

ORDINANCE # 2025- 02

TOWN OF MARTELL

AN ORDINANCE AMENDING ORDINANCE 2024-1 (ALCOHOL BEVERAGES)

WHEREAS, the Board of the Town of Martell deems it expedient and necessary to make certain amendments to Ordinance #2024-1, (Alcohol Beverages Ordinance);

NOW THEREFORE, the Town Board of the Town of Martell does hereby ordain as follows:

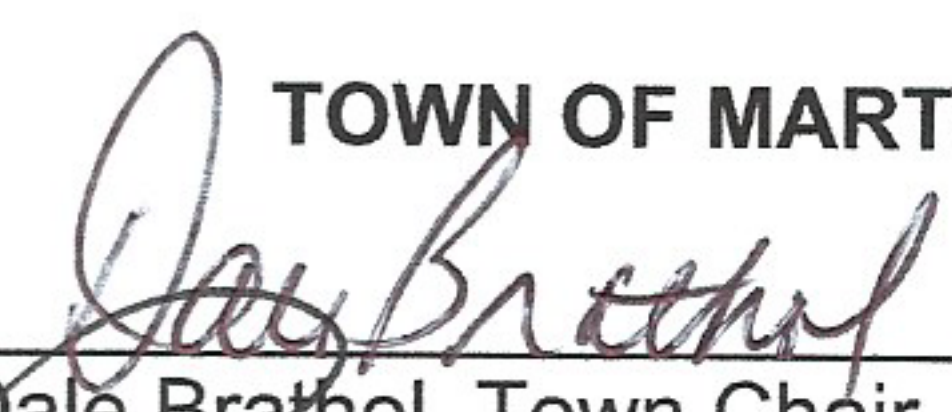
SECTION 1. SECTION 3 contains two duplicate entries of subparagraph (d). The second such duplicate entry is hereby deleted.

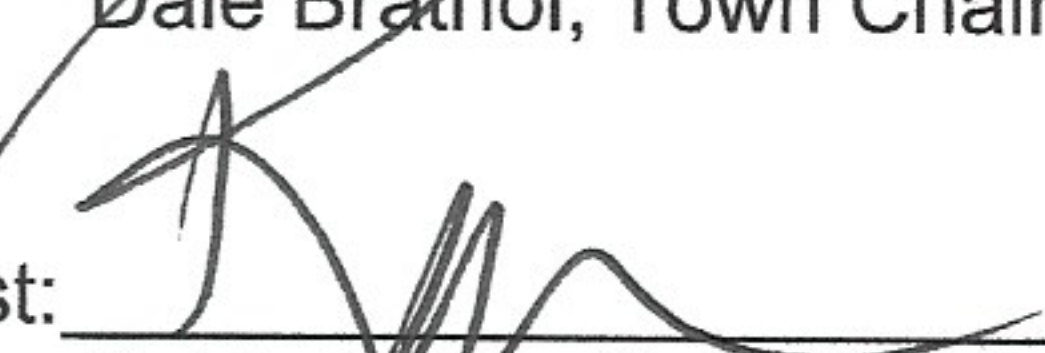
SECTION 2. SECTION 5(b) is amended to read as follows: "Application not to be Notarized." The Application need not be notarized.

SECTION 3. SECTION 6(b) is deleted in its entirety.

Passed and Adopted: June __, 2025

TOWN OF MARTELL

By: 
Dale Brathol, Town Chair

Attest: 
Robin Boles, Town Clerk

ORDINANCE CERTIFICATION

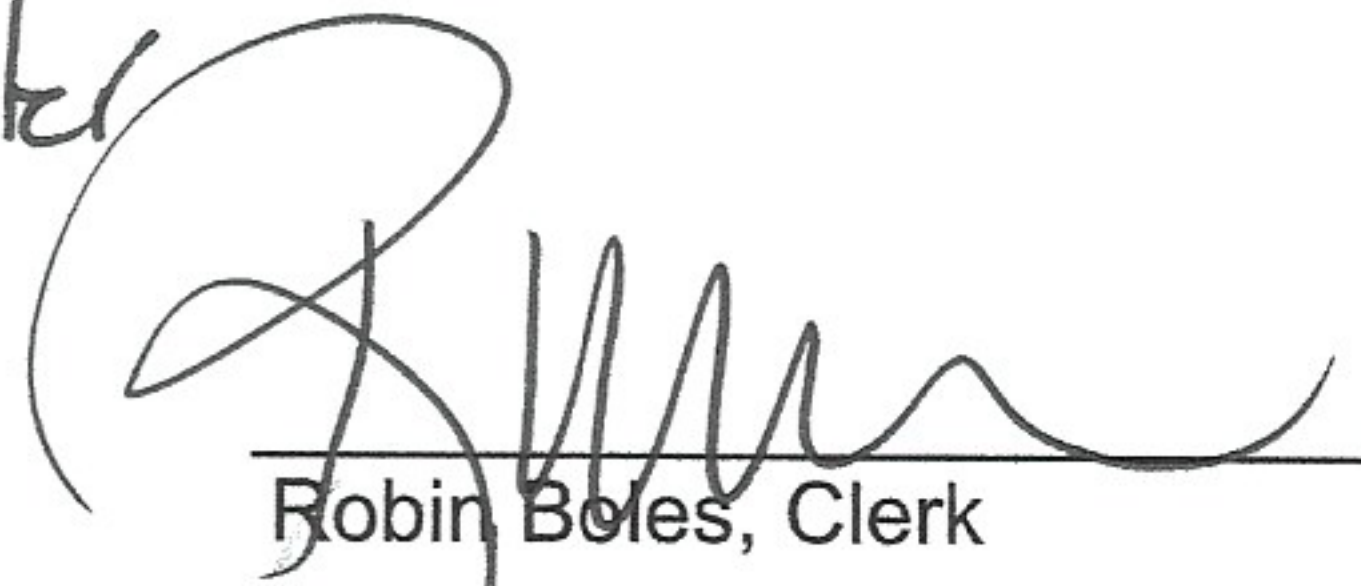
I, Robin Boles, being the Town Clerk of the Town of Martell, Pierce County, Wisconsin hereby certify that on June 10, 2025, Ordinance No. 2025 - 02, a true and accurate copy of which is attached, was duly enacted by the Town of Martell, Pierce County, Wisconsin, and entered into the Town of Martell record books. This Ordinance was posted in the following three locations in the Town of Martell, June 11, 2025.

Martell Town Hall

Martell Town Shop

Martell Town Recycling Center

Dated this 10 day of June, 2025


Robin Boles, Clerk

ORDINANCE # 2024- 1
ALCOHOL BEVERAGES
TOWN OF MARTELL

WHEREAS, the Board of the Town of Martell deems it expedient and necessary to adopt an Alcohol Beverages Ordinance;

NOW THEREFORE, the Town Board of the Town of Martell does hereby ordain as follows:

SECTION 1. STATE STATUTES ADOPTED. The provisions of Wis. Stat. Ch. 125, as amended, defining and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to persons under the legal drinking age, are adopted and made a part of this Ordinance by reference. A violation of any of such provisions shall constitute a violation of this Ordinance.

SECTION 2. LICENSES, PERMITS, AUTHORIZATION REQUIRED.

- (a) When Required. Except as provided by Wis. Stat. §125.06, no person shall within the Town, serve, sell, manufacture, rectify, brew or engage in any other activity for which under this Ordinance or Wis. Stat. Ch. 125 requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in Ch. 125.
- (b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale.
- (c) License Required for Consumption in Public Place. As per the requirements of Wis. Stat. Sec. 125.09, and Ch. 125 generally, the owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the property of the public place unless the person has an appropriate retail license or permit or a no-sale event venue permit.

SECTION 3. CLASSES OF LICENSES AND FEES. The following classes and denominations of licenses may be issued by the Town Clerk under the authority and direction of the Town Board upon compliance with law and payment of the fee herein specified. When so issued the license shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced State Statute.

- (a) Class "A" Retailer License (Fermented Malt Beverage). See Wis. Stat. §125.25. The annual fee for a Class "A" License shall be established from time to time by Resolution of the Town Board.
- (b) Class "B" Retailer License (Fermented Malt Beverage). See Wis. Stat. §125.26. The annual fee for a Class "B" License shall be established from time to time by Resolution of the Town Board and shall not exceed \$100.

- (c) Retail "Class A" Retail License (Intoxicating Liquors). See Wis. Stat. §125.51(2). The annual fee for a "Class A" Retail License shall be established from time to time by Resolution of the Town Board in an amount of at least \$50, not to exceed \$500.
- (d) Retail "Class B" Retail License (Intoxicating Liquors and Fermented Malt Beverages). The annual fee for a "Class B" license shall be established from time to time by Resolution of the Town Board in an amount of at least \$50, not to exceed \$500.
- (d) Retail "Class B" Retail License (Intoxicating Liquors and Fermented Malt Beverages). The annual fee for a "Class B" license shall be established from time to time by Resolution of the Town Board in an amount of at least \$50, not to exceed \$500.
- (e) "Class C" Retailer's License (Restaurant wine). See Wis. Stat. §125.51(3m). The annual fee for a Class "C" License shall be established from time to time by Resolution of the Town Board and shall not exceed \$100.
- (f) Special Event (Picnic). See Wis. Stat. §125.26(6).
- (g) Operator's License. See Wis. Stat. §125.17. The fee for an Operator's License shall be the fee as is established from time to time by Resolution of the Town Board. An Operator's License shall not be required where an operator holds a validly issued Operator's Permit from the Division of Alcoholic Beverages in the Department of Revenue.

SECTION 4. NO-SALE EVENT VENUE PERMIT. This Section is adopted for informational purposes only. A no-sale event venue permit may be issued by the Division of Alcoholic Beverage pursuant to Wis. Stat. Sec. 125.24 and for such fee as is established by the Division. As set forth in the Statute, a no-sale event venue permit authorizes the permittee to rent or lease property for use as an event venue at which fermented malt beverages and wine are consumed on no more than six days per calendar year and no more than one day per month. A no-sale event venue permittee may not sell or otherwise provide alcohol beverages to the renter or lessee of the event venue or to any guest or attendee of an event on the event venue. See Statute for more detail.

SECTION 5. LICENSE APPLICATION.

- (a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the Wisconsin Department of Revenue and filed with the Town Clerk at least 15 days prior to issuance. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- (b) Application to be Notarized. The application shall be signed and sworn to by the

- (c) Publication. Prior to issuance of a license under this section, the Town Clerk shall publish notice of the application in the official Town newspaper.
- (d) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk to the State Department of Revenue.

SECTION 6. LICENSE RESTRICTIONS.

- (a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Wis. Stat. §125.04.
- (b) Location. No retail Class "A" or Class "B" license shall be issued for a premises unless the premises are zoned Commercial under the Pierce County Zoning Ordinance set forth in the Pierce County Code of Ordinances; except, however, golf courses, and bona fide sports persons clubs may be issued a license regardless of the zoning district in which they are located. A "club" shall have the definition contained in Wis. Stat. §125.02(4). A winery in any zoning district, which has been issued a "Class A" retail license, may sell wine for consumption off the premises; but, a winery may not sell intoxicating liquors for consumption off the premises unless the winery is located in a district zoned Commercial under the Pierce County Zoning Ordinance set forth in the Pierce County Code of Ordinances.
- (c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or State liquor or fermented malt beverage law or the provisions of this section or whose license has been revoked under Wis. Stat. §125.12 during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- (d) License Quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Wis. Stat. §125.51(4). As of December 1, 1997, the Town of Martell population was 1009. As of that date the Town was authorized to issue two licenses. None were issued as of that date. Therefore, as of December 1, 1997, the Town had two reserve licenses. The Town shall be authorized to issue one more license per each increase of 500 population above the December 1, 1997 population set forth above.
- (e) Above-Quota "Class B" Liquor License. An above- quota "Class B" liquor license may be issued by the Town for qualifying persons who opt out of no-sale event venue permits. The Applicant must certify the owner of a qualifying event venue as eligible for the quota exception. See Wis. Stat. Sec. 125.24(5) and 125.51(4)(v)5. Where an above-quota "Class B" liquor license is revoked or not renewed the Town may not reissue the license. The Town may reissue the license if the licensee meets the requirements set forth in Wis. Stat. Sec. 125.51(4)(v)5.

- (f) Age Requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.
- (g) Effect of Revocation of License. Twelve months shall elapse before another license shall be granted to the person whose license was revoked.
- (h) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims, including unpaid forfeiture judgments, to the Town.
- (i) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.
- (j) Operator's License Required. No person other than the licensee or persons having an operator's license issued by the Town or an Operator's Permit issued by the Division of Alcoholic Beverages shall be behind the bar in the licensed premises for the purpose of serving, dispensing or mixing alcohol beverages.
- (k) Limit on Picnic Licenses. A premises shall not be issued a picnic license more twice in any calendar year. A modification of the description of the licensed premises in a picnic license application, so as to frustrate the limitation imposed under this Section, shall be prohibited.

SECTION 7. FORM AND EXPIRATION OF LICENSES. 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 and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law. The Town Clerk shall affix his/her affidavit as required by Wis. Stat. §125.04(4).

SECTION 8 TRANSFER OF LICENSES.

- (a) As to Person. No license shall be transferable except as provided by Wis. Stat. §125.04(12).
- (b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in Wis. Stat. §125.04(12), Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

SECTION 9. POSTING AND CARE OF LICENSES. Every license or permit required under this Ordinance shall be framed and posted and at all times displayed as provided in

Wis. Stat. §125.04(10) No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

SECTION 10. REGULATION OF LICENSED PREMISES AND LICENSEES.

- (a) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.
- (b) Employment of Underage Person. No licensee shall employ any person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.
- (c) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

Section 11. CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

- (a) If a retail Class "A" fermented malt beverage license, between 9 p.m. and 8 a.m.
- (b) If a retail "Class A" intoxicating liquor license, between 9 p.m. and 8 a.m.
- (c) If a retail "Class B" license, between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1 premises operating under a "Class B" license are not required to close. No package, container or bottle sales may be made after midnight.

SECTION 12. REVOCATION AND SUSPENSION OF LICENSES.

- (a) Procedure. Whenever the holder of any license under this Ordinance violates any portion of this Ordinance, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stat. §125.12 and the provisions therein relating to granting a new license shall likewise be applicable.
- (b) Effect of Revocation. See Section 5(f) of this section.

SECTION 13. NONRENEWAL OF LICENSES. Before renewal of any license issued under this Ordinance is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for

nonrenewal and shall have an opportunity to be heard before the Town Board. The Board shall follow the procedure set forth in Wis. Stat. §125.12(3).

SECTION 14. VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this Ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

SECTION 15. SELLING OR GIVING BEER TO UNDERAGE PERSONS PROHIBITED. No person shall sell, dispense, give or furnish any fermented malt beverage to any underage person when not accompanied by parent, guardian or spouse of legal drinking age.

SECTION 16. PURCHASE OR POSSESSION OF INTOXICATING LIQUOR OR FERMENTED MALT BEVERAGES BY UNDERAGE PERSONS PROHIBITED. No underage person shall purchase or receive from any person, or have in his possession, any intoxicating liquor or wine. No underage person shall purchase or receive from any person, or have in his possession, any fermented malt beverages unless accompanied by his parent, guardian or spouse of legal drinking age.

SECTION 17. UNDERAGE PERSONS PRESENCE IN PLACES OF SALE.

- (a) Underage persons may enter or remain in a room on a Class B licensed premises separate from any room where alcohol beverages are sold or served, provided no alcohol beverages are furnished or consumed by any person in the room where the underaged persons are present. Before underaged persons may so enter upon a licensed premises as provided in the preceding sentence, the licensee shall obtain from the law enforcement agency responsible for enforcing local ordinances (Pierce County Sheriff's Department) a written authorization permitting underaged persons to be present under this subsection on the dates specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underaged 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 underaged persons will be present on the premises. In the event the Pierce County Sheriff's Department is unwilling or unable to issue such authorization, then the authorization shall be issued by the Town Board prior to entry by underaged persons upon the licensed premises.
- (b) An underaged person may enter or remain on a Class B licensed premises on a date specified by the licensee during times when no alcohol beverages are consumed, sold or given away. During such times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises, unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency (Pierce County Sheriff's Department) in advance of the times underaged persons will be allowed on the premises under this subsection.

SECTION 18. FEES. Unless otherwise provided in the State Statutes, or elsewhere in this Ordinance, the fees charged or licenses and transfers of licenses under this Ordinance shall be such as are established from time to time by Resolution of the Town Board.

SECTION 19. PENALTIES. Any person violating any provision of this Ordinance shall pay a forfeiture of not less than \$250 and not more than \$500 per Offense, plus Court costs and costs of prosecution. Each day an offense continues shall be considered a separate offense. The Town of Martell Citation Ordinance is hereby amended to reflect this forfeiture amount.

SECTION 20. This Ordinance shall take effect upon passage and posting as required by law.

Passed and adopted May 14, 2024

TOWN OF MARTELL

By: Bradley G. Taplin
Bradley Taplin, Town Chair

Attest: Dale Olson, Town Clerk
Dale Olson, Town Clerk

ORDINANCE CERTIFICATION

I, Dale Olson, being the Town Clerk of the Town of Martell, Pierce County, Wisconsin hereby certify that on May 14th, 2024, Ordinance No. 2024 - 1, a true and accurate copy of which is attached, was duly enacted by the Town of Martell, Pierce County, Wisconsin, and entered into the Town of Martell record books. This Ordinance was posted in the following three locations in the Town of MARTELL, WISC., 2024.

MARTELL TOWN HALL

W5581 800TH AVE, SPRING VALLEY, WI 54767

MARTELL TOWN SHOP

W5594 800TH AVE, SPRING VALLEY, WI 54767

MARTELL RECYCLING CENTER

780TH AVE (1/4 MI E. OF HWY. 63) SPRING VALLEY WI 54767

Dated this 14 day of May, 2024

Dale Olson, Clerk
Dale Olson, Clerk