license issued under this ordinance may be suspended or revoked by the Town Board under the procedures described under Chapter 125 of the Wisconsin Statutes.

#### **Section 8 - State Statute Relating to Underage Persons Adopted**

The prohibitions, provisions, exceptions, and penalties set forth in Chapter 125 of Wisconsin Statutes, as from time to time amended, as to underage and intoxicated persons, proof of age, general restrictions, and prohibition of alcohol beverages on school grounds, are hereby adopted and by reference made a part of this ordinance.

#### **Section 9 - Severability of Provisions**

Should any section or provision of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

#### **Section 10 - Repeal of Ordinances**

All ordinances adopted by the Town prior to the adoption of this ordinance which are in conflict, are hereby repealed.

**Section 11 - Effective Date**

This ordinance is effective on publication or posting as required under s. 60.80, Wis. Stats.

Adopted this 10th day of April, 2017.

PAT Prueh  
Town Board Chairperson

Debra K. Gellison  
Supervisor 1

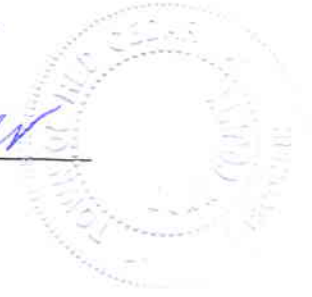
Robert J. Cook  
Supervisor 2

Dave Leach  
Supervisor 3

Doug Miller  
Supervisor 4

ATTEST:

C. Miller  
Clerk



4/19/2017 - Published Summary  
Sunn Co. News