

ORDINANCE NO. 46

ALCOHOL BEVERAGES AND LICENSES

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 46 is hereby repealed and recreated as Ordinance No. 46.

Section 1. State Laws Adopted.

The Statutory provisions describing and defining regulations with respect to Alcohol Beverages Chapter 125 of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Ordinance.

Whenever this Ordinance incorporates by reference specific sections of the Wisconsin Statutes or generally refers to them, such reference shall mean the Wisconsin Statutes of 1989, as from time to time amended, repealed, or modified by the Wisconsin Legislature.

Section 2. Building, Health, and Sanitation Rules.

Each licensed premises shall be kept and operated in a safe and sanitary manner, in strict accordance with all rules and regulations of the Wisconsin Departments of Health and Social Services and Industry, Labor, and Human Relations which are applicable to the licensed premises in question. All such applicable rules and regulation shall have the same force as if fully set forth herein, and infractions thereof shall subject the license to possible revocation, suspension, or nonrenewal as provided in Section 3, below.

Section 3. Nonrenewal, Suspension, or Revocation.

- A. Nonrenewal, Suspension, or Revocation for Violations of Law. Any license granted by the Town, pursuant to the authority of Chapter 125 of the Wisconsin Statutes, may be revoked or suspended, or shall be subject to nonrenewal, if the holder or applicant, as the case may be, has violated any of the regulatory provisions of Chapter 125, Wisconsin Statutes, or of any Town Ordinances regulating the sale of alcohol beverages.
- B. Nonrenewal or Revocation for Nonuse. Any license granted by the Town, pursuant to the authority of Chapter 125 of the Wisconsin Statutes, may be revoked, or shall be grounds for nonrenewal, if the said license is not used within one hundred eighty (180) days after its issuance, or its usage is discontinued for a period of one hundred eighty (180) days or more.
- C. Procedure. The procedure for revocations, suspensions, or refusals to issue or renew shall be as set forth in Chapter 125 of the Wisconsin Statutes.

Section 4. Penalties.

The penalty for violation of any provision of this Ordinance shall be a forfeiture and shall conform to the forfeiture for a violation of the comparable State offense, including any variations or increases for a second offense, together with any costs for prosecution thereof and in default of payment of such forfeiture and costs of prosecution, the defendant shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed ninety (90) days.

Section 5. Severability.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance, or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 6. Severability.

If any Section, Subsection, Sentence, Clause or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declare that they would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 7. Effective Date.

The passage of the Ordinance herein shall take effect on January 1, 1992.

Adopted this 5th day of September, 1991.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Richard Ploch, Chairman (Signature on File)

Kenneth W. Piantino, Supervisor (Signature on File)

Richard P. Behof, Supervisor (Signature on File)

ATTEST:

Phyllis Schinke, Clerk (Signature on File)