

**TOWN OF SHERMAN
IRON COUNTY
ORDINANCE NO. 4.20**

Liquor License Ordinance

A. APPLICATION: *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 may be amended from time to time. Current copies of these forms may be obtained from the Town Clerk.*

B. FEES: *A fee as specified in Town of Sherman ordinance #4.10, 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 Sherman.*

C. LICENSING PERIOD: *Except as otherwise specifically noted, all alcohol beverage licenses issued shall be valid from July 1st of one year, to June 30th of the following year.*

D. ISSUANCE PROCEDURE:

(a) *The Town Clerk is hereby delegated the authority to issue Renewal Operator's Licenses, in compliance with the terms of this ordinance and applicable State Statutes.*

(b) *The Town Board retains the authority to issue all New Operator's Licenses and all other Alcohol Beverage Licenses, in accordance with the terms of the 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 of Sherman unless all of the following have been complied with:*

1. *The applicant will be at least 21 years of age, and a resident of Wisconsin continuously for at least 90 days prior to the filing of the application.*

2. *The appropriate fee(s) has been paid.*

3. *All relevant sections of the application form have been accurately completed.*

4. *Except as provided in s. 125.17(6), 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 s. 125.04(3) (f), Stats. has passed.*

6. *The applicant holds a Seller's permit from the State of Wisconsin and provides that number on the application form.*

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 Managers License, the clerk shall, in consultation with the Dept. of Revenue and 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.

(f) After consideration of circumstances upon appeal to the Town Board of Sherman, an Operator's or Managers License may be issued or denied.

(g) No Corporation/Non Profit Organization, Partnership, or Limited Liability Company, 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 s. 125.04(6), Stats.

(h) Transfers of Liquor Licenses are in accordance with s. 125.04(12a,12b).

(i) No license for any premises shall be issued, if that premises has unpaid and delinquent taxes.

(j) All licensed premises shall have an operating telephone within the premises to summon help in an emergency.

(k) It shall be a condition of maintaining and keeping a Liquor License that the Licensee continues in business at least sixty continuous days per year. Issuance of, or retention of, a license by a party not doing business, is hereby declared to be against public policy, and lacking in usefulness. If a business is destroyed by natural causes or fire, the Licensee, upon a written statement to the Town of Sherman Board, will be given one year to rebuild from the date of the incident.

(l) It shall also be a condition of maintaining and keeping a Liquor License, that the Licensee passes a health inspection by the Iron County Public Health Sanitarian.

(m) Liquor licenses can not be renewed if the applicant has outstanding Sales Tax liabilities or outstanding Alcohol Invoices due.

E. VIOLATIONS: In the event any licensed party violates this ordinance, disciplinary action may be taken by the Town Board, including reprimand, suspension of the license for a specified number of days (up to 90 days), or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will include the reason for the hearing, and the decision of the Board, will be sent by first class mail to the last known address of the licensee, or personally served, at

the option of the Town Chairperson.

(a) In the event disciplinary action is taken against an alcohol licensee, the State procedure mandated under present s.125.12 Stats. or its successor, will be followed. At present, said procedure requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter.

(b) There shall be no refund of any license fee(s) paid to a party whose license is revoked.

(c) In lieu of a hearing, the Town Board may accept surrender of the license, and the Board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.

(d) Evidence and testimony at the hearing shall be done in open session. Pursuant to 19.85(1) (a), the Board may go into closed session to deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk shall see that the hearing notice is posted or published, in format acceptable to the Chairperson.

F. POSTING/CARE OF LICENSE: Every license issued under the provisions of this ordinance, shall be framed, posted and displayed as specified in s. 125.04(10), Stats.

G. SEVERABILITY: In the event any portion of this ordinance is, or becomes, invalid or illegal, the remaining portions shall remain in full force and effect.

H. EFFECT: This ordinance shall take effect following passage, and posting in three locations by the clerk This ordinance replaces original ordinance adopted on November 9, 2004.

MOVED BY BOARD MEMBER _____

SECONDED BY BOARD MEMBER _____

ADOPTED THIS _____ DAY OF _____ 2010

BY _____ ATTEST _____

GERALD D. LUKE, CHAIRMAN GAIL M. SPRANGER

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