

**TOWN OF GRAND CHUTE  
OUTAGAMIE COUNTY, WISCONSIN  
O-04-2024**

AN ORDINANCE OF THE TOWN BOARD OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN AMENDING EXISTING CHAPTER 335 PERTAINING TO CLASSES OF LICENSES.

**WHEREAS**, under the current version of Chapter 335 of the Grand Chute Municipal Code, the Town has not elected to operate under Wis. Stat. §125.51(3)(b) which would, if elected, allow for the authorized sale of intoxicating liquor in the original package or container, in any quantity, to be consumed on or off the premises where sold; and

**WHEREAS**, under the current version of Chapter 335 of the Grand Chute Municipal Code, the Town operates under the statutory default provision of Wis. Stat. §125.51(3)(a), which limits sales for off-premises consumption to wine only; and

**WHEREAS**, the current version of Chapter 335 of the Grand Chute Municipal Code effectively requires sellers of intoxicating liquor within the Town to choose between operating as a tavern under a Retail Class B License or a liquor store under a Retail Class A license; and

**WHEREAS**, the Town Board wishes to come under Wis. Stat. §125.51(3)(b) by making said election and by amending Grand Chute Municipal Code Section 335-3 in the form attached hereto, such that all holders of a Retail Class B License, whether predominantly operating as a tavern or liquor store, may sell intoxicating liquor for consumption on the premises where sold or off the premises where sold; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin:

- 1) That the Town of Grand Chute hereby elects to come under Wis. Stat. §125.51(3)(b).
- 2) Chapter 335-3 of the Code of General Ordinances is hereby amended as shown in Exhibit "A".


If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, to the extent it can be given effect without the invalid or unconstitutional provision, or its application.


This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Dated this 16<sup>th</sup> day of April, 2024.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the Town Board with a quorum present at a properly noticed meeting.

Town of Grand Chute

  
By: Jason Van Laperen  
Town Chair

  
Attest: Kayla Raatz  
Town Clerk

### § 335-3 **Classes of licenses.**

There shall be the following classes and designations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee as prescribed in the Town Fee Schedule, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in §§ 125.25(1), 125.26(1), (5) and (6) and 125.51~~(4)~~, ~~(3)(a)~~ and ~~(9)(a)~~, Wis. Stats. The Town specifically elects by Ordinance to come under Wis. Stat. §125.51(3)(b).

**A.**

Class "A" fermented malt beverage retailer's license.

**B.**

Class "B" fermented malt beverage retailer's license under § 125.26(1), Wis. Stats.

**C.**

Retail "Class A" liquor license under § 125.51(2), Wis. Stats.

**D.**

Retail "Class B" liquor license under § 125.51(3), Wis. Stats.

**E.**

Reserve "Class B" license pursuant to § 125.51(4)(a)4 and (br), Wis. Stats.

**F.**

"Class C" wine license under § 125.51 (3m)~~(b)~~, Wis. Stats.

**G.**

Part-time or semiannual liquor licenses shall be issued pursuant to §§ 125.26(5) and 125.51(9)(b), Wis. Stats.

**H.**

Provisional retail licenses may be issued by the Town Clerk only to a person who has applied for a Class "A," Class "B," "Class A," "Class B" or "Class C" license who meets the residency requirements of the State of Wisconsin. A provisional retail license expires 60 days after issuance. Provisional retail licenses may not be issued if the municipality quota under § 125.51(4), Wis. Stats., prohibits the municipality from issuing a "Class B" license. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

