

**TOWN OF DEWHURST ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR REGULATION OF INTOXICATING LIQUOR  
AND FERMENTED MALT BEVERAGES**

**Article I.** The Town Board of the Town of Dewhurst, Clark County, Wisconsin do ordain as follows:

Chapter 100 of the Town of Dewhurst Ordinances is hereby created to read as follows:

**Section 100.01** Ordinance Title. “The Regulation of Intoxicating Liquor and Fermented Malt Beverages in the Town of Dewhurst.”

**Section 100.02** Adoption of Chapter 125 Wisconsin Statutes. The provisions of Chapter 125, Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, and any subsequent amendments, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made a part of this chapter by reference.

**Section 100.03** License Fees. The fees for licenses to be issued by the Town pursuant to Chapter 125, Wisconsin Statutes shall be set by the Town Board by Resolution.

**Section 100.04** Closure, Discontinued Use, and/or Non-Use of “Class B” License. Town of Dewhurst businesses rely heavily on tourism dollars during the summer season of Memorial Day through Labor Day each year. Because of the statutorily imposed quota on the number of “Class B” licenses available for issuance by the Town, the Town desires that all such “Class B” licenses are used by business that are open to the public on a “full time” basis from Memorial Day to Labor Day each year. Therefore, in addition to other provisions of this Ordinance and Chapter 125, Wisconsin Statutes, the following may constitute grounds to deny, suspend, not renew, or revoke a “Class B” license under this Ordinance:

i. Closing of the premises, to which a “Class B” license has been issued, with such closure being for thirty (30) or more consecutive days between Memorial Day and Labor Day in any year. Exempt from this subsection is a closure due to fire, or other casualty, which renders the premises unsafe or unfit to remain open so long as the owner of the premises provides the Town with a plan and timeline for repairs and reopening which do not exceed sixty (60) days post the initial closure.

ii. Failure of the premises, to which a “Class B” license has been issued, to be open to the general public during at least four (4) days per calendar week for a minimum of eight (8) hours per day, during the period beginning on Memorial Day and ending on Labor Day each year. During all such required open times, the premises must be offering for sale the items which require the “Class B” licensure in the first place. Failure to be open for the required minimum days and/or

minimum hours (or a combination of both) on more than five (5) separate times during said period is prima facie evidence that said licensee is in violation of this ordinance.

iii. Other non-use of a “Class B” license subsequent to the granting of a “Class B” license between Memorial Day and Labor Day each year which, in the discretion of the Town Board, is detrimental to the overall welfare of the other businesses in the Town, including intermittent use or other use of the “Class B” license that contravenes the intent of this Section 100.04.

iv. Any other violation of this Chapter.

**Section 100.05** The terms Closure, Non-use, and/or Discontinued Use shall be liberally interpreted under this Ordinance, but shall include the failure of a “Class B” licensee to offer for sale to the general public the items which require said “Class B” licensure in the first place during those minimum times when this ordinance requires the premises to be open to the general public.

**Article II.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

**Article III.** Effective Date. This ordinance becomes effective upon passage and publication as required by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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\_\_\_\_\_

Attest:

\_\_\_\_\_

Town Clerk

PASSED:

POSTED: