

**ORDINANCE 2025-1  
ALCOHOL BEVERAGES  
TOWN OF KINNICKINNIC**

WHEREAS, the Town of Kinnickinnic adopts this ordinance; and applies Wis. Stat. Ch. 125 regulating sale and dispensing of alcohol beverage and  
WHEREAS, this Ordinance replaces Ordinance 2015-2.

NOW THEREFORE, the Town Board of the Town of Kinnickinnic does hereby ordain as follows:

**SECTION 1**

**State Statutes Adopted**

The provisions of Wis. Stat. Ch. 125 defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this Ordinance by reference. A violation of any of such provisions shall constitute a violation of this Ordinance.

**SECTION 2**

**Licenses, Permits, Authorization Required**

(a) Except as provided by Wis. Stat. §125.06, no person shall within the Town, serve, sell, manufacture, rectify, brew or engage in any other activity for which under this Ordinance or Wis. Stat. Ch. 125 requires a license, permit, or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter.

(b) Separate License Required for Each Place of Sale

Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale.

**SECTION 3**

**Classes of Licenses and Fees**

The following licenses may be issued by the Town Clerk under the authority and direction of the Town Board upon compliance with law and payment of the fees herein specified which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced State Statute.

- (a) Class "A" Fermented Malt Beverage Retailer's License. See Wis. Stat. §125.25
- (b) Class "B" Fermented Malt Beverage Retailer's License. See Wis. Stat. §125.26
- (c) Special Event (Picnic). see Wis. Stat. §125.26(6)
- (d) Retail "Class A" Liquor License. See Wis. Stat. §125.51(2)
- (e) Retail "Class B" Liquor License. See Wis Stat. §125.51(3)
- (f) "Class C" Wine License. See Wis Stat. §125.51(3m)
- (g) "Operator's License" - See Wis. Stat. §125.17.

The fee for an Operator's License shall be the fee as is established from time to time by Resolution of the Town Board.

Any violation of this section shall be cause for the revocation of such license. There may be revocation on other grounds.

## **SECTION 4**

### **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 Wisconsin Department of Revenue and filed with the Town Clerk at least 15 days prior to issuance. The premises shall be physically described.

(b) Application to be Notarized. The application shall be signed and sworn to by the applicant as provided by Wis. Stat. §887.01

(c) Publish/Post. Prior to issuance of a license under this section, the Town Clerk shall publish/post notice of the application in the official Town newspaper.

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

## **SECTION 5**

### **License Restrictions**

(a) Statutory Requirements. License shall be issued only to persons eligible therefore under Wis. Stat. §125.04.

(b) Location. No Class "A", Class "B", "Class A", or "Class B" license shall be issued for a premises unless the premises are zoned C1, C2, or C3 under the St. Croix County Zoning Ordinance set forth in the St Croix County Code of Ordinances; except, however; golf courses, and bona fide clubs may be issued a license regardless of the zoning district in which they are located. A "club" shall have the definition contained in Wis. Stat. §125.02(4). A winery in any zoning district, which has been issued a "Class C" retail license, may sell wine for consumption on the premises; but a winery may not sell intoxicating liquors for consumption off the premises unless the winery is located in a district zoned C1, C2, or C3 under the St. Croix County Zoning Ordinance set forth in the St. Croix Code of Ordinances. See Wis. Stat. §125.53 for more detail on Winery Permit.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail license shall be issued to any person who has been convicted of a violation of any Federal or State Alcohol Beverage law, the provisions of this Section, or whose license has been revoked under Wis. Stat. §125.12 during one year prior to such an application.

(d) License Quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided by Wis. Stat. §125.51(4). As of November 12, 2024 the Town of Kinnickinnic is authorized to issue 0 (zero) "Class B" licenses and 3 (three) Reserve "Class B" licenses.

(e) Age Requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(f) Effect Of Revocation of License. Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(g) Delinquent Taxes, Assessments and Claims. No License shall be granted to any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the Town.

(h) Issuance for Sale in Dwelling 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.

(l) Limit on Picnic License. A premises shall not be issued a picnic license more than twice in any calendar year. A modification of the description of the license premises in a picnic license application, so as to frustrate the limitation imposed under this Section, shall be prohibited.

## **SECTION 6**

### **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 license and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law.

## **SECTION 7**

### **Transfer of License**

(a) As to person. No license shall be transferable as to licensee except as provided in Wis. Stat. §125.04(12)

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in Wis. Stat §125.04(12). Application for 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.

## **SECTION 8**

### **Posting and Care of Licenses**

Every license or permit required under this Ordinance shall be framed and posted and at all times displayed as provided in Wis. Stat. §125.04(10) 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.

## **SECTION 9**

### **Regulation of Licenses Premises and Licensees**

(a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted on 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 Underage Person. No licensee shall employ any person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

(c) 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.

## **SECTION 10**

### **Closing Hours**

See Wis. Stat. §125.32(3). No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(a) If a retail Class "A" fermented malt beverage license, between midnight and 8:00 am.

(b) If a retail "Class A" intoxicating liquor license, between 9 pm and 8 am.

(c) If a retail "Class B" license, between 2 am and 6 am. on weekdays and between 2:30 am. and 6 am. on Saturdays and Sundays. On January 1 premises operating under a "Class B" license are not required to close. No package, container or bottle sales may be made after midnight.

## **SECTION 11**

### **Revocation and Suspension of Licenses**

(a) Procedure. Whenever the holder of any license under this Ordinance, violates any portion of this Ordinance, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stat. §125.12 and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Effect of Revocation. See Section 5(f) of this Ordinance.

## **SECTION 12**

### **Non-renewal of Licenses**

Before renewal of any license issued under this Ordinance is refused, the licensee shall be given written notice of any charges or violations or the reason proposed for nonrenewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before a Town Board.

## **SECTION 13**

### **Violations by Agents and Employees**

A violation of this Ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

## **SECTION 14**

### **Selling or Giving Beer to Underage Person Prohibited**

No person shall sell, dispense, give or furnish any fermented malt beverage to any underage person when not accompanied by parent, guardian or spouse of legal drinking age.

## **SECTION 15**

### **Purchase or Possession of Intoxicating Liquor or Fermented Malt Beverages by Underage Person Prohibited.**

No underage person shall purchase or receive from any person, or have his possession, any intoxicating liquor or wine. No underage person shall purchase or received from any person, or have in his possession, any fermented malt beverages unless accompanied by his parent, guardian or spouse of legal drinking age.

## **SECTION 16**

### **Underage Persons Presence in Places of Sale.**

For restrictions relating to underage persons, see Wis. Stat. §125.07.

## **SECTION 17**

### **Fees**

Unless otherwise provided in the State Statutes, the fees charged for licenses and transfers of licenses under this Ordinance shall be such as are established from time to time by Resolution of the Town Board.

## **SECTION 18**

### **Penalties**

Any person violating any provision of this Ordinance shall pay a forfeiture of not less than \$250 and not more than \$500 per Offense, plus Court costs and costs of prosecution. Each day an offense continues shall be considered a separate offence. The Town of Kinnickinnic Citation Ordinance is hereby amended to reflect this forfeiture amount.

## **SECTION 19**

### **Picnic License – Large Gatherings**

Where the anticipated number of participants or invitees to a gathering in connection with which a picnic license may be issued, the applicant/licensee shall comply with all of the provision of any Large Gathering Ordinance which may be from time to time adopted by the town.

## **SECTION 20**

### **Ordinance Rescinded**

The following is rescinded: Ordinance 2015-2 Alcoholic Beverages, Town Of Kinnickinnic.

## **SECTION 21**

### **Effective Date**

This Ordinance shall take effect upon passage and posting as required by law.

Passed and Adopted January 7, 2025



Jerry Olson, Town Board Chair



Nicky Thompson, Town Clerk

## **ORDINANCE CERTIFICATION**

I, Nicky Thompson, being the Town Clerk of the Town of Kinnickinnic, St. Croix County, Wisconsin hereby certify that on January 7, 2025 Ordinance No. 2025-1 a true and accurate copy of which is attached, was duly enacted by the Town of Kinnickinnic, St. Croix County, Wisconsin, and entered into the Town of Kinnickinnic record books. This Ordinance was posted/published in the following locations: Town Hall Front Door, Town of Kinnickinnic Website, The Pierce County Journal.

Dated this 9<sup>th</sup> day of January, 2025  
Nicky Thompson, Clerk