

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 05 - ALCOHOL BEVERAGES

05.01 STATE ALCOHOL BEVERAGE STATUTES

(1) INCORPORATION BY REFERENCE

Except as otherwise specified herein, the provisions of Ch. 125, Wis. Stats. are hereby adopted and made a part of this ordinance with the full force and effect as if they were fully reprinted herein, with the exception of the provisions of § 125.11, Wis. Stats., which provide for penalties above and beyond the authority of this ordinance. Unless otherwise specified herein, violations of this chapter shall be punishable as class D forfeitures under TCG § 25.04.

(2) EFFECTIVE DATE

- (a) The original ordinance was adopted on April 20, 1992.
- (b) This section shall take effect upon passage and publication.

05.02 REGULATION OF ALCOHOL BEVERAGE ESTABLISHMENTS

(1) HOURS OF SERVICE OF LICENSED PREMISES

(a) In addition to the restrictions described in (1)(b)-(f), no alcohol beverage may be sold, served, or otherwise provided to any patron of a licensed premises, between the hours of 2:00 A.M. and 6:00 A.M. Monday through Friday, or between the hours of 2:30 AM and 6:00 AM Saturday or Sunday.

(b) Class "A" - No person may sell, or otherwise provide, fermented malt beverages on Class "A" licensed premises, between the hours of 12:00 A.M. and 8:00 A.M., although said premises may remain open for the conduct of other lawful business.

(c) "Class A" - No person may sell, or otherwise provide, any intoxicating liquor on a "Class A" premises in an original package, or container, or for consumption off the premises, between the hours of 9:00 P.M. and 8:00 A.M.

(d) Class "B" - No person may sell, or otherwise provide, fermented malt beverages on a Class "B" premises in an original unopened package, container, or bottle, or for consumption off the premises, between the hours of 12:00 A.M. and 6:00 A.M.

(e) "Class B" and Reserve Class B - No person may sell, or otherwise provide, intoxicating liquor or wine, on a "Class B" premises in an original unopened package or container, or for consumption off the premises between the hours of 9:00 P.M. and 8:00 A.M.

(f) "Class C" - No person may sell, or otherwise provide, wine, between the hours of 2:00A.M. and 6:00 A.M. Monday through Friday, or between the hours of 2:30 AM and 6:00 AM Saturday and Sunday.

(2) OCCUPANCY DURING NON-BUSINESS HOURS

During the hours when the licensed premises are not open for lawful business, the licensee shall ensure that the only persons present on the premises are:

The Licensee
Owner or Agent

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Employees

Salespersons

Employees of Wholesalers Licensed under ss. 125.28(1) or 125.54(4), Wis. Stats.

Service Personnel

(3) SEARCH OF LICENSED PREMISES

(a) It is a condition of any license issued hereunder, that the licensed premises may be entered and inspected at any reasonable hour, by any peace officer without a warrant; and application for an alcohol beverage license hereunder, shall be deemed consent to this provision.

(b) Any refusal to permit an inspection of licensed premises shall be a violation of this ordinance; and shall be considered grounds for an automatic revocation of said license.

(4) PENALTY FOR VIOLATION

In addition to, and separate from, any forfeitures and other penalties set forth in Ch.125, Wis. Stats.; with the exception of those described in § 125.11, Wis. Stats.; violations of this ordinance shall be punishable as class D forfeitures, under s. TCG § 25.04. Violations may also be subject to Town Board action and penalties under § 125.12, Wis. Stats.

(5) EFFECTIVE DATE

(a) The original ordinance was adopted on April 20, 1992.

(b) This section shall take effect upon passage and publication.

05.03 ALCOHOL BEVERAGE LICENSE

(1) LICENSE REQUIREMENTS

(a) Every person within the Town limits who sells alcohol beverages with 0.5% or more of alcohol by volume, with the exception of those under the supervision of an appropriate person pursuant to §§ 125.17, 125.32 and 125.68, Wis. Stats.; and those persons who are manufacturers, wholesalers, retailers, and distributors of such beverages within the town limits, shall obtain the applicable license, as described below; from the town. Class "A" Fermented Malt Beverage License [§ 125.25, Wis. Stats.]

Class "B" Fermented Malt Beverage License [§ 125.51(2), Wis. Stats.]

"Class A" Intoxicating Liquor License [§ 125.51(2), Wis. Stats.]

"Class B" Intoxicating Liquor License [§ 125.51(3)(b), Wis. Stats.]

"Class B" Winery License [§ 125.51(3am), Wis. Stats.]

"Class B" Reserve Intoxicating Liquor Licenses [§ 125.51(4)(a)(4), Wis. Stats.]

"Class C" Retail Wine License (On Premises) [§ 125.51(3m), Wis. Stats.]

Temporary Class "B" (Picnic) Fermented Malt Beverage License [§ 125.26(6), Wis. Stats.]

Temporary "Class B" (Picnic) Wine License [§ 125.51(10), Wis. Stats.]

Operator's License [§ 125.17(1)-(3), (6), Wis. Stat.]

Manager's License [§§ 125.18, 125.32(1) and 125.68(1), Wis. Stat.]

(b) Application shall be made to the Town Clerk using the current Alcohol Beverage License Application forms as prescribed by the Wisconsin Department of Revenue and as may be amended

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from time to time. Current copies of these forms may be obtained from the Town Clerk.

(2) FEES

A fee, set by resolution of the Town Board, shall accompany each application for an alcohol beverage license. The fee for each license category shall be specified on the application, and shall be paid to the Town Treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received. Failure to submit the total fee due will delay processing of the application and may be considered grounds for refusal to issue or re-issue a license to the applicant.

(3) LICENSING PERIOD

Except as otherwise specifically noted, all alcohol beverage licenses issued shall be valid from July 1 of one year, to June 30 of the following year.

(4) ISSUANCE PROCEDURE

(a) The Town Clerk is hereby delegated the authority to issue operator's and manager's licenses, in compliance with the terms of this ordinance and applicable state statutes.

(b) The Town Board retains the authority to issue all other alcohol beverage licenses, in accordance with the terms of this ordinance and applicable state statutes.

(c) The Town shall provide at no cost, one copy of this ordinance to all applicants for an alcohol beverage license; and to any member of the public, upon request.

(d) No person shall be issued, or re-issued a Class A, B or C alcohol beverage license within the Town limits unless all of the following have been complied with:

1. The applicant will be at least 21 years of age.
2. The appropriate fee has been paid.
3. All relevant sections of the town application form have been accurately completed.
4. Except as provided in § 125.17(6) Wis. Stats., the applicant or agent, shall have successfully completed a responsible beverage servers course.
5. The statutory waiting period for issuance of a license, per § 125.04(3)(f) Wis. Stats., has passed.
6. The applicant holds a seller's permit from the state of Wisconsin, and does not have any delinquent sales tax liabilities.
7. The applicant has deposited the total fee specified on the application form, with the Town Clerk.
8. Notice of the application for an alcohol beverage permit has been published as a class 1 notice; containing the name and address of the applicant, the category of license applied for and the location of the premises to be licensed.

(e) In the event an applicant has an arrest and conviction record which, in the opinion of the clerk, disqualifies them from holding an operator's or manager's license, the Town Clerk shall, in consultation with the Town Attorney, refuse to issue, or re-issue, such license; and will specify the reasons for such refusal, to the applicant in writing. Applicant may appeal the denial by appearing before the Town Board within 30 days receipt of the written notice from the Town.

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(f) No corporation shall be issued a license unless it appoints an agent, by corporate resolution; and endows that agent, and all subsequent agents, with all powers and authority required under § 125.04(6), Wis. Stat.

(g) No license for any premises shall be issued if that premises has unresolved building code violations.

(h) All licensed premises shall have an operating, toll free telephone within the premises, to summon help in an emergency.

(5) POSTING AND CARE OF LICENSES

(a) Every license issued under the provisions of this ordinance, shall be framed, posted and displayed, as specified in § 125.04(10), Wis. Stat.

(b) No person shall post an alcohol beverage license, or permit another person to post it, upon any premises other than those described in the application; nor shall any person deface or destroy a properly posted license.

(6) REVOCATION, SUSPENSION, REFUSAL TO ISSUE OR RENEW

(a) Whenever the holder of any alcohol beverage license violates any provision of this ordinance, proceedings for the revocation or suspension of such license may be instituted as described in § 125.12, Wis. Stats.

(b) Any alcohol beverage license issued under the provisions of this ordinance shall be subject to revocation or suspension proceedings, upon the conviction of or entry of judgment against any licensee, agent, employee, or representative thereof for a third offense within a 12-month period of any provision of this ordinance, a violation of Chs. 125 or 139, Wis. Stats., of any other state or federal alcohol beverage laws, of any felony, or of any combination thereof.

(c) Before renewal of any alcohol beverage license is refused, the Town Clerk shall give written notice to the licensee, of any charges or violations against them; or the reasons proposed for non-renewal, and a copy of any proposed motion for non-removal. The licensee shall have an opportunity to be heard before the Town Board, on such motion.

(d) If any alcohol beverage license, other than an operator's or manager's license, is not used within 15 days from the date of issuance; or if its usage is discontinued for a period of 15 days or more, the license may be cancelled by the Town Board. If any license is revoked for cause, or is voluntarily surrendered, no refund of any part of the license fee shall be made.

(e) Whenever a license is revoked for cause, a 12 month period shall elapse before another license may be granted to the person whose license was revoked.

(f) As a condition of obtaining, renewing, or keeping a license, any taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures, unpaid within the time limit set by the Town or a court, as the case may be, places the licensee in a state of delinquency and subject to disciplinary action by the town board, including reprimand, suspension for a set time period (up to 90 days), or revocation.

(7) PENALTY FOR VIOLATION

Whenever a violation is brought to the attention of the Town Clerk, the Town Clerk is directed

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by the Town Board to bring the violations to their attention.

In addition to, and separate from, any forfeitures and other penalties set forth in Ch. 125, Wis. Stat., with the exception of those described in § 125.11, Wis Stats.; violations of this ordinance shall be punishable as class D forfeitures, under TCG § 25.04. Violations may also be subject to Town Board action and penalties under § 125.12, Wis. Stats.

(8) **EFFECTIVE DATE**

- (a) The original ordinance was adopted on April 20, 1992.
- (b) Last amended June 28, 2012.
- (c) This section shall take effect upon passage and publication.