

**TOWN OF LAFAYETTE**  
**ALCOHOL BEVERAGES**  
**ORDINANCE 10 - 01**

**WHEREAS**, it is necessary to update the Town's ordinance regarding Alcoholic Beverages;

**WHEREAS**, the Town wishes to replace Ordinance 10-01 and 10-01A and combine into one Ordinance in order to simplify its code;

**THEREFORE**, the Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

**SECTION 1.0 PURPOSE**

The purpose of this ordinance is to allow the Town to regulate by license, license issuance, suspension and revocation, penalties, or other specific actions at or near any alcohol beverage retail locations in the Town.

**SECTION 2.0 STATE STATUTES ADOPTED**

The provisions of Chapter 125, WI Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter 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 Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control. Sale of cigarette and tobacco products may be licensed under Wis. Stats. Section 134.65.

**SECTION 3.0 ADOPTION OF ORDINANCE**

The Town Board of the Town of LaFayette, by this ordinance, adopted on proper vote with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate by permit, revoke or suspend permits and enforce other specific actions at or near alcohol retail sales premises located in the Town and other regulatory and enforcement authority noted in this ordinance.

**SECTION 4.0 QUALIFICATIONS FOR OPERATORS' LICENSES**

Individuals, all partners (including limited partners), the officers, directors, and agents of corporations, the members, managers and agents of limited liability companies and officers, directors and agents of nonprofit organizations applying for a town temporary, provisional or regular operator's license must be at least 18 years of age, must not have been convicted of a felony, sale of an intoxicant to a minor in the state, or be a habitual law offender, or have an arrest or conviction record subject to Wis. Stats. Sections 111.321, 111.322, 111.335 and 125.12(1)(b). The fee for an operator's license shall be payable at the time of application.

**SECTION 5.0 DENIAL OF OPERATORS' LICENSES**

If the application is denied, the Town Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Town Board. An applicant who is denied any license by the Town Board may not reapply for a license for a period of one year.

**SECTION 6.0 LICENSE FEES**

License fees shall be based on an annual charge or as otherwise required by state law and shall be set by the town board by resolution.

**SECTION 7.0 REQUIRED PERIOD OPEN FOR BUSINESS**

As a condition of maintaining and keeping an alcohol beverage retail sale license in the Town, any licensee of a premise must stay open to the general public on a continuous basis and demonstrate business continuance satisfactory to the Town Board. Issuance or retention of a license by a party not open for business for a period of 90 days and not demonstrating business continuation is hereby declared by this ordinance to be against public policy for the Town and deemed abandonment of the license. Such license shall be forfeited upon notice in writing by registered mail to the licensee by the Town Clerk or Town Chairman. If the premises are damaged by fire or other cause, the Town Board may extend the closing to allow for reconstruction.

**SECTION 8.0 TEMPORARY ALCOHOL LICENSES**

Temporary "Class B" Wine and/or Class "B" Fermented Malt Beverage Licenses issued per WI Statutes 125.26 shall be applied for in writing on a form provided by the Town. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall be ineligible to apply for a temporary "Class B" wine license for one (1) year. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.

If necessary due to the physical characteristics of the site, the Town Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences. For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. Outdoor and Indoor events should contain adequate sanitary facilities to accommodate the size of the group.

**SECTION 9.0 COMPLIANCE WITH COUNTY AND TOWN ORDINANCES**

No retail alcoholic beverage license shall be issued to any person or entity if the person or entity or the premises for which the license is issued is in violation of any town or county ordinance or regulation relating to the zoning, health, or safety of such premises, including any adjacent premises owned or operated by the same person or entity. Any such violation shall be grounds for suspension or revocation of any license issued to any person or entity.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 21<sup>st</sup> day of June, 2023.



Derek Steffen, Chair



Cairie L. Virrueta, Town Clerk-Treasurer