

## ORDINANCE 2017-01

### AN ORDINANCE AMENDING CHAPTER 117 OF THE TOWN OF PLEASANT SPRINGS MUNICIPAL CODE.

**WHEREAS**, the Town of Pleasant Springs issues Class "A" fermented malt beverage licenses to qualified applicants; and

**WHEREAS**, the Town Board has determined that it would be in the Town's interest to also issue "Class A" licenses for retail sales of intoxicating liquor licenses; and

**WHEREAS**, the existing Class "A" ordinance requires fermented malt beverages to be stored in an area partitioned by permanent construction; and

**WHEREAS**, the Town Board has determined that a locked cabinet would provide sufficient segregation of the alcohol beverages; and

**WHEREAS**, certain provisions of Chapter 117 of the Town of Pleasant Springs Municipal Code require updating to conform with changes to the Wisconsin Statutes; and

**WHEREAS**, Section 125.10, Wis. Stats., authorizes municipalities to enact regulations incorporating any part of Chapter 125, Wis. Stats.;

**NOW, THEREFORE**, the Town Board of Pleasant Springs, Wisconsin, does ordain as follows:

**Section 1.** ARTICLE II of Chapter 117 of the Pleasant Springs Municipal Code is amended to read as follows:

#### ARTICLE II Sales

§117-3. State statutes adopted.

A. Except as modified by the provisions of this chapter, the provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, are hereby adopted and made a part of this chapter by reference, except that the penalties for violations shall be as set forth in this chapter.

B. Definitions:

1. A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles.
2. A "Class A" license authorizes retail sales of intoxicating liquor for consumption off the premises where sold and in original packages and containers.
3. A Class "B" license authorizes retail sales of fermented malt beverages from premises within the Town to be consumed either on the premises where sold or off the premises.

4. A "Class B" license authorizes retail sales of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold.
5. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
6. Alcohol beverages are defined by §125.02(1), Wis. Stats., and include fermented malt beverages and intoxicating liquor.

§117-4. Restrictions on Class "A" and "Class A" premises.

A. Original packages required.

1. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a Class "A" license has been issued any alcohol beverage except fermented malt beverages in original unopened packages, containers or bottles, not to be consumed in or about the premises where sold. Fermented malt beverages shall not be sold in quantities of one can or one bottle or in kegs or barrels.
2. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a "Class A" license has been issued any intoxicating liquor except in original unopened packages, containers, or bottles, not to be consumed in or about the premises where sold.

B. Alcohol beverage sale hours limited. Between the hours of 9:00 p.m. and 8:00 a.m., no alcohol beverages shall be sold, permitted to be sold, purchased, carried out or removed from any premises for which a Class "A" license or a "Class A" has been issued.

C. In any premise which is open for the sale of merchandise other than alcohol beverages during the hours that alcohol beverage sale is prohibited under sub. B.:

1. All alcohol beverages shall be kept at all times in a segregated area of the premises that is separate from the portion of the premises that is used for sale and display of other merchandise. There shall be no floor displays or bulk stocking of alcohol beverages in areas of the premises that are open to the public.
2. During all hours when fermented malt beverage sales are prohibited under sub. B.:
  - i. All fermented malt beverages located on Class "A" licensed premises and intoxicating liquors located on "Class A" licensed premises shall be securely locked within a room, locker, cabinet, building, cooler, or other enclosure, such that the alcohol beverages may not be accessed or moved by any person other than the licensee, permittee, agent named in the license or permit, or other person holding a valid operator's license for the premises who is responsible for the acts of all persons selling alcohol beverages to consumers. The enclosure in which the alcohol beverages are stored shall be securely attached to a permanent structure that is part of the premises, and shall not be portable.

- ii. If any alcohol beverages are kept in a portion of a cabinet or cooler with other merchandise, the portion of the cabinet or cooler where the alcohol beverages are kept shall be completely and permanently partitioned such that customers are unable to access that portion of the cabinet or cooler.
- D. Licensing of premises. The entire building and parcel on which the building is located shall be deemed to be a part of any Class "A" or "Class A" licensed premises. The licensee shall ensure that there is no on-premises consumption and no on-premises open containers of alcohol beverages.
- E. Wine tasting prohibited. Wine tasting and wine sampling that otherwise would be permitted by §125.06(13), Wis. Stats., are hereby prohibited.

§117-5. Restrictions on Class "B" and "Class B" premises.

- A. No intoxicating liquor or fermented malt beverage for consumption away from the premises shall be sold, permitted to be sold, purchased, carried out or removed from any premises for which a "Class B" or Class "B" license has been issued between the hours of 9:00 p.m. and 8:00 a.m. on weekdays and between the hours of 9:00 p.m. on Saturdays and the following 12:00 noon on Sundays and 9:00 p.m. on Sundays and 8:00 a.m. on Mondays.
- B. It shall be unlawful for any premises for which a retail "Class B" liquor license has been issued to remain open for the sale of liquor or fermented malt beverage for on-premises consumption between the hours of 2:00 a.m. and 6:00 a.m. on weekdays, between the hours of 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, between the hours of 3:30 a.m. and 6:00 a.m. on the Sunday that daylight saving time begins, and except January 1, when there is no closing time.

§117-6. Fees.

Applicable fees for alcohol beverage licenses shall be in such amount as may be established by the Town Board from time to time by separate resolution.

§117-7. Provisional License.

Pursuant to §125.185, Wis. Stats., the Town Clerk may issue a provisional retail license to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license, authorizing only the activities that the type of retail license applied for authorizes. The provisional retail license shall expire 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license has been issued to the holder, whichever is sooner. The provisional license may be revoked by the Town Clerk if he or she discovers that the holder of the license made a false statement on the application. The fee for a provisional retail licenses is \$15.00.

§117-8. Violations and penalties.

Any person who violates any of the provisions of this article shall, upon conviction, be subject to penalties provided therefor in Chapter I, General Provisions, §1-1, and in Ch. 125, Wis. Stats.

**Section 2.** ARTICLE III of Chapter 117 of the Pleasant Springs Municipal Code is hereby repealed.

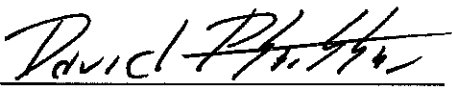
**Section 3.** Section 117-17 of the Pleasant Springs Municipal Code is amended to read as follows:

§117-17. Sale to underage persons.

- A. It shall be unlawful for any person, licensee, corporation, partnership, or other entity to 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.
- B. All customers purchasing fermented malt beverages or intoxicating liquors shall be checked for valid proof of age prior to sale, regardless of appearance of age.

**Section 4.** This ordinance shall take effect the day after publication of this ordinance or a notice of the enactment of this ordinance as required by law.

Adopted at a regular Town Board meeting this 17<sup>th</sup> day of October, 2017.

  
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David Pfeiffer, Town Chairperson

Attest:   
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Maria Hougan, Clerk/Treasurer

Date Enacted: 10-17-2017      Vote: 5-0

Date of Publication: 10-26-2017