

AMENDED ORDINANCE NO. 12

AN ORDINANCE TO LICENSE AND REGULATE THE SALE AND THE DISPOSITION OF INTOXICATING BEVERAGES WITHIN THE TOWNSHIP OF PINE LAKE.

Section 1.

The following ordinance shall supercede all prior ordinances and amended ordinances relative to the above subject.

Section 2. LICENSES

- A) When Required. No person or corporation shall within the Town of Pine Lake, distribute, sell, keep or offer for wholesale or retail sale, any fermented malt beverages, light wines, or intoxicating liquors, or cause same to be done without first having obtained a license as provided in this ordinance, but this shall not include the possession on any business premises of individual bottles or containers of beverages for the personal use of individuals occupying said premises or employed thereon.
- B) Separate License Required. A separate license shall be required for each premise 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, flat or residential apartment.

Section 3. LICENSE FEES

There shall be the following classes and denominations of licenses which, when issued by the Town Clerk under the authority of the Town Board, and after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic intoxicating liquor or fermented malt beverages as provided by Wisconsin law:

- A) Retail Class A liquor license \$25.00 per year.
- B) Retail Class B liquor license \$250.00 per year.
- C) Class A fermented malt beverage retailers license \$25.00 per year.
- D) Class B fermented malt beverage retailers license \$100.00 per year.

Section 4. FEES, WHEN PAYABLE

No license shall be issued hereunder until the applicant shall first have paid to the Town Treasurer the fee herein required. On applications concerning premises where

construction is not complete, the fee shall be paid within 5 days of the granting of said license and upon the payment of said fee, said license shall remain in effect for the license year. The license fee for new applications covering only a portion of the remaining license year shall be prorated on a quarterly basis.

Section 5. LICENSE RESTRICTIONS

In addition to the requirements imposed by provisions of the Wisconsin Statutes, the following restrictions shall apply to the issuance of licenses or permits pursuant to this ordinance.

- A) Requirements for Licenses. A retail or wholesale fermented malt beverage or liquor license shall be issued to any person who meets the general licensing requirements of 125.04 (5) Wis. Stats. It is the Town of Pine Lake's objective that licenses only be issued to persons of good moral character. Further, all individuals issued a license by the Town of Pine Lake agree to be bound by all the general licensing requirements of 125.04 Wis. Stats.
- B) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within 60 days prior to application.
- C) There must be present upon any licensed premises, either the licensee or some person who shall have an operator's license, and who shall be responsible for the acts of all persons serving as waiters or in any other manner any fermented malt beverages or intoxicating liquors to customers.
- D) Each premises for which a Class B license is granted must be properly lighted and ventilated, and supplied with adequate toilet and lavatory facilities for both sexes.
- E) No license shall be issued to any applicant, if said applicant or his predecessor shall have any delinquent personal property taxes, or shall owe any other monies to the Town of Pine Lake.
- F) No more than 10 retail Class A liquor licenses shall be granted by the Town of Pine Lake in said town at any one time.
- G) It shall be a condition of any license issued hereunder, that the licensed premises may be entered and inspected at any reasonable hour by any police officer or official of the Town of Pine Lake, without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically be cause for revocation of such license.

- H) Whenever any license shall be revoked for any cause, no refund of the fee paid for said license shall be made. When any license is voluntarily turned back to the Town of Pine Lake, or becomes inoperative due to the voluntary suspension of business, either temporarily or permanently, no refund of the unearned portion of the fee shall be made.
- I) Licenses or permits issued under this ordinance shall be posted and displayed as provided in Section 125.04 (10)(B), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as herein required, shall be presumed to be operating without a license.

Section 6. REVOCATION AND SUSPENSION OF LICENSES

- A) Except as hereinafter provided, the provisions of Subsections 125.12 and 125.13 of the Wis. Stats. shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this ordinance. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion, by adoption of a resolution.
- B) The license holder agrees to take all steps necessary, or recommended by the Town Board, to prevent violations of Wis. Stats. 125 entitled "Alcohol Beverages." The Town Board, at its discretion, may require the licensee to take such additional steps as the Town Board deems necessary to prevent or correct violations of Wis. Stats. 125. Failure of said licensee to adhere to the requirements initiated by the Town Board shall be cause for revocation of the liquor license issued to the subject premises, provided, however, that said revocation be pursuant to Wis. Stats. 125.12 and Wis. Stats. 125.13.
- C) Any license or permit issued under the provisions of this ordinance shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his employee, agent or representative of a second offense under this ordinance, Chapter 125, 139 or Section 66.054 of the Wisconsin Statutes or any other State or Federal liquor or fermented malt beverage law, or any felony of any state.
- D) Whenever any license or permit under this ordinance shall be revoked or suspended by the Town Board, 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 Constable who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

Section 7. REVOCATION FOR NON-USE

All existing liquor and fermented malt beverage licenses in the Town of Pine Lake and all licenses hereafter issued by the Town of Pine Lake under this ordinance shall be

issued under the express condition that the premises for which any license is issued shall remain open to the public for a minimum of 3 months during any license period. Failure to remain open for a minimum of 3 months during any license period shall constitute grounds for automatic and summary revocation of such license without notice or further proceedings. The Town Board, at its discretion, and after appropriate request by the licensee, may grant a waiver of this provision, provided that the Town Board believes said waiver to be in the best interest of the Town of Pine Lake and the licensee.

- A) A month hereunder shall be defined as four consecutive 40-hour weeks.
- B) The three months requirement herein shall be three consecutive months during any license period.

Section 8. PENALTIES

Any individual or entity licensed pursuant to the terms of this ordinance, and who subsequently violates either this ordinance or Wis. Stats. 125 entitled "Alcohol Beverages," shall be subject to all penalties provided in Wis. Stats. 125.

Section 9.

Any person holding a license under former resolutions and ordinances shall come under the provisions of this ordinance immediately after final passage.

Section 10. CLOSING HOURS

The closing hours for any premises for which a license has been issued hereunder shall be as specified in Section 125.68 of the Wisconsin Statutes.

Section 11. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or void for any reason.

Section 12. PROHIBITION OF NUDE ENTERTAINMENT


- A) This ordinance is enacted pursuant to power granted to towns by virtue of Section 125.10, Wis. Stats.
- B) This ordinance shall apply to all establishments licensed by the Town of Pine Lake to serve alcohol beverages pursuant to Chapter 125, Wis. Stats.

1. It shall be unlawful for any person, or any licensee or manager or agent of the license(e) to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
 - a. Exposes his or her genitals, pubic hair, perineum, anal region or pubic hair region; or
 - b. Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, perineum, anal region or pubic hair region or;
 - c. Exposes any portion of the female breast at or below the areola thereof, or
 - d. To engage in or simulate sexual intercourse and/or sexual contact, including the touching of any portion of the female breast or the male/and or female genitals.

2. It shall be unlawful for any licensee or manager or agent of the licensee knowingly to permit any exhibition prohibited by subparagraph (a) to be exposed for viewing by persons within the licensed premises.

3. Any person, partnership or corporation who violates any of the provisions of this section shall be subject to a forfeiture of \$500.00 for each violation of this ordinance in addition to liquor license suspension, revocation or nonrenewal as provided by Section 125.12(1) Wis. Stats. A separate offense shall be deemed committed on each day on which the violation occurs or continues. Forfeitures may be paid to the Town Clerk or the Town Treasurer.

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed by the Town Board of the Town of Pine Lake at a regular meeting of said Town Board, at which meeting all members of said Town Board were present in person and voted unanimously in favor of said passage on the ____ day of _____, 2001.



Charles F. Wittrock, Town Clerk

AMENDMENT TO ORDINANCE NO. 12

Regulating the Sale and Disposition of intoxicating beverages.

Section 3 of Town Ordinance No.12 is hereby amended to read as follows:

LICENSE FEES

There shall be the following classes and denominations of licenses which when issued by the Town Clerk under authority of the Town 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 by Wisconsin law:

- (A) Retail Class A Liquor Licenses \$25.00 per year
- (B) Retail Class B Liquor Licenses \$250.00 per year
- (C) Class A fermented malt beverage retailers licenses \$25.00 per year
- (D) Class B fermented malt beverage retailers licenses \$100.00 per year
- (E) Single day (picnic) Class B license issued pursuant to Section 66.054(8)(b) Wisconsin Statutes \$15.00 per day.
- (F) Operators licenses Temperature \$10.00
- (G) Operators licenses two (2) year \$15.00

I HEREBY CERTIFY that the above and foregoing amendment to Ordinance No. 12 was duly passed by the Town Board to the Town of Pine Lake, Oneida County, Wisconsin, at a regular meeting of said Town Board, after due notice, at which meeting all members of said Town Board were present in person and voted unanimously in favor of said passage on the 21st Day of APRIL, 1999.



CHARLES F. WITTROCK
Clerk of the Town of Pine Lake
Rhinelander, WI 54501