
Liquor/Fermented Malt Beverage Control and Licensing OrdinanceOrdinance No. 19.03

Section 19.03.01. Title and Purpose

The title of this Ordinance is the Town of Bridge Creek Alcohol Control Ordinance. The purpose of this ordinance is for the town to regulate specific actions at or near any alcohol beverage retail locations in the town.

Section 19.03.02. Authority

The town board has the authority under Wis. Stats. Section 125.10, and pursuant to its village powers Wis. Stats. Section 60.22 (3) to regulate the sale of retail and wholesale of alcoholic beverages at premises in the town, to the extent that town regulations are not in conflict with state statutes, specifically including the regulation of underage and intoxicated persons at alcohol beverage retail sale licensed premises in the town and the issuance, renewal, revocation, suspension, and regulation of alcohol retail sale or wholesale sale, licenses, or permits, along with the penalties for violations of this ordinance.

Section 19.03.03. Adoption of Ordinance

The town board, by this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of actions and activities at or near alcohol retail sales premises located in the town and for regulatory and enforcement authority noted in this ordinance.

Section 19.03.04. Definitions

- A. "Alcohol beverages" means fermented malt beverages, wine, and intoxicating liquor.
- B. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I to V of subchapter II of chapter 961, Wis. stats.
- C. "Fermented malt beverage" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
- D. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.
- E. "Intoxicating liquor" means all ardent, spiritous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing

0.5% or more of alcohol by volume, that are beverages, but does not include fermented malt beverages that contain less than 5% of alcohol by weight.

F. "Legal drinking age" means the State of Wisconsin age for drinking alcohol which at the time of this Ordinance is 21 years of age.

G. "License" means an authorization to sell alcohol beverages at retail or wholesale issued by the town board or its agent under this ordinance.

H. "Licensee" means any person issued a license under this ordinance and chapter 125, Wis. stats., by the town.

I. "Open for business" means conducting a business publicly at least 180 per calendar year.

J. "Permit" means any permit issued by the town under this ordinance.

K. "Permittee" means any person issued a permit by the town under this ordinance.

L. "Person" means a natural person, sole proprietorship, partnership, limited liability, company, corporation, association, or the owner of a single-owner entity that is disregarded as a separate entity under Wis. Stats. Chapter 71.

M. "Premises" means the area described in a license or permit.

N. "Regulation" means any rule or ordinance adopted by a municipal governing body.

O. "Retail" means the sale of any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and Wis. Stats. Chapter 125. "Retailer" means any person who sells, or offers for sale, any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and Wis. Stats. Chapter 125.

P. "Sell," "sold," "sale," or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme, or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.

Q. "Soft drink" means any liquid capable of being used for beverage purposes containing any degree of alcohol less than one-half of one percent by volume.

R. "Tavern" means any premises at which fermented malt beverages or intoxicating liquor are sold for consumption upon said premises.

S. "Town" means the Town of Bridge Creek, Eau Claire County, Wisconsin.

T. "Town board" means the board of supervisors for the Town of Bridge Creek, Eau Claire County, Wisconsin, and includes designees of the board authorized to act for the board.

U. "Town clerk" means the clerk of the Town of Bridge Creek, Eau Claire County, Wisconsin.

V. "Town chairperson" means the chairperson of the Town of Bridge Creek, Eau Claire County, Wisconsin.

W. "Under the influence" means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition that is the result of indulging to any degree in alcohol beverages and that tends to deprive a person of the clearness of intellect and control of himself or herself that he or she would otherwise possess.

X. "Underage person" means a person who has not attained the legal drinking age.

Y. "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

Z. "Wholesale" means the sale, other than by a brewer, manufacturer, or rectifier, of alcohol beverages to a licensed retailer in the town or to another person who holds a permit or license to sell alcohol beverages in the town at wholesale.

ZA. "Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits, or other agricultural products, imitation wine, and compounds sold as wine, vermouth, cider, perry, mead, and sake, if such products contain 0.5% or more of alcohol by volume.

Section 19.03.05. Subdivision and Numbering of this Ordinance

This Ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

Section 19.03.06. Discipline; Hearing Process

A. In the event any alcohol beverage retail or wholesale sale licensee or permittee violates this Ordinance or Wis. Stats. Chapter 125, the town board may take disciplinary action, including permit or license suspension for not less than 10 nor more than 90 days, or permit or license revocation or nonrenewal. Any license or permit that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken by the town board shall follow notice to the licensee or permittee prior to a hearing in accordance with subsection B. The hearing notice shall include the reason for the hearing. The hearing decision of the town board shall be sent by first class mail to the licensee's last known address, or personally served, at the town chairperson's option.

B. In the event disciplinary action is taken against an alcohol beverage retail or wholesale sale licensee or permittee, the procedure mandated under Wis. Stats. Section 125.12. or its successor, will be followed.

C. There shall be no refund of any alcohol beverage retail or wholesale sale license or permit fee paid to a party whose license is revoked or suspended under this ordinance.

D. In lieu of a hearing, the board may accept surrender of the alcohol beverage retail or wholesale sale license or permit, and the board shall then determine the time period before another application for the same type of license or permit will be accepted from the former licensee or permittee.

E. Evidence and testimony at the hearing shall be given in open session. The town clerk shall post or arrange to post the hearing notice or publish in a format acceptable to the town chairperson.

F. Unless no disciplinary action, including reprimand or probation, is ordered by the town board, the alcohol retail sale or wholesale licensee or permittee shall reimburse the town for costs of personal service, mailing, faxing, copies, and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Unpaid costs assessed under this subsection shall accrue interest at the rate of 5% per annum if unpaid after 30 days. Payment is required before any future alcohol retail or wholesale sale license or permit is issued or reinstated to the license or permit holder.

Section 19.03.07. Compliance Conditions

A. It is unlawful for any person to 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 beverage or soft drink, except in strict accordance with the provisions of this ordinance and state law. The issuance of any license or permit to any person under this ordinance and Wis. Stats. Chapter 125 is contingent upon full compliance with this ordinance and Wis. Stats. Chapter 125 by the licensee or permittee. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this ordinance or Wis. Stats. Chapters 125 or 139 or where persons are permitted to drink alcohol beverages in violation of this ordinance and Wis. Stats. Chapter 125 is a public nuisance and may be closed until the activity in violation of this ordinance is abated. When the activity is abated, the building or place may be used for any lawful purpose.

B. It is unlawful for a licensee, permittee, or any employee, operator, or manager of a tavern or other licensed or permitted establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed or permitted premises of the town.

C. It is unlawful for any person, including any owner, tenant, employee, operator, or manager of a tavern, who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct in a town tavern premises under circumstances in which that conduct tended to cause or provoke a disturbance and who has been ordered by the town board or a law enforcement officer not to enter or to remain in a tavern or other licensed or permitted establishment to so enter or remain during any period after having been ordered not to enter or remain by a law enforcement officer. An order prohibiting entry under this subsection may prohibit entry for a period up to 6 months.

D. As a condition of maintaining and keeping an alcohol beverage retail sale license for a tavern in the town, any licensee of a tavern premise must stay open for business and continue in business and demonstrate business continuance satisfactory to the town board. Issuance or retention of a license by a party not open for business and not demonstrating business continuation is declared by this ordinance to be against public policy of the town. A determination by the town board that a person is not demonstrating business continuation establishes grounds for suspension or revocation of the alcohol beverage retail sale license. The town board shall issue a summons and set a hearing to determine whether the license shall be suspended or revoked under this subsection. The hearing shall be held not later than 30 days after it is

issued. The town board may elect to make its decision effective on a later date. The procedure for the hearing shall be in accordance with Wis. Stats. Section 125.12. Testimony of any party, any eviction notice, court documentation, or other valid evidence of such actions may be presented. All testimony shall be under oath. A person who was licensed or permitted for the tavern premises for an alcohol beverage retail tavern is not demonstrating business continuation if any of the following is demonstrated:

1. The person has not done business in the tavern premises for at least 180 consecutive days.
2. The person has voluntarily vacated the premises more than 30 days before the hearing held under this subsection.
3. The person was ordered by a court of competent jurisdiction to vacate the premises at least 30 days before the hearing held under this subsection.

E. A license or permit shall not be denied on the grounds that the applicant lacks good moral character, unless there is evidence that the applicant would, if granted an initial or renewed license or permit, pose a threat to the safety or welfare of patrons of the licensed or permitted establishment in which he or she would be employed. The following will be considered grounds for a determination that an applicant lacks good moral character:

1. Suspension or revocation of a Class A, Class B, Operator's, or Manager's License under Wis. Stats. Chapter 125 or this ordinance, or dismissal from a bartending job if all of the following apply:

a. There is a relationship between the reasons for the suspension, revocation, or dismissal and the applicant's ability to competently tend bar without endangering the safety or welfare of the patrons of the premises where the applicant will tend bar under the authority of the applied-for license or permit.

b. The suspension, revocation, or dismissal occurred within a year of the date of the application, or there has been more than one such suspension, revocation, or dismissal within 3 years of the date of the application.

2. Conduct exhibiting the use, within 3 years of the date of the application, of alcoholic beverages or controlled substances, to an extent or in a manner dangerous to any other person, or to an extent that such use would impair the applicant's ability to competently tend the tavern business.

3. a. The applicant has habitually been a law offender or has been convicted of a felony and the circumstances of the crime or crimes substantially relate to the circumstances of the permitted or licensed activity, unless the person has been legally pardoned.

b. The applicant is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the permitted or licensed activity.

c. The applicant has been convicted of one or more of the following:

i. Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under Wis. Stats. Section 961.41 (1)

ii. Possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog under Wis. Stats. Section 961.41 (1m).

iii. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to Wis. Stats. Section 961.41 (1) or (1m).

iv. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to Wis. Stats. Section 961.41 (1) or (1m).

4. If any town committee, or local law enforcement, recommends to the town board denial of an Operator's License or Manager License or other license or permit on the basis provided under this ordinance, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.

5. If a license or permit is denied by the town board, the applicant shall have the right to file an appeal with the town clerk within 30 days of the date of the decision, and to appear and be represented by legal counsel before the town board, to be heard, to present evidence in favor of the granting of the license or permit, and to rebut the evidence presented in opposition to the granting of the license or permit. The hearing on the appeal shall be held within 40 days of the filing of the appeal. Notice of the time and place of the hearing on the appeal shall be mailed by the town clerk to the applicant by certified mail at least 10 days before the date of the hearing. The town board shall, after the hearing, comply with Wis. Stats. Chapter 125 by providing in writing the reasons for its decision to grant or not grant a license or permit. The town board shall comply with Wis. Stats. Chapter 125.12 in the denial, revocation, suspension, or nonrenewal of a license or permit.

F. It is a condition of any license or permit issued under this ordinance that the licensed or permitted premises, delivery vehicles, and any of the business books of account, bank statements, billings, invoices, and any other documents relating specifically to the licensed or permitted business may be entered and inspected at any reasonable hour by any law enforcement officer of the town without any warrant, and application for a license or permit under this ordinance shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license or permit issued under this ordinance and shall be deemed a violation of this subsection.

G. No licenses or permits may be granted under this ordinance or under Wis. Stats. Chapter 125 unless the town board, by a vote of the majority of the members-elect of the town board, authorizes the issuance of the license or permit. The town board shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of action upon applications for licenses and permits as may be presented to them on or before April 15, and all

applications for licenses so filed shall be granted or denied not later than June 15 for the ensuing license year.

Section 19.03.08. Underage and Intoxicated Persons/Disorderly House/After Hours

A. Sale of Alcohol Beverages to Underage Persons; Restrictions.

1. No person may procure for or sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

3. No adult may knowingly permit or fail to act to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.

B. Intoxicated Persons.

1. No person may procure for or sell, dispense, or give away alcohol beverages to an intoxicated person.

2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with an intoxicated person.

3. No licensee or permittee may permit an intoxicated person to be on a licensed or permitted premise.

C. Disorderly House. No licensee or permittee in charge and control of a licensed or permitted premises shall keep or maintain a disorderly or riotous, indecent, or improper tavern or licensed or permitted establishment.

D. After hours. No licensee or permittee shall permit any person to be present on the premises operated under a Class "A," "Class A," or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business unless these persons are performing job-related activities.

E. Unsanitary or Unsafe Conduct. No licensee or permittee in charge and control of a tavern shall fail to keep or maintain a tavern or other licensed or permitted premise in a sanitary and safe condition after written notice by the State of Wisconsin, Department of Health and Family Services or the town board.

Section 19.03.09. Licenses

A. No person shall distribute, vend, sell, offer to keep for sale at retail or wholesale, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all of the provisions of this Ordinance and all Statutes, Ordinances and Regulations of the State and Town applicable thereto.

B. A Separate License required for each place of business. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purchase of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.

Section 19.03.10. License Fees.

A. There shall be the following classes and denominations of licenses, which when issued by the Village Clerk under the authority of the Village Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal, or traffic in intoxicating liquor or fermented malt beverages as provided in Chapter 125 , Wisconsin Statutes.

1. Class "A" Beer License: \$100.00. Authorizes the retail sale of beer and beer-based coolers, in original packages and containers for off premises consumption only.

- a. No sales to other licensees for retail.
- b. May sell in any quantity to the public.
- c. No beer sales between 12 midnight and 8:00 A.M.

2. "Class A" Intoxicating Liquor License: \$300.00. Authorizes the retail sale of liquor and wine, in the original packages and containers for off premises consumption only.

- a. No sales to other licensees.
- b. May sell in any quantity to the public.
- c. May not sell intoxicating liquor and wine between 9:00 p.m. and 8:00 a.m.
- d. May furnish customers with taste samples of wine between 10:00 a.m. and 6:00 p.m.

3. Class "B" Beer License: \$100.00. Authorizes the retail sale of beer for on premises or off-premises consumption. Club licenses as defined in Chapter 125, Wisconsin Statutes, shall be issued for \$10.00. Class "B" Fermented Malt Beverage Retailer's License for Brewers shall be issued pursuant to Chapter 125, Wisconsin Statutes.

- a. No sales to other licensees for resale.
- b. May sell in any quantity to the public.
- c. Must be closed between the following hours:
 - 1) Monday-Friday 2:00 a.m. – 6:00 a.m.
 - 2) Saturday- Sunday 2:30 a.m. - 6:00 a.m.
 - 3) New Year's Eve- no closing required.
 - 4) Local municipalities may NOT further restrict the closing hours.
- d. No off-premises sales between 12:00 midnight and 6:00 a.m. Local ordinances may further restrict these sales hours.
- e. On the Sunday that daylight savings time begins as specified in Wis. Stats. 175.095(2), the closing hours shall be between 3:30 a.m. and 6:00 a.m.

4. "Class B" Liquor License: \$250.00. Authorizes the retail sale of liquor by the drink for consumption on the licensed premises and in the original sealed container for off-premises consumption. No sales to other licensees for resale;

a. Off-premises sales of liquor, when permitted by local ordinance, limited to 4 liters or less.

b. Wine may be sold in the original package, in any quantity, for on and Off-premise consumption.

c. Closing hours the same as Class "B" License above.

5. Class "C" Wine License: \$50.00. Authorizes the retail sale of wine by the glass or in an opened original container for consumption on premises only.

a. No sales to other licensees for resale;

b. Closing hours, the same as Class "B" license above.

6. Provisional Operator's License: \$15.00. A provisional operator's license is issued for the purposes of compliance with Wisconsin Statutes 125.17(5), 125.32(2) and 125.68(2). The Town Clerk may issue a provisional license, to the applicant of a regular operator's license, in the event that the applicant's employment begins prior to the scheduled date of approval of the regular operator's license. A provisional license shall expire after 60 days or when the regular operator's license is issued, whichever is sooner.

7. Operator's License: \$15.00. An operator's (bartender's) license required under Wis. Stats. Sections 125.17(1), 125.32(2) and 125.68(2) shall be issued to any qualified applicant and is good in any premises within the Town of Bridge Creek but can only be used within the Town. The operator's license is good for one year and expires on June 30th pursuant to Wis. Stats. Section 125.17.

8. Provisional Operator's License: \$15.00. A provisional operator's license is issued for the purposes of compliance with Wisconsin Statutes Sections 125.17(5), 125.32(2) and 125.68(2). The Town Clerk may issue a provisional license, to the applicant of a regular operator's license, in the event that the applicant's employment begins prior to the scheduled date of approval of the regular operator's license. A provisional license shall expire after 60 days or when the regular operator's license is issued, whichever is sooner.

9. Publication Fee: Fee determined by actual cost of publication. At the time the application is filed, the applicant shall pay to the Town Clerk the cost of publication as determined under Wis. Stats. Section 985.08 and pursuant to Wis. Stats. Section 125.04.

Section 19.03.11. License Restrictions.

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in Section 19.03.02 of this Ordinance, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

A. Requirements for Licenses. No license shall be issued any person who is not 18 years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin for at least one year prior to application. No license may be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this State punishable by imprisonment in the State prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation.

B. Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

C. Inspection of Application and Premises. The Town Clerk shall notify the Health Officer, Constable, Building inspector or other person designated by the Town of all license and permit applications. Such officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulation, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Town Board in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board, and no license shall be renewed without a reinspection of the premises and report as herein required.

D. Health and Sanitation. No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and regulations adopted by the Town.

E. Tax Delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Town are delinquent or unpaid.

F. Location of Licensed Premises. 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 school, parochial school, Amish school, hospital, or church. Such distance shall be measured via 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.

Section 19.03.12. Search of Licensed Premises.

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any hour by any constable, police officer or other person designated by the Town, without warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

Section 19.03.13. Posting Licenses. Licenses or permits issued under this section shall be posted and displayed as provided in Chapter 125 Wisconsin Statutes, and any licensee who shall fail to post such license or permit as therein required shall be presumed to be operating without a license.

Section 19.03.14. Regulation of Licensed Premises.

A. 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 19.03.15. Revocation and Suspension of Licenses.

A. Procedure. Except as otherwise provided herein, the provisions of Chapter 125, Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.

B. Suspension of Licenses. The Town Chairperson, constable or other person designated by the Town, upon obtaining reasonable information that any licensee has violated any provision of this section or any State felony may suspend the license or permit of such person for a period not to exceed 10 days pending hearing by the Town Board pursuant to paragraph A above.

C. Automatic Revocation. Any license or permit issued under the provisions of this Ordinance shall stand revoked without further proceedings upon the conviction of a licensee or a licensee's employee, agent, or representative of a second offense under this ordinance or Wisconsin Statutes, or any other State or Federal liquor or fermented malt beverage law or any felony.

D. Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended by the Town Board, Town Chairperson or other person designated by the Town or action of any court or under paragraph C above it shall be the duty of the Town Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Town Chairperson, who shall take physical possession of the license or permit wherever it may be found and file it in the Town Clerk's office.

Section 19.03.16. Penalties

A. A person who commits a violation of this ordinance is subject to a forfeiture of:

1. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation.

2. Not more than \$1,000.00 if the person has committed one previous violation within 12 months of the violation.

3. Not more than \$1,500.00 if the person has committed 2 previous violations within 12 months of the violation.

4. Not more than \$5,000.00 if the person has committed 3 or more previous violations within 12 months of the violation.

B. For purposes of determining whether a previous violation has occurred, if more than one violation occurs at the same time, all those violations shall be counted as one violation.

C. Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

Section 19.03.17. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 19.03.18. Effective Date

This Ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required Wis. Stats. Section 60.80.

Adopted this 16th day of May, 2019.

Chairperson: Rick Strauch
Jeffrey Gerike

Supervisor: Bruce Logterman
Bruce Logterman

Supervisor: Patrick Bethke
Patrick Bethke

Supervisor: Godie O'Brien
Godie O'Brien

Supervisor: Brian Bertram
Brian Bertram

Clerk: Kathy Olson
Kathy Olson

Published: _____

Posted: _____