

7-14-1934

# Town of Stockbridge Ordinance

## ORDINANCE NO. 2

To license and regulate the sale of intoxicating liquor within the Town of Stockbridge, Calumet County, State of Wisconsin.

The Board of Supervisors of the Town of Stockbridge, do ordain as follows:

**SECTION 1.** The provisions of chapter 176 of the Wisconsin statutes being chapter 13 of the Laws of the Special Session of 1933, and also all acts amendatory thereof and supplementary thereto, relating to the sale of intoxicating liquors, are adopted as a portion of this ordinance so far as applicable, except as otherwise lawfully provided by town ordinance.

**SECTION 2.** No person, firm or corporation shall vend, sell, deal or traffic, or, for the purpose of evading any law or ordinance give away any intoxicating liquor in any quantity whatever, or cause the same to be done, without having procured a license, as provided in this ordinance, not without complying with all the provisions of this ordinance, and all statutes, ordinances and regulations applicable thereto.

**SECTION 3. License Fees.** There shall be two classes of licenses.

(a) Retail Class "A" Liquor License. A retail class "A" liquor license when issued by the town clerk under authority of the Board of Supervisors shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, in quantities of not more than one wine gallon at any one time and to be consumed off the premises so licensed. The fee for such retail class "A" liquor license shall be One Hundred (\$100.00) Dollars per year.

(b) Retail Class "B" Liquor License.

upon such applications for license as may be presented to them. Upon the approval of the application by the Board of Supervisors, the Town Clerk shall, upon the filing by the applicant of a receipt showing the payment of the required license fee to the Town Treasurer, issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid and the name of the licensee. All licenses shall remain in force until the first day of July next after the granting thereof, excepting as provided in section 4, unless sooner revoked in the manner provided by section 176.11 to 176.125 inclusive or the Wisconsin Statutes. No license shall be transferable either as to licensee or location except as provided by subsection (5) of Section 176.05 of the Wisconsin Statutes.

**SECTION 8. Pharmacist's Permits.** Permits for the sale of intoxicating liquors pursuant to Section 176.18 of the statutes may be granted to a registered pharmacist upon action of the Board of Supervisors.

A separate application for each premises shall be made to the Town Clerk upon forms provided by him. Upon the approval of the application by the Board of Supervisors the Town Clerk shall upon filing by the applicant of a receipt showing the payment fee of the Town Treasurer of a permit fee of Ten (\$10.00) Dollars, issue to the applicant a permit which shall remain in force until the first day of July next after the granting thereof. Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid, and the name of the licensee.

**SECTION 9. Posting.** Every li-

by a notice make and signed as aforesaid, in like manner forbid all persons in such town, to sell or give away intoxicating liquors or drinks to any person given to the excessive use of such liquor or drinks, specifying such person, and such notice shall have the same force and effect when such specified person is a non-resident or is herein provided when such specified person is a resident of said town.

**SECTION 13. Sale To Forbidden Person: Evidence: Pleading.**

(a) When the sale or giving away of any intoxicating liquors to any person shall have been forbidden in the manner provided by law, every person who shall sell or give to, or for, or purchase or procure for, or in behalf of, such prohibited person any such liquors, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding Fifty (\$50.00) Dollars, and the costs of prosecution, and in default of immediate payment thereof he shall be committed to the County Jail or house of Correction not less than thirty days unless sooner discharged by the payment of such fine and costs.

(b) The evidence and pleadings shall be in accordance with Section 176.28 of the Wisconsin statutes and said Section 176.28 shall be held to apply to all persons whether licensed dealers or not.

**SECTION 14. Closing hours.** No premises for which a wholesale or retail liquor license has been issued shall be permitted to remain open for the sale of liquor:

- (1) If a wholesale license, between 5 P. M. and 8 A. M. except on Saturday when the closing hour shall be 9 P. M.
- (2) If a retail "Class A" license, between 9 P. M. and 8 A. M.
- (3) If a retail "Class B" license, between 1 A. M. and 8 A. M.
- (4) On any election day as provided in section 176.34.

or its agent or employee shall violate any of the provisions of this ordinance shall upon conviction thereof be punished as follows:

(a) If for a violation of any provision enacted by reference a penalty the same as provided by statute.

(b) If for selling intoxicating liquor without a license or permit, by a fine of not less than twenty-five dollars nor more than two hundred dollars, besides the costs; or, in lieu of such fines, by imprisonment in the county jail not less than three months nor more than one year, and in case of punishment by fine unless the fine and costs be paid forthwith be committed to the county jail until paid or until discharged by due course of law; and in case of a second or subsequent conviction by the same person during any year the punishment shall be both by fine and imprisonment.

(c) If for a violation of any other provision of this ordinance by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment, and any license issued shall be subject to revocation by the court which tried the violation or as provided for by section 18. In the event of conviction for a second offense under this ordinance or any conviction for a violation of chapter 139 of the Wisconsin Statutes any license which may have been issued by the town shall without notice be forthwith forfeited by the order of the court which tried the violation, and such court or the clerk thereof shall file a copy of such order in the office of the clerk of the said town from whom the license was obtained.

**SECTION 20. Severability Clause.** If any section, subsection sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would

deal and traffic in intoxicating liquors, only in original packages or containers, in quantities of not more than one wine gallon at any one time and to be consumed off the premises so licensed. The fee for such retail class "A" liquor license shall be One Hundred (\$100.00) Dollars per year.

(b) Retail Class "B" Liquor License. A retail class "B" liquor license when issued by the town clerk under authority of the Board of Supervisors shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed on the premises so licensed by the glass only, and not in the original package or container. The fee for such retail class "B" liquor license shall be Fifty (\$50.00) Dollars.

SECTION 4. Part Time Licenses. Licenses may be issued at any time for a period of six month in any calendar year for which one-half of the annual license fee shall be paid. Such six month licenses shall not be renewable during the calendar year in which issued.

SECTION 5. License Application. Application for a license to sell or deal in intoxicating liquor shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided by section 326.01 to 326.04 of the Wisconsin statutes and shall be filed with the town clerk not less than 15 days prior to the granting of such license. Every applicant for a license under section 176.05 shall file with the Town Clerk along with his application a surety bond to the State as required by section 176.10 of the Wisconsin statutes; or a cash bond in the amount of One Thousand (\$1000.00) Dollars, or in lieu of either of such bonds any security named in subsection (7) % of section 66.04 of the Wisconsin Statutes, all bonds to be approved by the Board of Supervisors.

Said application shall be accompanied by the cost of publication as stipulated by section 176.09 of the statutes.

SECTION 6. Restrictions.

(a) No license shall be granted to any person or persons who is not of good moral character and a full citizen of the United States and State of Wisconsin and who has not resided in this state continuously for at

the payment fee of the town treasurer of a permit fee of Ten (\$10.00) Dollars, issue to the applicant a permit which shall remain in force until the first day of July next after the granting thereof. Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid, and the name of the licensee.

SECTION 9. Posting. Every license and permit issued pursuant to this ordinance shall be posted while in force in a conspicuous place in the room or place where intoxicating liquors are kept for sale. It shall be unlawful for any person to post such license or permit, or to be permitted to post such, upon premises other than those mentioned in the application, or knowingly to deface or destroy such license or permit, or to remove such without the consent of the license or permit holder. Whenever a license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application shall be issued by the Town Clerk on satisfying himself as to the facts, upon payment of a fee of One (\$1.00) Dollar.

SECTION 10. Operator's License. An operator's license for retail class "A" premises pursuant to subsection (10) of section 66.05 of the statutes as required by subsection (11) of section 176.05 of the statutes may be issued by the Board of Supervisors to persons of good moral character who have been citizens of the United States and residents of Wisconsin continuously for not less than one year prior to the filing of said application. A written application shall be filed with the town clerk stating the name, residence, age and sex of the applicant together with such pertinent information as to fitness as the clerk shall require. Upon the approval of an application by the Board of Supervisors the town Clerk, shall, upon filing by the applicant of a receipt showing the payment to the town treasurer of a license fee of Two (\$2.00) Dollars issue to the applicant a license to expire on June 30 next ensuing.

SECTION 11. Blinds prohibited.

No premises licensed for the sale of intoxicating liquor shall, during the days they are required to close or

for the sale of liquor:  
(1) If a wholesale license, between 5 P. M. and 8 A. M. except on Saturday when the closing hour shall be 9 P. M.

(2) If a retail "Class A" license, between 9 P. M. and 8 A. M.  
(3) If a retail "Class B" license, between 1 A. M. and 8 A. M.  
(4) On any election day as provided in section 176.34.

(5) Hotels and restaurants whose principal business is the furnishing of food and or lodging to patrons shall be permitted to remain open for the conduct of their regular business but shall not be permitted to sell intoxicating liquors during the hours mentioned in subsection (3) and (4) of this section.

SECTION 15. Minors: Intoxicated persons:

(a) Sale To Minor or Intoxicated Person; Penalty.

Any keeper of any place of any name whatsoever for the sale of any intoxicating liquors who shall sell, vend, or in any way deal or traffic in, for the purpose of evading any law of this state relating to the sale of liquors, give away any such liquors in any quantity whatsoever to or with a minor, or to any person intoxicated or bordering on a state of intoxication, and any person whatever who shall procure for, or sell, or give away, to any minor, whether upon the written order of the parents or guardian of such minor or in any other manner whatsoever, or to any intoxicated person, any such liquors shall be punished by a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail or house of correction not to exceed thirty days or both such fine and imprisonment.  
(b) Minor, Seventeen Or Under. Where the offense is that of selling intoxicating liquor to a minor seven-teen years of age or under, the guilty person shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail or house of correction not less than five days nor more than eight months, and in all cases of conviction for a second or any subsequent offense by such imprisonment only.

SECTION 16. Sale On Election Day.

If any person shall sell, give away, or barter any intoxicating

copy of such order in the office of the clerk of the said town from the license was obtained.

SECTION 20. Severability Clause.

If any section, subsection sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 21. Any ordinance or part of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 22. This ordinance shall take effect upon passage and publication.

Passed and adopted by the Board of Supervisors of the town of Stockbridge, State of Wisconsin, at a Special meeting thereof held in said township in the Town Hall, on the 14th day of June, A. D., 1934.  
Dated this 14th day of June, A. D., 1934.

George Schomisch, Town Clerk.

State of Wisconsin ) ss.  
County of Calumet )

I, Geo. Schomisch, Town Clerk of the Town of Stockbridge, Calumet County, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the original ordinance number 2 licensing and regulating the sale of intoxicating liquors within the Town of Stockbridge, Calumet County, Wisconsin, passed and adopted by the Board of Supervisors of said Town on the 14th day of June, A. D., 1934.  
George Schomisch, Town Clerk.

SECTION 6. Restrictions.

(a) No license shall be granted to any person or persons who is not of good moral character and a full citizen of the United States and State of Wisconsin and who has not resided in this state continuously for at least one year prior to the date of the filing of the application; nor shall any license be issued to any person who has habitually been a petty law offender, or has been convicted of an offense against the laws of the state punishable by imprisonment in the state prison, unless the person so committed has been duly pardoned.

The provisions of this section shall not apply to a Wisconsin Corporation but such provisions shall apply to all officers and directors of any such corporation.

(b) No license shall be granted to any person under twenty one years of age.

(c) No class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations of the State Board of Health governing sanitation in restaurants.

(d) No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Township are delinquent and unpaid.

(e) Whenever any license shall be revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve months shall elapse before any other license shall be granted to the person whose license was revoked.

SECTION 7. Granting of License. Opportunity shall be given by the Board of Supervisors to any person to be heard for or against the granting of any license. The Board of Supervisors shall meet and be in session on the third Monday of June of each year, at 7:30 p. m., and from day to day thereafter, so long as it may be necessary, for the purpose of acting

Two (\$2.00) Dollars issue to the applicant a license to expire on June 30 next ensuing.

SECTION 11. Blinds prohibited. No premises licensed for the sale of intoxicating liquor shall, during the days they are required to close or during the hours in which the sale of liquor is prohibited, obstruct by the use of curtains, blinds, screens or in any other manner, a full and complete view of the interior from the outside. During the hours in which the sale of intoxicating liquor is permitted the premises shall be properly and adequately lighted, and all windows in the front of any licensed premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk, and there shall be no screens or curtains in front of any booth which shall obstruct the view of said room from the general observation of persons.

SECTION 12. Liquor: Sale Forbidden: To Whom.

(a) When any person shall, be excessive drinking of intoxicating liquors, misspend, waste, or lessen his estate so as to expose himself or family to want, or the town to which he belongs to liability for the support of himself or family, or so as thereby to injure his health, endanger the loss thereof, or to endanger the personal safety of any other person or when any person shall, on account of the use of intoxicating liquors, become dangerous to the peace of the said town, the wife of such person or the supervisors of said town, or any one of them, may, in writing signed by her, him or them, forbid all persons knowingly to sell or give away of any such liquors knowingly to such person by any person in said town, to which such person may resort for the same. A copy of said writing so signed shall be personally served upon the person so intended to be prohibited from obtaining any such liquor.

(b) And the wife of said person or the Supervisors of said town, may,

days nor more than eight months, and in all cases of conviction for a second or any subsequent offense by such imprisonment only.

SECTION 16. Sale On Election Day. If any person shall sell, give away, or barter any intoxicating liquors, on the day of the annual spring election, the biennial fall election, special election, or primary election, until after the polls at any such election are closed, such person so offending shall be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment in the county jail or house of correction not to exceed thirty days, or by both such fine and imprisonment.

SECTION 17. Employment of Females. No females shall be employed by any licensee on premises licensed under this ordinance, either as an employee or otherwise, in the sale or distribution, directly or indirectly of intoxicating liquors, except that this section shall not apply to a female licensee or the wife of a licensee, it being the intention of this section that the services of females on licensed premises hereunder shall not be used for the purpose of encouraging or causing the transfer, gift, barter or exchange of intoxicating liquor.

SECTION 18. A violation of this ordinance by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this ordinance shall violate any portion of the ordinance or any regulation adopted pursuant thereto, proceedings for the revocation of said license or permit may be instituted in the manner and under the procedure established by sections 176.11 and 176.12 of the Wisconsin Statutes, and the provision therein relating to granting a new license shall likewise be applicable.

SECTION 19. Penalty. Any person who himself or itself or by his

7-14-1934

# Town of Stockbridge Ordinance

## ORDINANCE NO. 1.

To license and regulate the sale of Fermented Malt Beverages within the Town of Stockbridge, County of Calumet, State of Wisconsin.

The Board of Supervisors of the Town of Stockbridge, do ordain as follows:

SECTION 1. The provision of Chapter 66.05 (10) of the Wisconsin Statutes being chapter 207 of the Laws of the Regular Session of 1933, and also all acts amendatory thereof and supplementary thereto, relating to the sale of fermented malt beverages, are adopted as a portion of this ordinance so far as applicable, except as otherwise lawfully provided by town ordinance.

SECTION 2. No person shall sell, barter, exchange, offer for sale, or have in possession with intent to sell, deal, or traffic, in fermented malt beverages without having procured a license as provided in this ordinance, nor without complying with all the provisions of this ordinance, and all statutes, ordinances and regulations applicable thereto.

SECTION 3. License Fees. There shall be two classes of licenses.

(a) Class "A" Retailers' License. Class "A" retailers' licenses shall be issued only to domestic corporations or to persons of good moral character who shall have resided in this state continuously for not less than one year prior to the date of the filing of application for said license. Said license shall authorize sales of fermented malt beverages only for consumption away from the premises when sold and in the original packages, containers, or bottles and unrefrigerated. The license fee for such retail Class "A" license shall be Ten (\$10.00) Dollars.

(b) Class "B" Retailers' Licenses. Class "B" retailers' licenses shall be issued only to persons of good moral characters, who shall be citizens of the United States, and of the State of Wisconsin, one year prior to the date of the filing of the application. No such licenses shall be granted for any premises where any other business shall be conducted, in connection with said licensed premises except that such restriction shall not apply to a hotel or to a restaurant, not a part of or located in any mercantile establishment, or to a combination grocery store and tavern, or to a bowling alley, or recreation premises or to a bona fide club, society or lodge that shall have been in existence for not less than six months prior to date of filing application for such license. Not more than two class "B" licenses shall be issued in the state to any one person; The license fee for such retail Class "B" license shall be Twenty-five (\$25.00) Dollars.

SECTION 4. Part Time Licenses. Licenses may be issued at any time

approved by the Board of Supervisors.

## SECTION 6. Restrictions.

(a) No fermented malt beverages shall be sold or consumed upon any licensed premises during one A. M. and six A. M.

(b) No fermented malt beverages shall be sold to any person under the age of eighteen years unless accompanied by parent or guardian.

(c) No fermented malt beverages shall be sold to any person who is intoxicated.

(d) No person licensed under this ordinance shall use the word saloon upon any sign or advertising or as a designation of any premises in or upon which fermented malt beverages are sold or kept for sale.

## SECTION 7. Operators License.

The Board of Supervisors upon written application providing the person is of good moral character, who shall have been a good citizen of the United States and resident of this state continuously for not less than one year prior to the date of the filing of the application. Such license shall be operated only within the limits of the town of Stockbridge. The license fee shall be Two (\$2.00) Dollars, issued for one year and shall expire on the thirtieth day of June, of each calendar year.

## SECTION 8. Penalties.

(a) Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term of not more than ninety days, or by both such fine and imprisonment and his license shall be subject to revocation.

(b) In the event that such person shall be convicted of a second offense, such offender, in addition to the penalties herein provided, shall forthwith forfeit any license issued to him with further notice, and no license shall thereafter be granted to such person for a period of one year from the date of such forfeiture.

SECTION 9. Any ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 10. This ordinance shall take effect upon passage and publication.

Passed and adopted by the Board of Supervisors of the Town of Stockbridge, State of Wisconsin, at a special meeting thereof held in said township, in the Town Hall, on the 14th day of June, A. D., 1934.

Dated this 14th day of June, A. D. 1934.

Geo. Schomisch, Town Clerk.

State of Wisconsin ) ss.  
County of Calumet )

I, Geo. Schomisch, Town Clerk of the Town of Stockbridge, Calumet

portion of this ordinance so far as applicable, except as otherwise lawfully provided by town ordinance.

SECTION 2. No person shall sell, barter, exchange, offer for sale, or have in possession with intent to sell, deal, or traffic, in fermented malt beverages without having procured a license as provided in this ordinance, nor without complying with all the provisions of this ordinance, and all statutes, ordinances and regulations applicable thereto.

SECTION 3. License Fees. There shall be two classes of licenses.

(a) Class "A" Retailers' License. Class "A" retailers' licenses shall be issued only to domestic corporations or to persons of good moral character who shall have resided in this state continuously for not less than one year prior to the date of the filing of application for said license. Said license shall authorize sales of fermented malt beverages only for consumption away from the premises when sold and in the original packages, containers, or bottles and unrefrigerated. The license fee for such retail Class "A" license shall be Ten (\$10.00) Dollars.

(b) Class "B" Retailers' Licenses. Class "B" retailers' licenses shall be issued only to persons of good moral characters, who shall be citizens of the United States, and of the State of Wisconsin, one year prior to the date of the filing of the application. No such licenses shall be granted for any premises where any other business shall be conducted, in connection with said licensed premises except that such restriction shall not apply to a hotel or to a restaurant, not a part of or located in any mercantile establishment, or to a combination grocery store and tavern, or to a bowling alley, or recreation premises or to a bona fide club, society or lodge that shall have been in existence for not less than six months prior to date of filing application for such license. Not more than two class "B" licenses shall be issued in the state to any one person; The license fee for such retail Class "B" license shall be Twenty-five (\$25.00) Dollars.

SECTION 4. Part Time Licenses. Licenses may be issued at any time for a period of six months in any calendar year for which one-half of the license fee shall be paid. Such six months' license shall not be renewable during the calendar year in which issued.

SECTION 5. License Application. Application for a license to sell or deal in fermented malt beverages shall be made in writing on the form prescribed by law and shall be filed with the town clerk accompanied by a bond in the amount of Two Hundred Fifty (\$250.00) Dollars to be

designated on any premises upon which fermented malt beverages are sold or kept for sale.

SECTION 7. Operators License. The Board of Supervisors upon written application providing the person is of good moral character, who shall have been a good citizen of the United States and resident of this state continuously for not less than one year prior to the date of the filing of the application. Such license shall be operated only within the limits of the town of Stockbridge. The license fee shall be Two (\$2.00) Dollars, issued for one year and shall expire on the thirtieth day of June, of each calendar year.

SECTION 8. Penalties.

(a) Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term of not more than ninety days, or by both such fine and imprisonment and his license shall be subject to revocation.

(b) In the event that such person shall be convicted of a second offense, such offender, in addition to the penalties herein provided, shall forthwith forfeit any license issued to him with further notice, and no license shall thereafter be granted to such person for a period of one year from the date of such forfeiture.

SECTION 9. Any ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 10. This ordinance shall take effect upon passage and publication.

Passed and adopted by the Board of Supervisors of the Town of Stockbridge, State of Wisconsin, at a special meeting thereof held in said township, in the Town Hall, on the 14th day of June, A. D., 1934.

Dated this 14th day of June, A. D. 1934.

Geo. Schomisch, Town Clerk.

State of Wisconsin ) ss.  
County of Calumet )

I, Geo. Schomisch, Town Clerk of the Town of Stockbridge, Calumet County, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Town Ordinance regulating the sale and licensing of Fermented Malt Beverages within the Town of Stockbridge, Calumet County, Wisconsin, as passed by the Board of Supervisors of the Town of Stockbridge, at a special meeting held in the Town Hall in the Town of Stockbridge, Calumet County Wisconsin on the 14th day of June, A. D., 1934.

Geo. Schomisch, Town Clerk.