

Chapter 74

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

[HISTORY: Adopted by the Town Board of the Town of Troy 2-12-2004 by Ord. No. 04-1. Amendments noted where applicable.]

[Sections 74-4, 74-5, 74-6 and 7-8 amended by Ordinance No. 2017-1]

§ 74-1. Adoption of statutory provisions.

All provisions of Ch. 125, Wis. Stats., specifically including those defining and regulating the sale, procurement, storage, dispersing and transfer of alcoholic beverages and provisions relating to underage persons, are adopted and made a part of this chapter by reference. A violation of any such statutory provision shall constitute a violation of this chapter.

§ 74-2. Denial of license for nonpayment of Town charges.

No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments, special charges, forfeitures or other claims owed to the Town of Troy are delinquent and unpaid. No initial or renewal alcohol beverage license shall be granted to any person who is delinquent in payment of any taxes, assessments, special charges or other claims owed to the Town or who is delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.

§ 74-3. Off-sale hours.

A. Class "B" premises. No premises for which any Class "B" license or permit has been issued, nor its agents or employees, may sell or give away any alcoholic beverages for consumption off the premises after 9:00 p.m. or before 8:00 a.m.

B. Class "A" and "Class A" premises. No premises for which any Class "A" or "Class A" license or permit has been issued, nor its agents or employees, may sell or give away any alcoholic beverages for consumption off the premises after 9:00 p.m. or before 8:00 a.m.

§ 74-4. Reserved for future use.

§ 74-5. Classes of licenses, fees and conditions.

A. The Town may issue all classes of licenses that Wis. Stats. Ch. 125 authorizes the Town to issue, subject to the restrictions provided herein.

B. The fees to be paid to the Town for the sale of alcoholic beverages shall be as established by resolution and as stated in the Town of Troy Fee Schedule.

C. All retail licenses for the sale of alcoholic beverages that are granted hereunder are granted subject to the following conditions and all other ordinances and regulations of the Town applicable thereto:

(1) Every applicant procuring a license thereby consents to the entry of law enforcement personnel or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search and consents to the removal from such premises of all things and articles there had in violation of Town ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(2) No retail alcoholic beverage licensee shall sell or offer to sell any intoxicating liquor or fermented malt beverage to any person on the credit of that establishment, excepting credit extended by a hotel to a resident guest or by a club to a bona fide member and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell intoxicating liquor or fermented malt beverage to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquor or fermented malt beverages.

(3) Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

§ 74-6. Operator's license.

A. License required. No premises operated under a Class "A," Class "B," "Class A", "Class B" or "Class C" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a "Class B" or Class "B" permit or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquor to customers.

B. Application; term. The Town Board shall issue an operator's license to any applicant who is qualified under state statute [see § 125.04(5), Wis. Stats.]. An operator's license may be issued only upon written application. An operator's license shall be issued only to persons who have obtained the age of 18 years. The written application shall contain the applicant's name, age, address and intended place of employment and shall list any pending alcohol-related offenses. The fee for an initial operator's license issued under this article shall be as provided in the Town of Troy Fee Schedule and shall be valid for one year. All such licenses expire on June 30 of each year. [1]

C. Revocation. Any violation of any provision of this chapter or any federal or state intoxicating liquor or fermented malt beverage law by any person holding an operator's license shall be cause for suspension or revocation of such license. The Clerk-Treasurer shall notify the licensee at the address given on his last application of the time and place at which the Town Board shall deliberate whether to suspend or revoke such license. The licensee shall have the opportunity to be heard and present whatever information he/she wishes.

D. Provisional operator's license. The Clerk-Treasurer may issue a provisional operator's license to a person qualified by law for an operator's license, provided that such person has applied for a regular operator's license and is enrolled in the responsible beverage server training course required by state law. The fee for a provisional operator's license shall be as provided in the Town of Troy Fee Schedule and such license shall expire 60 days after its issuance. A provisional license may not be issued to any person who has been denied an operator's license by the Town Board, and the Clerk-Treasurer may revoke the provisional operator's license if he or she discovers that the holder of the license made a false statement on the application.

§ 74-7. Violations and penalties.

Any person, partnership or corporation who or which violates any of the provisions of this chapter shall be subject to a forfeiture as provided in Chapter 39, Citations, of the Town Code. A separate offense and violation shall be deemed to have been committed on each day on which a violation occurs or continues. Violation of this chapter also constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under § 125.12, Wis. Stats.

§ 74-8. Applicability

This chapter shall apply retroactively to all Class "A," Class "B," "Class A", "Class B" and "Class C" licenses issued since July 1, 2003. No enforcement action shall be taken for violations of this chapter prior to the date of publication following enactment.

[1]. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).