

## Ordinance 2015-03 Town of Brooklyn Alcohol Control Ordinance

A complete copy of this ordinance is available by request at the Town Hall from the Town Clerk. Please call to make an appointment 920-294-6600, or go to our website [www.townofbrooklyn.com](http://www.townofbrooklyn.com) and check out ordinances.

Marian Mildebrandt, Clerk

## **Ordinance 2015-03 Town of Brooklyn Alcohol Control Ordinance**

### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Brooklyn Alcohol Control Ordinance. The purpose of this ordinance is for the town to regulate specific actions at or near any alcohol beverage retail locations in the town.

### **SECTION II – AUTHORITY**

The town board has the authority under s. 125.10, Wis. stats., and under its village powers under s. 60.22 (3), Wis. stats., to regulate the sale at retail or wholesale of alcoholic beverages at premises in the town, to the extent that town regulations are not in conflict with state statutes, specifically including the regulation of underage and intoxicated persons at alcohol beverage retail sale licensed premises in the town and the issuance, renewal, revocation, suspension, and regulation of alcohol retail sale or wholesale sale, licenses, or permits, along with the penalties for violations of this ordinance.

### **SECTION III – ADOPTION OF ORDINANCE**

The town board, by this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of actions and activities at or near alcohol retail sales premises located in the town and for regulatory and enforcement authority noted in this ordinance.

### **SECTION IV – DEFINITIONS**

- A. "Alcohol beverages" means fermented malt beverages, wine, and intoxicating liquor.
- B. "Controlled substance" means a drug, substance, or immediate precursor included Schedules I to V of subchapter II of chapter 961, Wis. stats.
- C. "Fermented malt beverage" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
- D. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.
- E. "Intoxicating liquor" means all ardent, spiritous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, that are beverages, but does not include fermented malt beverages that contain less than 5% of alcohol by weight.
- F. "Legal drinking age" means 21 years of age.
- G. "License" means an authorization to sell alcohol beverages at retail or wholesale issued by the town board or its agent under this ordinance.
- H. "Licensee" means any person issued a license under this ordinance and chapter 125, Wis. stats., by the town.

- I. "Open for business" means conducting a business publicly at least 72 hours per calendar year.
- J. "Permit" means any permit issued by the town under this ordinance.
- K. "Permittee" means any person issued a permit by the town under this ordinance.
- L. "Person" means a natural person, sole proprietorship, partnership, limited liability, company, corporation, association, or the owner of a single-owner entity that is disregarded as a separate entity under chapter 71, Wis. stats.
- M. "Premises" means the area described in a license or permit.
- N. "Regulation" means any rule or ordinance adopted by a municipal governing body.
- O. "Retail" means the sale of any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and chapter 125, Wis. stats..  
"Retailer" means any person who sells, or offers for sale, any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and chapter 125, Wis. stats..
- P. "Sell," "sold," "sale," or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme, or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.
- Q. "Soft drink" means any liquid capable of being used for beverage purposes containing any degree of alcohol less than one-half of one percent by volume.
- R. "Tavern" means any premises at which fermented malt beverages or intoxicating liquor are sold for consumption upon said premises.
- S. "Town" means the Town of Brooklyn, Green Lake County, Wisconsin.
- T. "Town board" means the board of supervisors for the Town of Brooklyn, Green Lake County, Wisconsin, and includes designees of the board authorized to act for the board.
- U. "Town clerk" means the clerk of the Town of Brooklyn, Green Lake County, Wisconsin.
- V. "Town chairperson" means the chairperson of the Town of Brooklyn, Green Lake County, Wisconsin.
- W. "Under the influence" means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition that is the result of indulging to any degree in alcohol beverages and that tends to deprive a person of the clearness of intellect and control of himself or herself that he or she would otherwise possess.
- X. "Underage person" means a person who has not attained the legal drinking age.
- Y. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.
- Z. "Wholesale" means the sale, other than by a brewer, manufacturer, or rectifier, of alcohol beverages to a licensed retailer in the town or to another person who holds a permit or license to sell alcohol beverages in the town at wholesale.
- ZA. "Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits, or other agricultural products, imitation wine, and compounds sold as wine, vermouth, cider, perry, mead, and sake, if such products contain 0.5% or more of alcohol by volume.



SECTION X – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.


The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 10th day of March 10, 2015

  
Mike Wuest, Town Chairperson

  
Harley Reabe, Supervisor

  
Mark Pettack, Supervisor

  
Sydney Rouse, Supervisor

  
Ron Triemstra, Supervisor

Attest:

  
Marian Mildebrandt, Town Clerk

Roll Call: Ayes 5

Nays 0

*\* Note: Section 125.12 (2) (ar), Wis. stats., requires personal service of the hearing notice (summons) and complaint, and a hearing within 3 to 10 days thereafter. In the event the permittee or licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.*