

**TOWN OF CATO, MANITOWOC COUNTY, WI**  
**ORDINANCE NO. 2004-01**  
**AN ORDINANCE TO CREATE LOCAL REGULATIONS REGARDING**  
**LICENSES TO SELL ALCOHOLIC BEVERAGES**

WHEREAS, the Town of Cato Town Board intends to establish a demerit point system for purposes of guiding the Town Board and the licensee of an alcohol beverage license issued by the Town Board; and

WHEREAS, this Ordinance is adopted pursuant to the authority of the Town Board under Section 60.22, Wis. Stat., as a municipal regulation adopted under Section 125.10 Wis. Stat., in the interest of public health, welfare, and safety;

NOW, THEREFORE, the Town Board of the Town of Cato do ordain as follows:

1. Demerit Point System.

(a) There is hereby established a demerit point system for the purpose of guiding the Town Board in the suspension or revocation of alcoholic beverage licenses. The number of demerit points provided herein is assigned according to the type of violation. This point system is intended to identify liquor licensees who repeatedly violate State statutes and/or local ordinances, and to ensure that consistent action is taken in response to those violations. The statutes and ordinances referred to with the violations are by example only. All other statutes and ordinances and amendments thereto which include the violation listed are incorporated herein by reference.

(b) There is hereby assigned the following demerit points for each type of violation:

| <u>Type of Violation</u>  | <u>Wisconsin Statutes<br/>Number or Local<br/>Ordinance</u>       | <u>Demerit Points<br/>(Each Incident)</u> |
|---|---|---|
| 1. Sale to person under age 21  | 125.07  | 40  |
| 2. False statement on application   | 125.04  | 70  |
| 3. Failure to hold a license  | 125.04(1), 125.09,<br>and 125.66                                  | 100                                       |
| 4. Unauthorized transfer/use of license   | 125.04  | 90  |
| 5. No licensed bartender on premises  | 125.32 and 125.68   | 40  |
| 6. Open after closing hour  | 125.32, 125.68,<br>Section 6.29<br>Manitowoc County<br>Ordinances | 50  |
| 7. Sales after closing hour   | 125.32, 125.68,<br>Section 6.29<br>Manitowoc County<br>Ordinances | 50  |
| 8. Refusal to allow police to search premises or to cooperate with lawful police investigation                          | Section 6.30,<br>Manitowoc County<br>Ordinances                   | 125                                       |
| 9. Unlicensed employee in charge of premises  | 125.32 and 125.68   | 75  |
| 10. Failure to display license  | 125.04  | 25  |
| 11. Licensee/owner/employee selling controlled substances   | 961.41  | 150                                       |
| 12. Illegal drug paraphernalia on premises  | 961.573   | 100                                       |
| 13. Other violations including failure to maintain order, disorderly conduct, exceed capacity, exceed noise level, etc. | Sections 6.19 and<br>6.24, Manitowoc<br>County Ordinances         | 45  |
| 14. Open intoxicants outside of licensed premises   | 125.04, 125.32, and<br>125.68                                     | 40  |

15. Penalty enhancer of 50 Demerit points is imposed for certain offenses:
- (a) Enhanced penalty for conduct which (1) results in bodily harm to any individual; (2) creates a substantial risk of death or bodily harm; (3) involves the use a firearm or other dangerous weapon; or (4) demonstrates an ongoing disregard for the requirements of State law or municipal ordinances; and (b) Enhanced penalty for two or more convictions of the same violation within 12-month period.

(c) In determining the accumulated demerit points, the date of the violation is used as the basis for assigning demerit points per incident. Points shall be assigned only after conviction for violations.

(d) The Manitowoc County Sheriff's Department and the Town of Cato Constable shall notify the Town Clerk of any convictions, which would result in the assessment of demerit points against any licensee under the terms of this ordinance. The Town Clerk shall also make inquiry from time to time of the applicable law enforcement agencies regarding any such convictions. The Town Clerk shall notify the Town Board with any information. The Town Board shall determine the number of demerit points to be assessed against the licensee.

(c) The following shall apply for any assessment of demerit points:

- (1) For demerit points totaling 25-149 within a 12-month period, a warning shall be issued advising the licensee of the consequences of additional violations.
- (2) For demerit points totaling 150-199 within a 12-month period, suspension of the license for not less than 7 days nor more than 90 days.
- (3) For demerit points totaling 200 or more within an 18-month period, revocation of the license. Whenever any license is revoked, at least six (6) months from the time of such revocation shall elapse before

another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

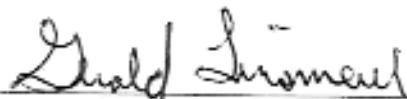
(e) Notwithstanding the terms of this Ordinance, nothing contained herein shall be construed or interpreted to be in conflict with or modify the statutory procedures pertaining to revocations, suspensions, refusals to issue, or renew licenses as set forth in Section 125.12, Wis. Stat. or other applicable statutes.

2. Severability. The terms of this Ordinance are severable. In the event any part or portion of this Ordinance is found to be unconstitutional or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall continue to remain in full force and effect.

3. Effective Date. This ordinance shall be effective upon adoption and posting according to law.

Adopted 2nd day of August, 2004.

TOWN OF CATO TOWN BOARD

  
By: Gerald Linsmeier, Chairman

  
By: Mary Muench, Clerk