

## Ordinance 14-97

The Town of Clearfield, Juneau County, Wisconsin ordains as follows:

1. **AUTHORITY.** This ordinance is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including §125 and under Village Powers previously approved by the electors. The Board finds that this ordinance relates to the sale of intoxicating liquor and malt beverages and sets reasonable limits of conduct for what will be considered a disorderly, indecent, improper house. State Statutes under §125 and §66.054 are hereby adopted and made a part of this ordinance.
2. **LICENSES, WHEN REQUIRED.** No person shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this ordinance nor without complying with all the provisions of this ordinance and all statutes, ordinances and regulations of the State and the Town, applicable thereto.
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, after payment of the fee herein specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages.
  - A. Class “A” fermented malt beverage retailer’s license—\$20 per year. Limit of two licenses in the Town.
  - B. Combination Class “B” liquor license and retail Class “B” fermented malt beverage license—\$350 per year. Limit of one license in the Town.
  - C. Retail Class “A” Liquor license—\$150 per year. Limit of two licenses in the Town.
  - D. Bartender licenses—\$10 per year.
  - E. Part-time or semi-annual liquor licenses shall be issued pursuant to §125.
4. **LICENSE RESTRICTIONS.** In addition to the requirements imposed by provisions of Wisconsin State Statutes adopted by reference in Sub 1 of this ordinance, the following restrictions shall apply to the issuance of licenses or permits pursuant to this ordinance.
  - A. **REQUIREMENTS FOR LICENSES.** No license or permit may be issued to any person who is not eighteen (18) years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin, and has not resided in the State continuously for at least ninety (90) days prior to the date of application. All beverage servers must have successfully completed a responsible beverage server training course. Issuing a license or permits to Corporations shall be issued pursuant to §125.05(c).
  - B. **EFFECT OF REVOCATION OF LICENSE.** No license shall be issued for any premises if a license covering such premises has been revoked within ninety (90) days prior to the date of application and such premises are owned by the person who has had their license revoked or the premises have been used in violation of §125, Wisconsin Statutes. No license shall be issued to any person who has had a license pursuant to this section revoked within twelve (12) months prior to application.
  - C. **HEALTH AND SANITATION.** No license shall be issued for any premises which does not conform with applicable federal, state, town, or county sanitary, safety and health requirements, including all ordinances or regulations adopted by Juneau County which pertain to sanitation, safety, and health requirements.

- D. **DELINQUENT TAXES, ASSESSMENTS, ETC.** As a condition of the issuance of any license under this ordinance, the owner agrees to pay when due, all State and local assessments, taxes, and obligations including, but not limited to, real estate taxes, personal property taxes, sewer and water bills. In the event these obligations are not paid, the Clerk shall notify the holder of the license by certified mail at the address contained on the license application. Failure to provide the Clerk with written proof that the obligation has been paid on or before five days from the date of the certified letter shall be a basis for suspension or revocation. This section also pertains to partnerships and corporation applicants.
- E. **CONTINUATION OF BUSINESS REQUIRED TO HOLD A FERMENTED BEVERAGE LICENSE.** Continuation of business is required as a condition of holding an alcohol or fermented beverage license in the Town of Clearfield. This standard applies to all licenses in the Town. Continuation of Business means the business must be in operation at least six consecutive months of the licensing year. License fees on licenses surrendered for non-compliance may be refunded on a pro-rated basis according to the time remaining in the license year.
- F. **CERTAIN CONDUCT ON “CLASS B” PREMISES PROHIBITED.** Conduct prohibited. No person possessing a Class “B” retailer’s intoxicating liquor license, personally or through an agent or employee, shall knowingly permit or engage in the following conduct on licensed premises, and no entertainer, employee, or customer shall engage in the following conduct on such premises:
- i. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts, which are prohibited by law;
  - ii. The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva, or genitals;
  - iii. The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva, or genitals;
  - iv. The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above.
5. **SOUND RESTRICTIONS FOR MUSIC.** No music of any nature shall be played or rendered at any time in any premises licensed under this ordinance unless efficient means be employed to prevent the sounds of music being heard on adjoining property.
6. **BARTENDER LICENSES.** Applicants must be at least eighteen (18) years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin. No license shall be issued if for any reason the application is incomplete, or the person is deemed unfit for holding the license. It shall be Town policy that when applications are made they must be in writing and presented to the Town Clerk, who will present them to the Town Board at a regular Board Meeting. New applicants shall be present at that meeting to answer any questions that may arise. The regular application fee must accompany the application. This fee is non-refundable once paid to the Town Treasurer. If there is an emergency before the monthly Board Meeting, the Clerk will contact at least two Board Members and inform them of the problem. The license application will be considered and a reply will be forthcoming within five days. If granted, this will be a temporary license good only until the next regularly scheduled Board Meeting. The temporary license will be issued by the Clerk, with Board approval, and upon payment of \$10.00 for the special license. The special license fee is non-refundable if for any reason the regular license is denied after the applicant has met with the Board.
7. **POSTING LICENSES.** Licenses and permits issued under this ordinance shall be posted and displayed as provided in §66.054(8)(b) and §125.04(10) of the Wisconsin Statutes. Any licensee or permittee, who shall fail to post his or her license or permit as therein required, shall be presumed to be operating without a license.

8. **SALE OF ALCOHOL BEVERAGES TO MINORS AND INTOXICATED PERSONS PROHIBITED.** The provisions of §125.07 of the Wisconsin Statutes shall apply to the sale of alcohol beverages to persons under eighteen (18) years of age when not accompanied by a parent, guardian, or adult spouse, except as provided in §66.054(13) of the Wisconsin Statutes.
9. **REVOCAION AND SUSPENSION OF LICENSES.** Except as herein provided, the provisions of §125.12 and §125.13 of the Wisconsin Statutes shall apply to proceedings for the revocation and/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.
10. **REPOSSESSION OF LICENSE OR PERMIT.** Whenever any license or permit under this ordinance shall be revoked or suspended by the Town Board, Town Chairman, or Constable, or action of any Court, it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chairman or Constable, who shall then take physical possession of the license or permit, wherever it may be found, and file it in the Clerk's office.
11. **CLOSING HOURS.** No premises for which a retail Class "B" on-premise sales license has been issued shall be permitted to remain open between the hours of 2:00am and 6:00am. The owner or operator of any licensed premises may be present for the purpose of making repairs or performing work incidental to the care of maintenance of said premises after closing hours, providing the establishment is closed to business and is fully lighted. During the time the licensed premises shall be vacated and closed according to law, it shall be illuminated with a light sufficiently bright and so located as to enable such premises to be observed by a police officer from without. Class "A" premises sales for off-premise consumption shall follow hours set by State Statutes and may only sell fermented beverages during those hours.
12. **PICNIC LICENSES.** Fermented malt beverages only. Wisconsin §66.054. A picnic license may be granted and issued to: bona fide clubs that have been in existence for not less than six months prior to date of application; State, County or local association or agricultural societies; lodge or society that has been in existence for not less than six months prior to application; posts now or hereinafter established of ex-servicemen's organization. Licenses may not be issued to individuals. A policeman or security person must be hired or provided by the organization during the hours malt beverages are sold or served. It shall be his or her function to promote crowd control and orderliness and to see that underage persons are not served. The premises shall be fenced or enclosed in the area malt beverages are dispensed in order to control access to the area by minors.
13. **ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED. THIS ORDINANCE IS INTENDED TO INCORPORATE AND REPLACE ORDINANCES 2, 8 AND 10 OF THE TOWN OF CLEARFIELD.**
14. **THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FROM AND AFTER ITS PASSAGE AND POSTED IN THREE PUBLIC PLACES IN THE TOWN OF CLEARFIELD AS PROVIDED BY LAW.**

Signed this 23<sup>rd</sup> day of January A.D.

/s/ Sharon Halverson, Town Chairman

/s/ Richard T. Wiora, Town Supervisor

/s/ Ronald Bailey, Town Supervisor

Attested by: /s/ Lucille Mentzel, Town Clerk

Introduced at a regular Board Meeting on December 19, 1996. Adopted January 23, 1997 by the Town Board exercising Village Powers. Public Hearing was held at the Town Hall on January 23, 1997 prior to adoption.

# **Town of Clearfield Juneau County, Wisconsin**

**NOTICE IS HEREBY GIVEN** that the Clearfield Town Board met on Tuesday, October 1, 2002 at a Special Board Meeting following a Public Hearing held on Thursday, September 19, 2002 to discuss and amend Liquor License Ordinance #14, Section 3. The Town Board, by resolution on October 1, 2002, amended the Liquor License Ordinance #14 as follows:

## **TOWN OF CLEARFIELD LIQUOR LICENSE ORDINANCE #14-97:**

### **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, after payment of the fee herein specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages.

- A. Class "A" fermented malt beverage retailer's license—\$20 per year. Limit of two licenses in the Town. These licenses shall be abolished when surrendered.
- B. Combination Class "B" liquor license and retail Class "B" fermented malt beverage license—\$350 per year. Limit of one license in the Town.
- C. Retail Class "A" liquor license —\$150 per year. Limit of two licenses in the Town. These licenses shall be abolished when surrendered.
- D. Bartender licenses—\$10 per year.
- E. Part-time or semi-annual liquor licenses shall be issued pursuant to SS 125.
- F. Class "B" fermented beverage license (on- and off-premise sale)—\$100 per year. Limit of two licenses in the Town.
- G. Class "C" wine license (on-premise sale only)—\$100 per year. Limit of two licenses in the Town.

**These changes take effect upon passage and publication as provided by law.**

Dated this 1<sup>st</sup> day of October 2002. Published October 12, 2002.

**Clearfield Town Board**

/s/ Sharon Halverson, Chairman

/s/ Lori Bandle, Supervisor

/s/ Robert Salmon, Supervisor

Attested by:

/s/ Kathleen Davis, Clerk

**Town of Clearfield  
Juneau County, Wisconsin**

NOTICE IS HEREBY GIVEN that the Clearfield Town Board met on Wednesday, November 19, 2003 at a regular Monthly Board Meeting to discuss and amend Liquor License Ordinance #14, Section 3. The Town Board, by resolution on December 17, 2003, amended the Liquor License Ordinance #14 as follows:

**TOWN OF CLEARFIELD LIQUOR LICENSE ORDINANCE #14-97:**

**SECTION 3: LICENSE FEES**

- A. Class "A" fermented malt beverage retailer's license: \$20 \$75 per year. Limit of two licenses in the Town. These licenses shall be abolished when surrendered.
- D. Bartender licenses: \$10 \$20 per year. Provisional licenses issued between meetings are \$10.
- H. Cigarette licenses are \$20 per year.

**These changes take effect upon passage and publication as provided by law.**

Dated this 17<sup>th</sup> day of December 2003. Published December 27, 2003.

**CLEARFIELD TOWN BOARD**  
/s/ Sharon Halverson, Chairperson  
/s/ Doug Duray, Supervisor  
/s/ Ronald Lauden, Supervisor  
Attested by: /s/ Kathleen Davis, Clerk

# **Town of Clearfield Juneau County, Wisconsin**

**NOTICE IS HEREBY GIVEN** that the Clearfield Town Board met on Wednesday, December 15, 2004 at a regular monthly Board Meeting and discussed the results of a Public Hearing held prior to the Board Meeting. The Public Hearing was held at the request of JoAnn Zindorf, Cedar Spring BP. It was requested that Cedar Spring be allowed to surrender its current Class B fermented beverage and Class C wine licenses and reinstate its Class A fermented malt beverage and Class A liquor licenses. The Town Board, by resolution on December 15, 2004, abolish the Class B and Class C licenses that were created when the original Class A licenses were surrendered and revert back to the original liquor licenses as outlined in Ordinance #14 dated January 23, 1997.

**THEREFORE**, Liquor License Ordinance #14 is amended as follows:

## **TOWN OF CLEARFIELD LIQUOR LICENSE ORDINANCE #14-97:**

### **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, after payment of the fee herein specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages.

- A. Class "A" fermented malt beverage retailer's license—\$75 per year. Limit of two licenses in the Town. ~~These licenses shall be abolished when surrendered.~~
- B. Combination Class "B" liquor license and retail Class "B" fermented malt beverage license—\$350 per year. Limit of one license in the Town.
- C. Retail Class "A" liquor license —\$150 per year. Limit of two licenses in the Town. ~~These licenses shall be abolished when surrendered.~~
- ~~F. Class "B" fermented beverage license (on- and off-premise sale)—\$100 per year. Limit of two licenses in the Town.~~
- G. Class "C" wine license (on-premise sale only)—\$100 per year. Limit of two licenses in the Town.

**These changes take effect upon passage and publication as provided by law.**

Dated this 15th day of December 2004. Published December 30, 2004.

### **Clearfield Town Board**

/s/ Sharon Halverson, Chairman

/s/ Doug Duray, Supervisor

/s/ Ronald Lauden, Supervisor

Attest: /s/ Kathleen Davis, Clerk