

**AN ORDINANCE
LICENSING AND REGULATING THE
SALE OF INTOXICATING LIQUOR
IN THE TOWN OF BLOOMING GROVE
DANE COUNTY, WISCONSIN**

ORDINANCE NO. 7.04

The Town Board of the Town of Blooming Grove, Dane County, Wisconsin, does ordain as follows:

Section 1. State Statutes Adopted.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendment, revision or modification of the statutes incorporated herein are intended to be made a part of this Ordinance in order to secure uniform statewide regulation of alcoholic beverage control.

Section 2. Strict Compliance Required.

It shall be unlawful for any person, firm, association or corporation to sell or keep for sale at wholesale or retail, within the Town of Blooming Grove, any intoxicating liquor as hereinafter defined except in strict accordance with the provisions of this Ordinance.

Section 3. Definitions.

As used in this Ordinance, the terms "Club", "Fermented Malt Beverages", "Hotel", "Intoxicating Liquor", "Legal Drinking Age", "Operators", "Principal Business", "Restaurant", "Retailer", "Sale", "Sell", "Sold", "Tavern", and "Wholesalers" shall have the meaning given them by Chapter 125 of the Wisconsin Statutes.

- (a) "Alcoholic" beverages shall mean fermented malt beverages and/or intoxicating liquor.
- (b) "Town" shall mean the Town of Blooming Grove.

Section 4. License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in their possession with the intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor in any quantity whatever, or

cause the same to be done, without having procured a license as provided in this Ordinance nor without complying with all the provisions of this Ordinance, and all statutes and regulations applicable thereto, except as provided by sections 125.16, 125.27, 125.28, and 125.51 of the Wisconsin Statutes.

Section 5. License Classifications.

- (a) Class A Intoxicating Liquor License. Class A intoxicating liquor licenses shall permit its holder to sell, deal and traffic intoxicating liquor in the original packages or containers, and to be consumed off the licensed premises.
- (b) Class B Intoxicating Liquor License. Class B intoxicating liquor licenses shall permit its holder to sell, deal and traffic in intoxicating liquor either by the glass to be consumed on the licensed premises, or in the original packages for containers in quantities of not more than four (4) liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.

Notwithstanding the above, a Class B license authorizes a person operating a hotel to furnish intoxicating liquor to a registered guest who has attained the legal drinking age, in the guest's room, which is not part of the Class B premises as provided in Wis. Stat. § 125.51(3)(bm).

- (c) Reserve Class B Intoxicating Liquor License. A Reserve Class B intoxicating liquor license means a Class B license that was not granted or issued on December 1, 1997, and is counted under Wis. Stat. § 125.51(4)(br). A Reserve Class B license shall be treated the same as a Class B license under Ordinance Number 7.04, with the following exceptions:
 - a. The fee for a Reserve Class B liquor license shall be \$500 per year, plus a one-time initial issuance fee of \$10,000.
 - b. The Town of Blooming Grove hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new and continued businesses with liquor licenses.
 - c. No earlier than 1 month after the issuing of any new reserve Class B license and payment of the \$10,000 initial issuance fee, the applicant may file an application for an economic development grant of \$10,000 with the Town Clerk. The Town Clerk shall determine whether the licensee is operating in compliance with the approved license. If the Town Clerk determines that the licensee is so operating, the Town Clerk shall authorize payment of the \$10,000 economic development grant, provided that the grant not be paid if there exist any outstanding fees or taxes owed by the applicant to the Town. If the Town Clerk determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized.

- (d) Class C Intoxicating Liquor License. Class C intoxicating liquor licenses shall permit its holder to sell, deal and traffic in wine by the glass to be consumed on the licensed premises, or in an opened original container for consumption on the premises where sold. Class C licenses may be issued to a person who meets the requirements of this Ordinance for a restaurant in which the sale of alcohol beverages accounts for less than fifty (50) percent of gross receipts and which does not have a barroom if the Town's quota prohibits the Town from issuing a Class B license to that person. Class C licenses may not be issued to a foreign corporation for a person acting as agent for or in the employ of another.

Section 6. Application for Licenses.

- (a) No license shall be granted hereunder until and unless the person or corporation desiring the same shall first have paid to the Town Treasurer in cash or certified check, thirty (30) days prior to when the license is to be issued, the fee hereinafter required and shall have filed with the Town Clerk of the Town of Blooming Grove, a written application on forms to be furnished by the Town Clerk designating the kind of license applied for, the description of the premises and such other information as may be required by this Ordinance by the Town Board. The licensed premises as described shall not be expanded or changed during the license year without the approval of the Town Board.
- (b) No license to sell intoxicating liquor shall be granted until after the expiration of fifteen (15) days from the filing of the application and before any such license may be granted there shall be published in accordance with section 125.04(3)(g) of the Wisconsin Statutes and in the official paper at least three (3) times successively a notice of such application, containing the name and address of the applicant, the kind of license applied for, and the location of the premises to be licensed. The applicant for license shall deposit the fees required for such publication with the Town Clerk at the time of filing the application, and the Town Clerk shall thereupon cause such publication to be made.
- (c) In the event the application is for a Class A, Class B, or a Class C intoxicating liquor license at a site not previously licensed under this Ordinance or the ordinance regulating fermented malt beverages, the Town Clerk shall schedule a public hearing before the Town Board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of three hundred (300) feet of the proposed site of the date of the hearing. The notice shall be given at least ten (10) days before the hearing and may be given by mail. The cost of the hearing and the cost of giving notice shall be paid by the applicant.
- (d) Class B licenses shall not be issued by the Town Board in excess of the Town "Quota" as set forth in section 125.51(4) of the Wisconsin Statutes, unless the Class B license falls within one of the exceptions contained in section 125.51(4) of the Wisconsin Statutes. The Town of Blooming Grove shall not be required to grant the full number of Class A and Class B intoxicating liquor licenses

permitted by this subdivision. In determining whether or not to grant a Class A, Class B or Class C intoxicating liquor license, the Town may take into account the following:

- 1) The effect the granting of a license may have upon traffic patterns and traffic congestion in the locale of the premises sought to be licensed.
 - 2) The location of other premises already holding a Class A, Class B or Class C intoxicating liquor licenses and whether the location of the premises sought to be licensed will promote the goal of providing the services of Class A, Class B and Class C liquor establishments to all residents of the Town of Blooming Grove.
 - 3) Any other considerations which the Town deems appropriate to its determination of whether or not to grant a Class A, Class B or Class C intoxicating liquor license.
- (e) No Class A, Class B or Class C license shall be granted to any person who has previously held a license for the sale of alcoholic beverages which has been revoked.
- (f) Time of Granting Licenses. No licenses shall be granted hereunder until and unless the Town Board shall by a vote of the majority of the members elect of the Board have authorized the same. The Town Board shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of acting upon such applications for licenses as may be presented to them on or before April 15 and all applications for licenses so filed shall be granted, issued, or denied not later than June 15 for the ensuing license year.
- (g) The Department of Revenue shall issue Class B permits to clubs that are operated solely for the playing of golf or tennis and are commonly known as country clubs, to clubs which are operated solely for curling, ski jumping or yachting. A Class B permit may be issued only to a club that is not open to the general public and that is located in a municipality that does not issue Class B licenses or to a club located in a municipality that issues Class B licenses, if the club is not open to the general public, was not issued a license under Section 176.05(4a) of the Wisconsin Statutes and does not currently hold a Class B license. The permits may be issued by the Department without regard to any local option exercised under Section 125.05 of the Wisconsin Statutes, and without regard to any quota under Section 125.51(4) of the Wisconsin Statutes. The holder of a Class B permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit. All sections of this Ordinance relating to Class B licenses apply to Class B permits issued by the Department.

Section 7. Term and Expiration of License.

All licenses issued hereunder shall be attested by the Town Clerk, and shall be granted until all conditions provided by this Ordinance shall have been complied with, and upon payment of the annual license fee. All licenses issued hereunder shall expire on the thirtieth (30th) day of June of the year following their issuance unless sooner revoked for any reason or by the passage of an ordinance by the Town of Blooming Grove further restricting the sale of intoxicating liquor.

Section 8. Fees.

- (a) The fee for a Class A intoxicating liquor license shall be Five Hundred Dollars (\$500) per year.
- (b) The fee for a Class B intoxicating liquor license shall be Five Hundred Dollars (\$500) per year.
- (c) The fee for a Class C intoxicating liquor license shall be One Hundred Dollars (\$100) per year.
- (d) The fee for a Reserved Class B intoxicating liquor license shall be \$10,000 for the initial issuance of a Reserve Class B license, except that the fee for an initial issuance of a Reserve Class B license to a bona fide club of lodge situated and incorporated in the state for at least 6 years is the fee established in subsection 8(b). The fee established under this subsection is in addition to any other fee required under this Ordinance. The annual fee for renewal of a Reserve Class B intoxicating liquor license is the fee established in subsection 8(b).

License Fee Proration. If a license holder has a license for only a fractional part of the year, his or her licensee fee may be prorated on a monthly basis, but in any case the fee shall not be prorated for a period of less than three (3) months.

Section 9. Licenses Transferable.

Any Class A, Class B, or Class C license issued hereunder may, for a fee of ten dollars (\$10), be transferred to another premises if said transfer is approved by the Town Board. This provision does not apply to a license issued under Wis. Stat. § 125.51(4)(v), or its ordinance counterpart, or to a reserve Class B license, as defined in Wis. Stat. § 125.51(4)(a), or section 5(b) of this Ordinance. No licenses, however, shall be transferable from one person to another other than as set forth in Wis. Stat. § 125.04(12), nor shall any licensee entitled to more than one transfer during the same license year.

Section 10. Limitations Upon Issuance of Licenses.

(a) Except as permitted in Subsection 10(b), no license for the sale of intoxicating liquor shall be granted to any person who has not attained the age of twenty-one (21), who is not a good moral character and a full citizen of the United States and a resident of Wisconsin prior to the date of filing of the application, nor shall such license be granted or issued to any person who has been convicted of at least three misdemeanors, or has been convicted of an offense against the laws of this State or the United States punishable by imprisonment in the State or federal penitentiary, subject to the provisions of the Wisconsin Fair Employment Act, unless the person so committed has been duly pardoned, nor to any person who has previously held a license for the sale of intoxicating liquor which has been revoked within the year preceding the date of application. All applicants must provide proof as required by Section 77.61(11) of the Wisconsin Statutes that they are in good standing for sales tax purposes.

Corporations. No license or permit may be issued to any corporation unless the agent of the corporation appointed under Subsection 10(b) and the officers and directors of the corporation meet the above qualifications. Where individuals associated with the corporation do not meet the above qualifications the corporation can cure this deficiency by terminating its relationship with all of the individuals who fail to meet said qualifications. The residency requirement does not apply to officers and directors.

(b) Appointment of Corporate Agent. No Class A, Class B or Class C intoxicating liquor license shall be issued to any foreign or domestic corporation unless said corporation appoints an agent in the manner set forth in section 125.04(6) of the Wisconsin Statutes.

- 1) No Class A, Class B or Class C intoxicating liquor license shall be issued to any person acting as agent for or in the employ of another except in case of hotels, restaurants, clubs and bowling alleys and in such case only as provided in Subsection 10(b) thereof.
- 2) Class A, Class B or Class C intoxicating liquor licenses shall be not both be issued for the same premises or connecting premises except in the case of hotels.
- 3) No license for the sale of intoxicating liquor shall be issued for any premises within any district established as a no-license district pursuant to provisions of the Wisconsin Statutes.
- 4) No Class B intoxicating liquor license shall be issued to any person who does not have, or to whom is not issued, a Class B license to sell fermented malt beverages under the ordinance of the Town of Blooming Grove licensing and regulating the sale of fermented malt beverages, and the limitations upon issuance of Class B licenses under such ordinance shall be applicable to Class B intoxicating liquor licenses hereunder.

- 5) A separate license shall be required for each place of business, and each license shall particularly describe the premises for which issued.
- 6) Any license issued in violation of any of the foregoing provisions shall be null and void and shall not confer any privileges upon the licensee therein named.
- 7) No Class A, Class B or Class C intoxicating liquor license shall be issued for all or any part of any licensed premises that have been included in the premises description of any Class A, Class B or Class C intoxicating liquor license previously issued for the same license year unless the license previously issued for said premises has been revoked by operation of law.

Section 11. Restriction Upon Use of Licenses.

(a) Restrictions Applicable to All Licenses.

- 1) It shall be unlawful for any licensee hereunder to sell or keep for sale or permit to be sold or kept for sale any intoxicating liquor unless there shall be affixed to the container in which such liquor is placed the canceled revenue stamps required by the laws of the United States and of this State, and unless there shall also be affixed to such container a clear and legible label.
- 2) It shall be unlawful to sell or give away any intoxicating liquor to any person intoxicated or bordering on the state of intoxication.
- 3) It shall be unlawful to sell, vend, serve, give away or in any way deal or traffic in any intoxicating liquor in any quantity whatsoever to or with any person under the legal drinking age as established Wisconsin Statutes. Any person violating any provision of this subsection shall be subject to a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) for each offense.
- 4) It shall be unlawful to permit gambling or devices used for gambling upon any premises licensed under this section.
- 5) No intoxicating liquor shall be sold or dispensed in any portion of a building or premises not described in the license.
- 6) The license issued for the sale of intoxicating liquor in any premises shall be conspicuously displayed upon such premises.
- 7) No Class A, Class B or Class C intoxicating liquor license shall be issued for premises where the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, public library, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point

of the main entrance of such school, church or hospital to the main entrance of such premises. The provisions of this subsection should not apply to premises located as such prior to the adoption of this Ordinance, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital or church building.

- 8) There shall be upon premises operated under a Class A, Class B or Class C intoxicating liquor license, at all times, the licensee or some person who shall have an Operator's license as provided in the ordinance of the Town of Blooming Grove licensing and regulating the sale of fermented malt beverages and who shall be responsible for the acts of all persons serving as waiter, or in any other manner, any fermented malt beverages or intoxicating liquor to customers. No person other than the licensee shall serve fermented malt beverages or intoxicating liquor in any place operated under a Class A, Class B or Class C intoxicating liquor license unless he or she shall possess such Operator's license, or unless he or she has attained the age of eighteen (18) and shall be under the immediate supervision of the licensee or to a person holding an Operator's license who shall be at the time of such service upon said premises.
- 9) No checks other than the customer's personal check shall be cashed or accepted in payment of liquor.
- 10) Use by Another Prohibited. No person may allow another to use his or her Class A, Class B or Class C license or permit to sell alcoholic beverages. The license or permit of a person who violates this paragraph shall be revoked.

(b) Restrictions Applicable to Class A Intoxicating Liquor Licenses.

- 1) No premises for which a Class A intoxicating liquor license shall have been issued shall be permitted to remain open for the sale, nor shall liquor be furnished to anyone, between the hours of 9:00 p.m. and 8:00 a.m.
- 2) No Class A intoxicating liquor license shall be granted for any premises where any other business is conducted on such licensed premises and no other business may be conducted on such licensed premises that such restrictions shall not apply to a hotel.

(c) Restrictions Applicable to Class B and Class C Intoxicating Liquor Licenses.

- 1) No premises for which a Class B or Class C intoxicating liquor license shall have been issued shall be permitted to remain open, nor shall liquor be furnished to anyone:
 - a. Between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m. Saturday and Sunday, except that on January 1 said premises are not required to close.

Provided further, that no intoxicating liquor in an original unopened package, container or bottle or for consumption away from the premises shall be sold or permitted to be sold between the hours of 12:00 midnight and 6:00 a.m. Provided further, that between the hours of 12:00 midnight and 6:00 a.m., no seller shall permit nor shall any person carry out or remove from the licensed premises, intoxicating liquor in an original unopened package, container or bottle or for consumption away from the premises.

- b. Hotels and restaurants, whose principal business is the furnishings of food and/or lodging patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses, and golf clubhouses shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell, serve, give away or in any way deal or traffic in intoxicating liquors during the hours hereinbefore specified.
- 2) The rules and regulations made by the State Board of Health governing sanitation in restaurants shall apply to all Class B and Class C intoxicating liquor licenses and a violation of any such rules shall be deemed a violation of this Ordinance.
 - 3) Off-Street Parking Facilities. No Class B or Class C intoxicating liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to fifty percent (50%) of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this subsection.
 - 4) Improper Conduct. Performances depicting conduct of a sexual nature or nudity or simulated nudity shall be prohibited.

Section 12. Search of Licensed Premises.

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by the Dane County Sheriff or any of his or her deputies without any warrant, and application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Ordinance.

Section 13. No Beer to be Sold or Consumed Upon the Streets.

- (a) It shall be unlawful for any person to sell or serve, or offer to sell or serve any intoxicating liquor upon any public street within the Town of Blooming Grove.

- (b) It shall be unlawful for any person to possess an open container which contains intoxicating liquor or consume any intoxicating liquor upon any public street (including sidewalks and alleys) within the Town of Blooming Grove.
- (c) It shall be unlawful for the owner, operator of or any person employed in any place, where food or soft drinks are sold or any place of entertainment or amusement to permit any person to drink intoxicating liquor therein, and it shall be unlawful for any person to consume therein any intoxicating liquor, unless such place be licensed to sell intoxicating liquor.
- (d) It shall be unlawful for any person to drink or have in his or her possession any intoxicating liquor in any Town park.
- (e) It shall be unlawful for any person to whom a license has been granted to sell or serve or to offer to sell or serve any intoxicating liquor anywhere except on the licensed premises, or to permit any patron to leave the licensed premises with an open container containing any intoxicating liquor.

Section 14. Procuring For Or Furnishing To Persons Under Legal Drinking Age.

It shall be unlawful for any person to procure for, sell, dispense, give away, deal or traffic in or furnish intoxicating liquor to or for any person under the age of legal drinking age. Any adult violating any provision of this section shall be subject to a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) for each offense. Any minor violating any provision of this section shall be subject to a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) for each offense.

Section 15. Persons Under the Legal Drinking Age Not To Have Intoxicating Liquor.

- (a) Any person under the legal drinking age who does any of the following is guilty of a violation:
 - 1) Procures or attempts to procure alcoholic beverages from a licensee of permittee.
 - 2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcoholic beverages on licensed premises.
 - 3) Enters, knowingly attempts to enter or is on a licensed premises not accompanied by his or her parent, guardian or spouse. This subsection shall not apply to hotels, drug stores, service stations, vessels, grocery stores, bowling alleys, cars operated on any railroad, regularly established athletic fields or stadiums nor to premises operated under both a Class B intoxicating liquor license and restaurant permit where the principal business conducted therein is that of a restaurant. Further, this

subsection shall not apply where persons under the legal drinking age are a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part, or where the underage person enters or is on a Class A retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcoholic beverages, providing the person does not remain on the premises after the purchase. This subsection shall not apply to Class C licensed premises.

- 4) Falsely represents his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee.
- (b) Except as provided in Subsection 15(c) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcoholic beverages is guilty of a violation.
- (c) A person under the legal drinking age may possess alcoholic beverages in the course of employment during his or her working hours if employed by any of the following: (1) A brewer; (2) A fermented malt beverages wholesaler; (3) A permittee other than a Class B permittee; (4) A facility for the production of alcohol fuel; (5) A retail licensee under the conditions specified in sections 125.32(2) and 125.68(2) of the Wisconsin Statutes or for delivery of unopened containers to the home or vehicle of a customer; or (6) A campus, if the underage person is at least eighteen (18) and is under the immediate supervision of a person who has attained the legal drinking age.
- (d) Any minor violating any provision of this section shall be subject to a forfeiture of not less than One hundred Dollars (\$100) not more than Five Hundred Dollars (\$500) for each offense.

Section 16. Persons Under the Legal Drinking Age Not To Misrepresent Their Age.

Any underage person who does any of the following is subject to a forfeiture of not less than \$100 nor more than \$500, suspension of the person's operating privilege under section 343.30(6) (bm) of the Wisconsin Statutes, participation in a supervised work program under section 125.085(3) (bh) of the Wisconsin Statutes, or any combination of these penalties:

- (a) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.
- (b) Makes, alters or duplicates an official identification card.
- (c) Presents false information to an issuing officer in applying for an official identification card.

- (d) Intentionally carries an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age, which knowledge that the official identification card or documentation is false.

Section 17. Possession of Alcoholic Beverages On School Grounds Prohibited.

- (a) Except as provided by Subsection 17(b), no person may possess or consume alcoholic beverages: (1) On School premises; (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or (3) While participating in a school-sponsored activity.
- (b) Alcoholic beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws, ordinances and school board policies.
- (c) A person who violates this subsection is subject to a forfeiture of not more than two hundred Dollars (\$200), except that sections 48.344 and 125.07(4) (c) and (d) of the Wisconsin Statutes provide the penalties applicable to underage persons.

Section 18. Non-Alcohol Serving Dance Halls.

An underage person may enter and/or remain in a dance hall attached to a Class B licensed premise of the dance hall which is separate from any room where alcoholic beverages are sold, if there is a separate entrance to the dance hall and if no alcoholic beverages are furnished or consumed by any person in the dance hall where the underage person is present.

Section 19. Department Notification.

By July 15 annually, the Town Clerk shall mail to the Department of Revenue a list containing the name, address and trade name of each person holding a license issued by the Town of Blooming Grove, other than a manager's or Operator's license or a license issued under section 125.26(6) of the Wisconsin Statutes, the type of license held and, if the person holding the license is a corporation, the name of the agent appointed under subsection 10(b) hereof.

Section 20. Revocation.

Any license issued pursuant to the provisions of this Ordinance may be revoked in the manner provided by section 125.12 of the Wisconsin Statutes for the causes therein

specified, or for violation of any provision of any ordinance of the Town of Blooming Grove or for any other reason.

Section 21. Report of Suspension, Revocation or Imposition of Penalty.

Whenever the Town Board revokes or suspends a license or imposes a penalty on a licensee for the violation of this Ordinance, the Town Clerk shall, within ten (10) days after the revocation, suspension or imposition of a penalty, mail a report to the Department of Revenue at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the penalty imposed.

Section 22. Search Warrants.

- (a) When complaint shall be made to the judge of the Dane County Circuit Court that intoxicating liquor is being sold or kept for sale in any particular building or premises in the Town of Blooming Grove in violation of this Ordinance, said judge, if he or she is satisfied that there is reasonable cause for such belief, shall issue a warrant to search for such intoxicating liquor.
- (b) Such warrants shall be directed to the Dane County Sheriff or any of his or her deputies commanding such officer to search the building or premises designated and described therein, and to bring before the same judge of the Circuit Court any such intoxicating liquor found being kept, sold, or kept for sale in violation of the provisions of this Ordinance and the person in whose possession the same are found.
- (c) When any officer, in the execution of a search warrant shall seize any intoxicating liquor for which a search is authorized by this section, all such property or things shall be safely kept by the direction of the court so long as shall be necessary for the purpose of being produced as evidence on any trial and as soon as may be afterward returned to the owner, destroyed, or otherwise disposed of as the judge of said court may direct.

Section 23. Denial of Application for Renewal of Existing License.

The Town Board may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in the Town Clerk's minutes.

Section 24. Exceptions:

- (a) No license shall be required for the use of intoxicating liquor in hospitals or in bona fide institutions for the aged and infirm where such liquor is used for medicinal, mechanical, or scientific purposes only, or for one licensed to practice surgery or medicine in using alcohol in any form in the bona fide treatment of the sick or in using or prescribing such alcohol for such bona fide treatment.

(b) No provision of this Ordinance shall apply to alcohol intended for use and used in the manufacture and sale of any of the following when unfit for beverages purposes, namely:

- 1) Denatured alcohol produced and used pursuant to acts of Congress and regulations promulgated thereunder;
- 2) Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;
- 3) Flavoring extracts, syrups, and food products;
- 4) Scientific, chemical, mechanical and industrial products.

(c) Any person who shall knowingly sell any of the products enumerated in the preceding subdivision for intoxicating liquor purposes, or who shall sell any of the same under circumstances from which he or she might reasonably deduce the intention of the purchaser to use them for such purposes, shall be guilty of a violation of this Ordinance.

Section 25. Licenses Subject to Further Regulation Or Amendment of This Ordinance.

Any license issued pursuant to this Ordinance shall be subject to such further regulations and restrictions as may be imposed by the Town Board of the Town of Blooming Grove by amendment to this Ordinance or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restriction and regulations, his or her license may be revoked. If any new amendment or ordinance enacted by the Town Board shall provide for revocation of all or any class of existing licenses, and the issuance of new licenses, or shall impose such new restrictions as to render it impossible for any licensee under an existing license to meet such restrictions, then and in such case the unused portion of the fee paid for such license shall be refunded or applied on any new license issued to such licensee by the Town Board. In case of revocation of any license for any violation of any provision of this Ordinance or by the Town or for any reason except the imposition of new restrictions, no refund shall be made of any part of the license fee. If a license issued hereunder is not used within fifteen (15) days after its issuance or its usage is discontinued for a period of fifteen (15) days or more, such situation shall be grounds for cancellation of the license.

Section 26. Severability.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 27. Penalty.

Any person violating any provision of this Ordinance shall be subject to a penalty of not more than Five Hundred Dollars (\$500), unless a greater maximum penalty is specifically provided for in this Ordinance or Chapter 125 of the Wisconsin Statutes, and except that where a lower maximum penalty shall be provided by Chapter 125 of the Wisconsin Statutes for any specific offense such maximum penalty shall prevail for the same offense committed in violation of this Ordinance.

In the event any licensee hereunder shall be twice convicted of offenses under this Ordinance, which offenses occur within one (1) license year or once convicted of selling or giving away intoxicating liquor to a person under the age of legal drinking age years, the license of such person or entity shall be suspended by the Town for a period of not less than thirty (30) days nor more than ninety (90) days.

Section 28. Effective Date.

This Ordinance shall take effect the day after its passage and publication.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular meeting held on the 14th day of December, 1992.

Chairman

Supervisor

Supervisor

I hereby certify that the foregoing Ordinance regarding the licensing and regulating of intoxicating liquor in the Town of Blooming Grove was published as a Class 1 notice under Chapter 985 of the Wisconsin Statutes on the 15th day of December, 1992.

Dated: December 20, 1992

Clerk