

## ALCOHOL BEVERAGES

### 5.01 PURPOSE

The Town Board of Supervisors of the Town of Nokomis, Oneida County, Wisconsin finds that it is in the best interest 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 government and good order of the Town for its commercial benefit, and for the health, safety, welfare and convenience of the public.

### 5.02 Statutory Authority

This ordinance is enacted pursuant to Sec. 125.10 of Wisconsin Statutes and the general police power of the Town Board.

### 5.03 DEFINITIONS

The definitions contained in Sec. 125.02 of Wisconsin Statutes are hereby adopted and made part of this ordinance by reference.

### 5.04 LICENSE AND PERMIT REQUIREMENTS

No person except as authorized by this ordinance and Chapter 125 of Wisconsin Statutes shall within the town of Nokomis, serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this ordinance.

### 5.05 LICENSE CLASSES AND FEES

See Town of Nokomis Schedule of Fees and Penalties for License and Permit fees

### 5.06 LICENSE REQUIREMENTS AND RESTRICTIONS

(1) APPLICATION PROCEDURE - All applications for a license authorized under this ordinance and Chapter 125 of Wisconsin Statutes shall be made in writing on forms prescribed by the State 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 be the applicant as provided by Sec. 887.01 of Wisconsin Statutes.

(2) FILING OF APPLICATION – All applications shall be filed with the Town Clerk. Upon physical grant, applicant shall pay to the Town Clerk the cost of publication of the application and the annual fee for the license as established in Section 5.05 of this ordinance. All applications must be on file with the town Clerk at least 15 days before the Town Board may grant or deny the application. (See Sec. 125.04(3)(f))

(3) QUALIFICATIONS OF APPLICANTS

(a) All individuals, partners and all officers and directors of Wisconsin Corporations applying for licenses under this ordinance must meet the following qualifications

- i. Have attained the legal drinking age. (Sec.125.04, (5)(a) 3)
- ii. Have been residents of this state continuously for at least 90 days prior to the date of application. (Sec. 125.04 (5) (a) 2)
- iii. Does not have an arrest or conviction record or conviction record subject to Sec. 111.321, 111.322, 111.335 and 125.12 (1)(b) of State Statutes *(Note No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned. Sec. 125.04 (5) (b))*

(b) All officers and directors of foreign corporations must meet the qualifications of subsections (a) i and iii stated above

(c) All corporations must designate an agent pursuant to Sec. 125.04 (6) of Wisconsin Statutes. The agent must meet the qualifications of (a) i and iii stated above and must meet, with respect to character, record and reputation be satisfactory to the Department of Revenue. Each corporate agent must have full written authority and control of the premises. *(Note: See Sec. 125.04(6) (a) 2.)*

(4) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS – No license shall be granted for any premises for which taxes (real or personal), assessments or other claims or Town are delinquent and unpaid, or to any person delinquent in payment of such claims to the Town. In the event of the sale of a premises or transfer of a license during a license year, the Town Board may condition the granting of a license upon payment of real estate tax prorated to the date of the sale. The Town Treasurer shall estimate the tax rate to be used.

(4a) Persons paying the first half of real estate tax shall show written proof of second half of payment by the second Monday of August, Proof shall be shown to Clerk. License is subject to revocation if not shown.

#### (5) LOCATION OF PREMISES

(a) No retail Class “A” or “B” fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.

(b) Issuance for sales in dwellings 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.

#### 5.07 REGULATION OF LICENSED PREMISES AND LICENSES



(1) POSTING LICENSE – License issued under this ordinance shall be posted and displayed as provided by Sec. 125.04(10) of Wisconsin Statutes. Failure to post a license as required therein shall be a presumption of operating without a license.

(3) EMPLOYMENT OF MINORS – No retail Class “B” licenses shall employ any person under 18 years of age to serve, sell dispense, or give away any alcohol beverage. (Sec. 125.04(5)(d)2)

(4) SAFETY AND SANITATION REQUIREMENTS – Each licensed premises shall be maintained and conducted in a sanitary manner and shall be safe and proper place for the purpose for which used.

(5) CLOSING HOURS – Sec. 125.32 (3) Wisconsin State Statutes

(a) No premises for which a Class “B” license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par.(d). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class “B” license or permit are not required to close.

(b) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class “B” licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(c) Class “A” premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12 midnight and 6 a.m.

(d) Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified above.

(6) QUOTAS – The number of persons and places that may be granted a retail “Class B” liquor license under this ordinance in the Town is limited as provided in Sec. 125.51(4) of Wisconsin Statutes. *(Note: There are no statutory limits for quota of Class “A” retail licenses or Class “B” retail fermented malt beverage licenses, However the Town may impose its own quota if it should state the number in this ordinance under an additional section)*

#### 5.08 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 licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Town Clerk shall affix his/her affidavit as required by Sec. 125.04(4) of Wisconsin Statutes.

#### 5.09 TRANSFER OF LICENSES

(1) FROM PLACE TO PLACE – Every alcohol beverage license may be transferred to another place or premises within the same municipality. Transfers shall be approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment per Town of Nokomis Fee Schedule. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail licensee is entitled to more than one transfer during the license year. (Note: See Sec. 125.04(12)(a))

(2) FROM PERSON TO PERSON – Licenses issued under this ordinance may be transferred to another person only under the terms and conditions as provided by Sec. 125.04(12)(b) of Wisconsin Statutes.

#### 5.10 REVOCATION AND SUSPENSION OF LICENSES

(1) GROUNDS FOR REVOCATION AND SUSPENSION – A license issued under this ordinance may be suspended or revoked by the Town Board under the procedures described herein upon finding a violation of this ordinance or Chapter 125 of Wisconsin Statutes.

(2) PROCEDURE – A license may be revoked or suspended pursuant to Sec. 125.12(2) of Wisconsin Statutes.

(3) AUTOMATIC REVOCATION – Any license issued under this ordinance shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section of Chapter 125 or any other State or Federal alcohol beverage law.

(4) EFFECT OF REVOCATION OF LICENSE - When a license is revoked under this section, the revocation shall be recorded by the clerk and no other license issued under this ordinance may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

(5) REPOSSION OF LICENSE – Whenever any license under this section shall be revoked or suspended, the licensee shall surrender the license to the Town Clerk, The Town Clerk shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in the Clerk's office.

#### 5.11 SEVERABILITY OF PROVISIONS

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

#### 5.12 EFFECTIVE DATE

This ordinance shall take effect from and after its passage and posting as provided by law.

Approve \_\_\_\_\_ Disapproved \_\_\_\_\_



Nate Gaedtke, Chairman, 

Bette Stillman, Supervisor, 

Cheyann Wilke, Supervisor, 

Dated this 13 day of October, 2025

Attest: Wendy Smith, Clerk, 

