

ORDINANCE NO: 2017.01

ALCOHOL CONTROL ORDINANCE TOWN OF SPRING BROOK, DUNN COUNTY, WISCONSIN

SECTION 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Spring Brook Alcohol Control Ordinance. Promoting the public health, safety, and general welfare of the Town of Spring Brook, the purpose of this ordinance is to designate Town of Spring Brook as a dry township.

SECTION 2 – AUTHORITY

The Town Board of the Town of Spring Brook, Dunn County, Wisconsin has the specific authority under s. 125.10 Wisconsin Statutes, and under its Village Powers under s. 60.22(3) Wisconsin Statutes, to regulate the sale of alcoholic and/or fermented malt beverages at premises in the Town, to the extent that Town regulations are not in conflict with state statutes.

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board of the Town of Spring Brook, Dunn County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority vote of the Town Board present and voting, provides the authority for the Town of Spring Brook of Dunn County, Wisconsin, to prohibit the licensing or permitting and, therefore, the sale of alcoholic and/or fermented malt beverages in the town.

SECTION 4 – DEFINITIONS

- A. "Alcohol beverages" means fermented malt beverages, wine, and intoxicating liquor.
- B. "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.
- C. "License" means an authorization to sell alcohol beverages at retail or wholesale issued by the Town Board or its agent under this ordinance.
- D. "Premises" means the area described in a license or permit.
- E. "Sell," "sold," "sale," or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purpose of evading the law relating to the sale of alcohol beverages or any shift, scheme, or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.
- F. "Town" means the Town of Spring Brook, Dunn County, Wisconsin.
- G. "Town board" means the board supervisors for the Town of Spring Brook, Dunn County, Wisconsin, and includes designees of the board authorized to act for the board.
- H. "Town clerk" means the clerk of the Town of Spring Brook, Dunn County, Wisconsin.
- I. "Town chairperson" means the chairperson of the Town of Spring Brook, Dunn County, Wisconsin.

SECTION 5 – WISCONSIN LAW

Governor Scott Walker approved Wisconsin Act 372 on April 25, 2016, published on and effective as of April 26, 2016, repealing the referendum process for alcohol licensing of Wisconsin Statute 125.05. Wisconsin Act 372 designates the municipal board to govern licensing of alcohol within its municipality.

SECTION 6 – PAST ALCOHOL REFERENDUM

At the April 6, 2010, Spring Election the following referendum was on the Town of Spring Brook ballot:

“Shall Class ‘B’ licenses (taverns, hotels, restaurants, clubs, societies, lodges, fair associations, etc.) be issued for the retail sale of beer for consumption on or off the premises where sold in the Town of Spring Brook under s. 125.05(1), Wisconsin Statutes?”

Election results were: 255 “No” Votes 193 “Yes” Votes

SECTION 7 – ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION 8 – PENALTIES

The penalties under s. 125.11 Wisconsin Statutes are adopted by reference.

SECTION 8 – SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared the Town of Spring Brook would have passed the provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person’s circumstances shall not be deemed affected.

SECTION 9 – EFFECTIVE DATE

This ordinance shall take effect upon publication and posting.

The Town Clerk shall properly post and publish notice this ordinance as required under s. 60.80, Wisconsin Statutes.

Adopted this 9th day of January, 2017.

SPRING BROOK TOWN BOARD:

Published in the *Dunn County News* on:

Sunday, January 15, 2017

Posted on: Friday, January 13, 2017

Posted at: Town Hall

Eik Creek Lake Beach
Near Springbrook Church
www.spring-brook.org

John E. Schaefer
John E. Schaefer, Chairman

Michael J.H. Hase
Michael J.H. Hase, Supervisor 1

Douglas V. Ullom
Douglas V. Ullom, Supervisor 2

Attest: Mary L. Strand
Mary L. Strand, Clerk