

CHAPTER 89 – INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES: LICENSES & REQUIREMENTS

Section 89.01 State Statutes Adopted

The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions relating to the penalties to be imposed for the punishment for violations of those statutes, are hereby adopted and made a part of this ordinance.

Section 89.02 Licenses Required

- 1) No person except as provided by subsection 89.01 of this ordinance shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverages, or cause the same to be done, without having procured a license or permit as provided in this ordinance nor without complying with all of the provisions of this ordinance and all statutes, ordinances and regulations of the State and the Town.
- 2) 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 to where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling, house, plot or residential apartment.
- 3) Specific requirements for Class 'A' licenses are contained in the Town of Hull Code of Ordinances, Chapter 93, issuance of Class 'A' Licenses.

Section 89.04 License Qualifications

No license shall be granted to any person for the sale of malt beverages or intoxicating liquor who is not of good moral character and a resident of this State, nor shall any such license be granted or issued to any person who has been convicted of an offense against the laws of the United States or any laws of this State punishable by imprisonment in the State prison or other penal institution as felonies unless the person so convicted has been duly pardoned. The provisions of this subsection shall not apply to a Wisconsin corporation. Such provisions shall apply, however, to all officers, directors and agents of the corporation.

Section 89.05 Granting of Licenses

- 1) Opportunity shall be given by the Town Board to any person to be heard for or against the granting of any license. Upon approval by the Town Board, the Town Clerk shall, upon payment of the required fee, issue to the applicant the proper license.
- 2) When an individual applies for both a Class 'B' Malt Beverage License and a Class 'B' Liquor License, the Town Clerk may, after approval of the application by the Town Board, and upon payment of the required fee for each of the licenses, issue to the applicant a combination Class 'B' Malt Beverage and Liquor license. The combination license shall entitle the holder to all of the privileges conferred by both a Class 'B' Malt Beverage License and a Class 'B' Liquor License.

- 3) All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which they were granted, the dates of issuance, the fee paid, the name of the holder and the date of expiration.

Section 89.06 Penalty

Any person who shall violate any provision of this chapter or any rules and regulations adopted hereunder shall be subject to a penalty as established by the Town Board within the limits set by State statutes and Town ordinances. Each violation and each day on which a violation occurs or continues shall constitute a separate offense. This section shall not preclude the Town from maintaining any appropriate action to prevent or remove a violation of this chapter.

Section 89.07 Severability and Validity

Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part of it, not declared to be invalid.

Section 89.08 Effective Date

This ordinance shall take effect upon passage and publication as provided by law.