

**TOWN OF TRENTON, WASHINGTON COUNTY, WISCONSIN**  
**ORDINANCE NO. 2026.05.02**  
**AMENDING CHAPTER 237 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES**

**WHEREAS**, the Town of Trenton Code of Ordinances states that the Town Board shall have the authority to enact and amend ordinances; and

**WHEREAS**, 2024 Wisconsin Act 73 made numerous changes relating to the regulation of alcohol beverages under Chapter 125, Wis. Stats. (Wisconsin's alcohol beverages chapter); and

**WHEREAS**, the Town Board recognizes the need to update Chapter 237. Intoxicating Liquor and Fermented Malt Beverages.

**NOW, THEREFORE**, the Town Board of the Town of Trenton does ordain as follows:

**Section 1.** Add "Article I Licensing" before § 237-1

**Section 2.** Replace entire §237-2 with the following:

§ 237-2. Definitions.

As used in this article, the terms "alcoholic beverages," "intoxicating liquors," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers" and "operators" shall have the meaning given them by Ch. 125, Wis. Stats.

**Section 3.** Amend § 237-3. License required. as follows: Replace "125.26" with "125.16"

**Section 4.** Replace entire §237-4. Classes of licenses. with the following:

§ 237-4. Classes of licenses.

- A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Town Clerk under authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- C. Retail "Class B" winery license. A retail "Class B" winery license, when issued by the Town Clerk under authority of the Town Board, shall permit its holder to sell, deal and traffic wine only by the glass or in open containers on the premises, and also authorizes the sale of wine in the original package or container to be consumed off the premises. This license does not also authorize the sale of fermented malt beverages or any intoxicating liquor other than wine. The Town cannot issue a winery license unless the applicant has first obtained a winery permit from the State of Wisconsin.
- D. Class "A" fermented malt beverage retailer's license. A Class "A" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1. The license shall expire on the following June 30.
- E. Class "B" fermented malt beverage retailer's license.
  - (1) License. A Class "B" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 0.5% of alcohol by volume without obtaining a special license to sell such beverages. Such license may be issued after July 1. The license shall expire on the following June 30.

- (2) Application. Class "B" licenses may be issued to any person qualified under § 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another, except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this article. Except as provided in § 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

F. Provisional Class "A", Class "B", "Class A", "Class B" or "Class C" retail licenses.

- (1) Clerk or designee authorized to issue. A provisional retail license may be issued to an applicant by the town clerk or the clerk's designee upon written application, subject to the provisions of this ordinance.
- (2) License. As provided in § 125.185, Wis. Stats., provisional licenses may be issued to persons who have applied for a retail license. The provisional retail license may only permit those activities which are of the same type as are authorized by the type of retail license applied for. The town board shall review the issuance of any such provisional retail license at the next regularly scheduled town board meeting, reserving final approval authority on whether the full retail license should be issued.
- (3) Standard:
  - (a) The applicant must be at least 21 years of age, a resident of the state of Wisconsin, and must have applied for a retail license. If the applicant is a corporation or limited liability corporation, the designated agent must be at least 21 years of age, and a resident of the state.
  - (b) No provisional retail license will be granted if the applicant or a business applicant's agent has been denied a retail license by the town board or if the applicant, pursuant to s. 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.
  - (c) No provisional "class B" retail license shall be granted if the town's quota under s. 125.51(4), Wis. Stats., prohibits the town from issuing one.
  - (d) No person may hold more than one provisional retail license for each type of license applied for by the holder per license year.
- (4) Term. The provisional retail license shall expire either 60 days from the date of issuance or when a retail license is authorized by the town board, whichever is sooner.
- (5) Fees. The fee for a provisional retail license is as set forth in the town official schedule of bonds, fees and deposits.
- (6) Revocation:
  - (a) The town clerk shall immediately revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
  - (b) The town clerk shall revoke the provisional retail license if the town board denies the applicant's application for a retail license.
  - (c) Revocation of the provisional retail license shall become effective upon the mailing of the notice of revocation by the town clerk. Any notice mailed in this ordinance is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk.

G. Temporary Class "B" fermented malt beverage license.

- (1) License. As provided in § 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such license is valid for dates as approved by the Town Board.
- (2) Application. 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, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Town Board at which the application will be considered for events of more than three 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.

H. Temporary "Class B" wine license.

(1) License. Notwithstanding § 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under § 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than 6% alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than 6% alcohol by volume from the stands while the fair is being held.

(2) Application. 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, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary "Class B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Town Board at which the application will be considered for events of more than three 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.

I. Retail reserve "Class B" intoxicating liquor license. A retail reserve "Class B" intoxicating liquor license is a license available under the quota system existing before December 1, 1997, that was not granted or issued by the Town Clerk as of December 1, 1997. The number of retail reserve "Class B" intoxicating liquor licenses available to a municipality is determined by a series of calculations described in § 125.51(4), Wis. Stats. A retail reserve "Class B" intoxicating liquor license, when issued by Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

**Section 5. Replace entire §237-5. License fees. with the following:**

§ 237-5. License fees. There shall be the following classes of licenses which, when issued by the Town Clerk under the authority of the Town Board after payment of the license fee and publication costs as set forth in the official town schedule of bonds, fees and deposits, shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in § 237-4 of this article and Ch. 125, Wis. Stats. The license fees shall be set forth in the official town schedule of bonds, fees and deposits. License fees for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- A. Class "A" fermented malt beverages retailer's license.
- B. Class "B" fermented malt beverage retailer's license.
- C. Provisional Class "A", Class "B", "Class A", "Class B" or "Class C" retail licenses.
- D. Temporary Class "B" fermented malt beverage license.
- E. Temporary "Class B" wine license.

- F. "Class B" winery license.
- G. "Class A" intoxicating liquor retailer's license.
- H. "Class B" intoxicating liquor retailer's license.
- I. Retail reserve "Class B" intoxicating liquor retailer's license.
  - (1) Fee. The initial fee for the issuance of this license shall be in addition to the regular Class "B" and "Class B" fee, upon approval of a reserve "Class B" intoxicating liquor license, except that the fee for an initial issuance of a retail reserve "Class B" intoxicating liquor license to a bona fide club or lodge situated and incorporated in the state for at least six years shall be the annual license fee as set forth in Subsections B and G of this section, as applicable thereto.
  - (2) Grants for certain retail reserve "Class B" intoxicating liquor licenses.
    - (a) Whereas § 125.51(3)(e)(2), Wis. Stats., establishes a new alcohol license called a reserve "Class B" license (herein referred to as "retail reserve 'Class B' intoxicating liquor license") and requires that all who are granted such a license pay an initial license fee of \$10,000 in addition to the regular Class "B" and "Class B" license fees, the Town Board finds that businesses such as restaurants, hotels and taverns make important contributions to the Town's economy and serve an important public purpose, including but not limited to increasing the Town's property tax base, providing employment and promoting tourism. The Town Board also finds that the new initial fee for a retail reserve "Class B" intoxicating liquor license far exceeds the actual cost of licensing the activity and that excessive license fees deter new business and are contrary to economic growth. It is the purpose of this Subsection H(2) to utilize the excess revenue generated by state statutes identified hereinabove to assist new retail reserve "Class B" intoxicating liquor licensees in the establishment of new businesses and serve the important public purposes identified herein.
    - (b) The Town Board may provide a grant to a retail reserve "Class B" intoxicating liquor licensee if the following conditions are met:
      - [1] A retail reserve "Class B" intoxicating liquor license is granted to the licensee;
      - [2] The retail reserve "Class B" licensee applicant properly completes, executes and submits an application for a grant to the Town Board on a form provided by the Town Clerk at the same time the applicant submits the application for a retail reserve "Class B" intoxicating liquor license; and
      - [3] The retail reserve "Class B" intoxicating liquor licensee pays the initial fee to the Town, in addition to the regular fees for the "Class B" and "Class B" licenses.
    - (c) In making its determination whether to award any grant to a retail reserve "Class B" liquor licensee under this Subsection H(2), the Town Board shall make such findings and establish such conditions as it deems necessary to ensure that any funds awarded hereunder serve the important public purposes identified in Subsection H(2)(a).

**Section 5. Amend § 237-6. Application for license. as follows:**

Replace Subsection C. with the following:

- C. Publication. The Town Clerk shall publish each application for a Class "A," Class "B," "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under § 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under § 125.51(10), Wis. Stats. The application shall be published three consecutive days in the official Town newspaper if published daily or once if published weekly, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under § 985.08, Wis. Stats.

Add Subsection E. as follows:

- E. License quotas. Retail intoxicating liquor and fermented malt beverage licenses issued by the Town Board shall be limited in number to the quota prescribed by state law.

**Section 6. Replace entire §237-7. Qualifications of applicants and premises. with the following:**

§ 237-7. Qualifications of applicants and premises.

- A. Residence requirements. A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least 90 days prior to the date of the application.
- B. Applicant to have malt beverage license. No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. Right to premises. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. Age of applicant. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- E. Corporate restrictions.
  - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under § 125.04(5)(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under § 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of § 125.04(5)(a)1 and 3 and (b), Wis. Stats., and unless the agent of the corporation appointed under § 125.04(6), Wis. Stats., meets the qualification under § 125.04(5)(a)2, Wis. Stats. The requirement that the corporation meet the qualifications under § 125.04(5)(a)1 and (b), Wis. Stats., does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Town Clerk a statement of transfers of stock within 48 hours after such transfer of stock
  - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this article or under the state law.
- F. Sales tax qualification. All applicants for retail licenses shall provide proof, as required by § 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- G. License limited to described premises. Intoxicating liquors or fermented malt beverages shall be kept, sold or offered for sale only on those premises specifically described as to building and/or land area in the license application. No license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling, house, flat or residential apartment.

**Section 7. Replace entire §237-8. Investigation. with the following:**

§ 237-8. Investigation.

The Town Clerk shall notify the Town Chief of Police and building, electrical, plumbing, fire and other inspectors of all license and permit applications, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Town Clerk in writing, who shall forward to the Town Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

**Section 8. Replace entire §237-9. Approval of application. with the following:**

§ 237-9. Considerations for grant or denial of license.

- A. Delinquent Town claims. No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Town are delinquent and unpaid.
- B. Sanitary, safety and health requirements. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code and the regulations of the State Department of Health and Family Services and Town Board applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the Town.[1]
- C. Other considerations. Consideration for the granting or denial of a license will be based on:
  - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322, and 111.335, Wis. Stats.;
  - (2) The financial responsibility of the applicant;
  - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (4) Generally, the applicant's fitness for the trust to be reposed.
- D. Arrest and conviction record. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity and the facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

**Section 9. Replace entire §237-10. Grant or denial of license. with the following:**

§ 237-10. Action on application; appeals.

- A. Public hearing; fee. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town.
- B. Appeal denial. If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to § 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least 10 days prior to the Town Board meeting at which the application is to be reconsidered.

**Section 10. Replace entire §237-11. Transfer and lapse of license. with the following:**

§ 237-11. Transfer and lapse of license.

- A. Transfer of license. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Town Board. An application for transfer shall be made on a form furnished by the Town Clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be as prescribed by § 125.04(12), Wis. Stats. Whenever a license is transferred, the Town Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Town for reissuance of said license, and the Town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

- B. Corporate agent replaced. Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Town Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town.

**Section 11. Replace entire §237-12. Number and contents of license. with the following:**

**§ 237-12. Numbering and contents of license.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee.

**Section 12. Replace entire §237-13 Posting licenses; defacement. with the following:**

**§ 237-13. Posting licenses; defacement.**

- A. License posted conspicuously. Every person licensed in accordance with the provisions of this article shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale
- B. License on described premises only; not defaced or destroyed. It shall be unlawful for any person to post such license or permit it to be posted upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

**Section 13. Amend §237-14. Conditions of license. as follows:**

Replace Subsection A. with the following:

- A. Consent to entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles in violation of Town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

Amend Subsection D. as follows: Replace "waiters" with "wait staff"

Add Subsection F. as follows and adjust numbering as necessary:

- F. Restrictions near schools and churches. No retail Class "A," Class "B," "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, 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 to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

Replace Subsection G. (newly numbered Subsection H.) with the following:

- H. Gambling prohibited. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this article or the laws of the State of Wisconsin.

**Section 14. Replace entire § 237-15. Closing hours. with the following:**

**§ 237-15. Closing hours.**

Closing hours shall be established in conformance with § 125.32(3), Wis. Stats.

**Section 15. Amend § 237-16. Temporary permit for special events. as follows:**

Amend title as follows: Rename "Temporary permit for special events." To "Temporary fermented malt beverage or wine licenses."

Replace first paragraph and Subsection A. with the following:

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Town-owned property or privately owned property within the Town of Cedarburg, except through the issuance of a temporary Class "B" fermented malt beverage license or temporary "Class B" wine license issued by the Town Board in accordance with Wisconsin Statutes and as set forth in this section. A temporary Class "B" fermented malt beverage license or temporary "Class B" wine license authorizing the sale and consumption of beer and/or wine on Town-owned property or privately owned property may be authorized by the Town Board provided that the following requirements are met:

- A. Compliance with eligibility standards. The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in § 125.26(6), Wis. Stats., and shall fully comply with the requirements of this section and § 237-21. Members of an organization which is issued a temporary license and who are issued operators' licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

Replace Subsection F. with the following:

- F. Permitted cups or cans only. Intoxicants will be sold only in paper, foam or plastic cups or cans.

Amend Subsection H. as follows: Add "or wine" after "temporary fermented malt beverage"

**Section 16.** Amend § 237-17 Revocation and suspension of licenses; nonrenewal as follows:

Replace Subsection B. with the following:

- B. Abandonment of premises. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six months shall be prima facie evidence of the abandonment, unless extended by the Town Board. All persons issued a license to sell alcohol beverages in the Town for which a quota exists limiting the number of such licenses that may be issued by the Town shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the terms of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply

Remove Subsections D, E, and F.

**Section 17.** Add the following Subsection and renumber as necessary:

§ 237-18. Nonalcohol events for underage persons on licensed premises.

The presence of underage persons on a licensed premises as provided under § 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- A. Notice to Police Chief. The licensee or agent of a corporate licensee shall notify the Town Police Chief at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Town Police Chief and shall be given on forms prescribed by the Police Chief. After a nonalcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Town Police Chief in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- B. Notice card. During the period of any nonalcohol event a notice card prescribed by the Town Police Chief shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Town Police Chief to a requesting licensee.

- C. No alcoholic beverages. Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- D. Alcoholic beverages out of sight. During the period of any nonalcohol event, all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

**Section 18. Amend § 237-18 (newly numbered 237-19). Operator's license. as follows:**

Replace entire Subsections A., B. and D. with the following:

**A. Operator's license required.**

- (1) Class "A" or Class "B" premises. Except as provided under §§ 125.32(3)(b) and 125.07(3) (a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under § 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this section, any person holding a manager's license under § 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of 18, shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license who is on the premises at the time of the service.
- (2) Use by another prohibited. No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
- (3) Penalty. The license or permit of a person who violates Subsection A-1 above shall be revoked.

**B. Issuance or denial or operator's licenses.**

- (1) Issued by Town Clerk. After the Town Board approves the granting of an operator's license, the Town Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (2) Appeal of denial.
  - (d) If the application is denied by the Town Board, the Town Clerk shall, in writing, inform the applicant of the denial and the reasons therefor and of the opportunity to request a reconsideration of the application by the Town Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least 10 days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
  - (e) If, upon reconsideration, the Board again denies the application, the Town Clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter may apply to Circuit Court pursuant to § 125.12(2)(d), Wis. Stats., for review.
- (3) Considerations. Consideration for the granting or denial of a license will be based on:
  - (a) The arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322 and 111.335, Wis. Stats.;
  - (b) The financial responsibility of the applicant;
  - (c) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (d) Generally, the applicant's fitness for the trust to be reposed.
- (4) Revocation for conviction. If a licensee is convicted of an offense substantially related to the licensed activity, the Town Board may act to revoke or suspend the license.

- (5) Convictions considered. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

D. Provisional operator's license.

- (1) Eligibility. A person who has applied for an operator's license may apply for a provisional operator's license provided the applicant is 18 years of age and has provided proof of enrollment in or completion of the responsible beverage training course required under s. 125.17(6), Wis. Stats.
- (2) Application. Application for a provisional operator's license shall be made to the town clerk on such form designated by the clerk and shall be accompanied by the fee as designated in the town's official schedule of bonds, fees and deposits.
- (3) Clerk or designee authorized to issue. A provisional operator's license may be issued to an applicant by the town clerk or the clerk's designee upon written application, subject to the provisions of this ordinance. The town board shall review the issuance of any such provisional operator's license at the next regularly scheduled town board meeting, reserving final approval authority on whether the official operator's license should be issued.
- (4) Standard. No provisional operator's license shall be granted if the applicant has been denied an operator's license by the town board; the applicant has provided false information on his/her application; or if the applicant, pursuant to s. 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.
- (5) Term. The provisional operator's license shall expire sixty (60) days from the date of issuance, or when the operator license issued by another municipal governing body has expired, or when a regular operator's license is authorized by the town board, whichever is sooner.
- (6) Revocation.
  - (a) The town clerk shall immediately revoke the provisional operator's license if the holder fails to successfully complete the responsible beverage server course required under s. 125.17(6), Wis. Stats.
  - (b) The town clerk shall immediately revoke the provisional operator's license if it is discovered that the holder of the license made a false statement on the application for the provisional license.
  - (c) The town clerk shall revoke the provisional operator's license if the town board denies the applicant's application for an operator's license.
  - (d) The town clerk shall revoke the provisional operator's license if the town board discovers that the operator license issued by another Wisconsin municipality is not valid.
  - (e) Revocation of the provisional operator's license shall become effective upon the mailing of the notice of revocation by the town clerk. Any notice mailed in this ordinance is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk.

Insert Subsection F. as follows and renumber as necessary:

F. Training course.

- (1) Training course required. Except as provided in Subsection F(2) below, the Town Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education or unless the applicant fulfills one of the following requirements:
  - (a) The person is renewing an operator's license.

- (b) Within the past two years, the person held a Class "A," Class "B," "Class A" or "Class B" license or permit or a manager's or operator's license.
- (c) Within the past two years, the person has completed such a training course.
- (2) Provisional license. The Town Clerk or designee may issue a provisional operator's license to a person who is enrolled in a training course under Subsection F(1) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (3) Additional training. The Town Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection F(1) but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection F(1).

**Section 19. Replace entire § 237-19 (newly § 237-20). Violations and penalties. with the following:**

§ 237-20. Violations and penalties. Except as otherwise provided herein, any person who shall violate any provision of this article, or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in Chapter 1, § 1-5 of this Code. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

**Section 20. Add Article II as follows:**

Article II. Offenses Involving Alcoholic Beverages

§ 237-21. Outside consumption.

A. Alcoholic beverages in public areas.

- (1) Regulations. It shall be unlawful for any person to sell, serve or give away or offer to sell, serve or give away any alcoholic beverage upon any public street, sidewalk, park, alley, public parking lot, highway, cemetery or drive or other public area within the Town of Cedarburg or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Town except at licensed premises.
- (2) Private property held out for public use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Town unless the property is specifically named as being part of a licensed premises.
- (3) Leaving licensed premises with open container.
  - (a) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
  - (b) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
- (4) Parks. It shall be unlawful for any person to drink or have in his possession any alcohol beverage in any Town park between the hours of 9:00 p.m. and 6:00 a.m. except at licensed premises.
- (5) Picnic beer permits for parks.
  - (a) It shall be unlawful for any group of persons which exceeds 20 to consume any alcohol beverages in any park areas without first obtaining a picnic beer permit from the Town. The picnic beer permits shall be issued by the Town Clerk.
  - (b) Applicants for special Class "B" permits shall fully comply with the requirements of § 237-16 of this chapter.
  - (c) The sale of fermented malt beverages from remote sites, that is, other than the main point of sale facility, shall be prohibited after the hour of 9:00 p.m.
- (6) Exceptions.
  - (a) The provisions of this section may be waived by the Town Board for duly authorized events.

(b) This section shall not apply to any organization which has been issued a special Class "B" fermented malt beverage picnic license for a designated area pursuant to this Code, provided that the provisions of this article and Article I of this chapter are fully complied with.

B. Definitions. As used in this section, the following terms shall have the meaning indicated:

**ALCOHOLIC BEVERAGE**

All ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain 1/2 of 1% or more of alcohol by volume and which are fit for use for beverage purposes.

**PUBLIC AREA**

Any location within the Town which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.

**UNDERAGE PERSON**

Any person under the legal drinking age as defined by the Wisconsin Statutes.

§ 237-22. Sale to underage or intoxicated persons.

A. Sales of alcohol beverages to underage persons.

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
- (2) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

B. Penalties.

- (1) A person who commits a violation of Subsection A above is subject to a forfeiture of:
  - (a) Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
  - (b) Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.
- (2) In addition to the forfeitures provided in Subsection B(1) above, a court shall suspend any license issued under this Code to a person violating this section pursuant to § 125.07(1)(b)3, Wis. Stats.

C. Sale of alcohol beverages to intoxicated persons.

- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

D. Penalties. Any person who violates Subsection C above shall be subject to a forfeiture of not less than \$100 nor more than \$500 and, on default of payment of such forfeiture, shall be imprisoned until such forfeiture is paid, but not to exceed 60 days.

§ 237-23. Underage persons in places of sale.

A. Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to:

- (1) An underage person who is 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.
- (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- (3) Hotels, drugstores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in § 125.51(5)(b)1d, Wis. Stats., which are owned by a county or municipality.
- (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs.27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf clubhouses and private tennis clubs.
- (6) Premises operated under both a "Class B" intoxicating liquor or Class "B" fermented malt beverage license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" intoxicating liquor or Class "B" fermented malt beverage license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) An underage person who enters or remains on a "Class B" intoxicating liquor or Class "B" fermented malt beverage premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold or furnished.
- (8) An underage person who enters or remains in a room on "Class B" intoxicating liquor or Class "B" fermented malt beverage licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subsection. An underage person may enter and remain on "Class B" intoxicating liquor or Class "B" fermented malt beverage premises under this subsection only if the municipality which issued the "Class B" intoxicating liquor or Class "B" fermented malt beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subsection and the law enforcement agency responsible for enforcing the ordinance issues to the "Class B" intoxicating liquor or Class "B" fermented malt beverage licensee a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

B. Penalties. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection A is subject to a forfeiture of not more than \$500.

§ 237-24. Prohibited acts by underage persons.

A. Any underage person who does any of the following is guilty of a violation:

- (1) Procures or attempts to procure alcohol beverages.
- (2) Knowingly possesses or consumes intoxicating liquor.
- (3) Enters or is on licensed premises in violation of § 237-23A.
- (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

B. 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 fermented malt beverage is guilty of a violation.

C. Any person violating Subsection A or B is subject to the following penalties:

- (1) For a first violation, a forfeiture of not more than \$50, suspension of the person's operating privilege as provided under § 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection d or any combination of these penalties.
- (2) For a violation committed within 12 months of a previous violation, either a forfeiture of not more than \$100, suspension of the person's operating privilege as provided under § 343.30(6) (b)2, Wis. Stats., participation in a supervised work program under Subsection D or any combination of these penalties.
- (3) For a violation committed within 12 months of two or more previous violations, either a forfeiture of not more than \$150, revocation of the person's operating privilege under § 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection D or any combination of these penalties.

D. Work program.

- (1) If the court orders a person to participate in a supervised work program under Subsection C, the court shall set standards for the program within the budgetary limits established by the Town Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.
- (2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

E. When a court revokes or suspends a person's operating privilege under Subsection C, the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this subsection may not disclose the information to any other person or agency.

F. A person who is under 17 years of age on the date of disposition is subject to § 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under § 938.344(3), Wis. Stats.[1]

G. Subsections A and B do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.

H. Subsections A and B do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

§ 237-25. Defense of sellers.

A. Defenses. Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this article:

- (1) The purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
- (2) The appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
- (3) The sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

B. Book kept by licensees and permittees. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this section. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

§ 237-26. False or altered identification cards.

A. Identification cards.

- (1) Any person who has attained the legal drinking age, other than one authorized by § 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be subject to a forfeiture of not less than \$100 nor more than \$500 and, on default of payment of such forfeiture, may be imprisoned until such forfeiture is paid, but not to exceed 30 days.
- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be subject to a forfeiture of not less than \$100 nor more than \$500 and, on default of payment of such forfeiture, may be imprisoned until such forfeiture is paid, but not to exceed 10 days.

B. Any underage person who does any of the following is subject to the penalties specified under § 237-24C or D:

- (1) 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. A law enforcement officer shall confiscate any card that violates this subsection.
- (2) Makes, alters or duplicates an official identification card.
- (3) Presents false information to an issuing officer in applying for an official identification card.

§ 237-27. Possession of alcohol beverages on school grounds

A. As used in this section, the following terms shall have the meaning indicated:

**MOTOR VEHICLE**

A motor vehicle owned, rented or consigned to a school.

**SCHOOL**

A public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

**SCHOOL ADMINISTRATOR**

The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

**SCHOOL PREMISES**

Premises owned, rented or under the control of a school.

B. Except as provided by Subsection C, no person may possess or consume alcohol 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.

C. Alcohol 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 and ordinances.

D. A person who violates this section is subject to a forfeiture of not more than \$200, except that § 938.344, Wis. Stats., and § 237-24C and D of this article provide the penalties applicable to underage persons.

§ 237-28. Adult permitting or encouraging underage violation.

- A. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- B. No adult may intentionally encourage or contribute to a violation of § 237-24A or B.

C. A person who violates this section is subject to a forfeiture of not more than \$200.

**§ 237-29. Solicitation of drinks.**

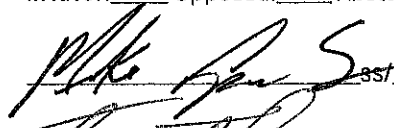
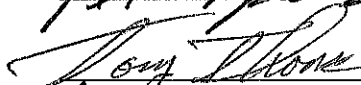
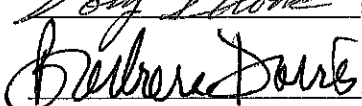

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Town who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in § 125.02(1), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer, is deemed in violation of this section.

**Section 3. Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

**Section 4. Effective Date.** This Ordinance shall take effect upon publication or posting by the town clerk as required, pursuant to Wis. Stat. § 60.80.

Adopted this 18<sup>th</sup> day of May, 2026

In favor: 3 Opposed: 0 Abstain: 0 Absent: 0

 ss/ Mike Lipscomb, Town Chairperson  
 ss/ Tony Thoma, Town Supervisor  
 ss/ Barbara Davies, Town Supervisor  
  
 ss/ Attest, Cindy Komro, Town Clerk

Posted on: 05 / 19 / 2026