

ALCOHOL CONTROL ORDINANCE
Ord. 2015-003

STATE OF WISCONSIN
Town of Cassian, Oneida County

SECTION I -TITLE AND PURPOSE

The Town Board of Supervisors of the Town of Cassian, Oneida County, Wisconsin finds that it is in the best interest of the public to regulate the sale and use of alcoholic beverages within the Town. Further the adoption of this ordinance for such regulation will promote government and good order of the Town for its commercial benefit, and for the health, safety, welfare and convenience of the public.

SECTION II-AUTHORITY

The Town Board has the authority under s. 125.10, Wis. stats., and under its village powers under s. 60.22 (3), Wis. stats., to regulate the sale at retail or wholesale of alcoholic beverages at premises in the Town, to the extent that Town regulations are not in conflict with state statutes, specifically including the regulation of underage and intoxicated persons at alcohol beverage retail sale licensed premises in the town and the issuance, renewal , revocation, suspension, and regulation of alcohol retail sale or wholesale sale, licenses, or permits, along with the penalties for violations of this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The Town Board, by this ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of actions and activities at or near alcohol retail sales premises located in the Town and for regulatory and enforcement authority noted in this ordinance.

SECTION IV -DEFINITIONS

- A. "Alcohol beverages" means fermented malt beverages, wine, and intoxicating liquor.
- B. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I to V of subchapter II of chapter 961, Wis. stats.
- C. "Fermented malt beverage" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without un-malted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
- D. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.
- E. "Intoxicating liquor" means all ardent, spirituous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, that are beverages, but does not include fermented malt beverages that contain less than 5% of alcohol by weight.
- F. "Legal drinking age" means 21 years of age.
- G. "License" means an authorization to sell alcohol beverages at retail or wholesale issued by the Town Board or its agent under this ordinance.
- H. "Licensee" means any person issued a license under this ordinance and chapter 125, Wis. stats. by the Town.
- I. "Permit" means any permit issued by the Town under this ordinance.

- J. "Permittee" means any person issued a permit by the Town under this ordinance.
- K. "Person" means a natural person, sole proprietorship, partnership, limited liability, company, corporation, association, or the owner of a single-owner entity that is disregarded as a separate entity under chapter 71, Wis. stats.
- L. "Premises" means the area described in a license or permit.
- M. "Regulation" means any rule or ordinance adopted by a municipal governing body.
- N. "Retail" means the sale of any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and chapter 125, Wis. stats. "Retailer" means any person who sells, or offers for sale, any alcohol beverages in the Town to any person other than a person holding a permit or a license under this ordinance and chapter 125, Wis. stats
- O. "Sell," "sold," "sale," or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme, or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.
- P. "Tavern" means any premises at which fermented malt beverages or intoxicating liquor are sold for consumption upon said premises.
- Q. "Town" means the Town of Cassian, Oneida County, Wisconsin.
- R. "Town Board" means the Board of Supervisors for the Town of Cassian, Oneida County, Wisconsin, and includes designees of the Board authorized to act for the Board.
- S. "Town Clerk" means the Clerk of the Town of Cassian, Oneida County, Wisconsin.
- T. "Town Chairperson" means the Chairperson of the Town of Cassian, Oneida County, Wisconsin.
- U. "Under the influence" means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition that is the result of indulging to any degree in alcohol beverages and that tends to deprive a person of the clearness of intellect and control of himself or herself that he or she would otherwise possess.
- V. "Underage person" means a person who has not attained the legal drinking age.
- W. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.
- X. "Wholesale" means the sale, other than by a brewer, manufacturer, or rectifier, of alcohol beverages to a licensed retailer in the town or to another person who holds a permit or license to sell alcohol beverages in the town at wholesale.
- Y. "Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits, or other agricultural products, imitation wine, and compounds sold as wine, vermouth, cider, perry, mead, and sake, if such products contain 0.5% or more of alcohol by volume.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph" or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - TYPES OF LICENSES AND DESCRIPTIONS

A. Provisional Retail Licenses

1. The Provisional Retail License may be issued only to a person applying for a "Class A" beer, "Class B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine.
2. The Town Clerk of the Town of Cassian may issue the Provisional Retail License upon licensee meeting all the requirements for approval by the Town Board of the Town of Cassian.
3. The license will expire 60 days after issuance or when the person has been issued a license as listed under 1. The official who issued the provisional retail license may revoke the license if he or she discovers the holder made a false statement on the application.
4. The municipality may not issue a provisional "Class B" liquor license if the municipality's quota is filled.
5. No person may hold more than one provisional retail license for each type of license applied for by the holder per year

B. Class "A" Fermented Malt Beverage License

1. Authorizes the retail sale of beer and beer-based coolers, in the original sealed container, for consumption off the licensed premises.
2. No sales to other licensees for resale.
3. May sell in any quantity to the public
4. No beer sales between 12 midnight and 6:00 a.m.
5. Local ordinance may further restrict these hours
6. May furnish customers with two 3 fluid ounce taste samples of beer between 11:00 a.m. and 7:00 p.m.

C. "Class A" Liquor License

1. Authorizes the retail sale of liquor and wine, in the original sealed container, for consumption off the licensed premises.
2. No sales to other licensees for resale.
3. May sell in any quantity to the public
4. May not sell intoxicating liquor and wine between 9:00 p.m. and 6:00 a.m.
5. Local ordinance may further restrict these hours.
6. May furnish customers with two - 3 fluid ounce taste samples of wine between 11:00 a.m. and 7:00 p.m.

D. Class "B" Fermented Malt Beverage License

1. Authorizes the retail sale of beer and beer-based coolers for consumption on the license premises and for consumption off the licensed premises.
2. No sales to other licensees for resale.
3. May sell in any quantity to the public
4. Must be closed between the following hours:
 - a. Monday-Friday - 2:00 a.m. to 6:00 a.m.
 - b. Saturday-Sunday - 2:30 a.m. to 6:00 a.m.
 - c. Second Sunday in March - 3:30 a.m. to 6:00 a.m.
 - d. Daylight Savings time ends the first Sunday in November and closing time goes back to 2:30 a.m.
 - e. New Year's Eve - no closing required
 - f. Local municipalities may NOT further restrict the closing hours
5. No off-premises sales between 12:00 midnight -6:00 a.m. Local ordinance may further restrict these hours

E. "Class B" Liquor License

1. Authorizes the retail sale of liquor by the drink for consumption on the licensed premises and (if allowed by local ordinance) in the original sealed container for off- premises consumption. A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.
2. No sales to other licensees for resale
3. Off-premises sales of liquor, when permitted by local ordinance, limited 4 liters or less
4. Wine may be sold in the original package, in any quantity, for on and off-premises consumption.
5. Closing hours the same as Class "B" License above.
6. A winery that has a "Class B" (wine only) license issued under s.125.51(3)(am) must close between 9:00 p.m. and 8:00 a.m.

F. "Class C" Wine License

1. Authorizes the retail sale of wine by the glass or in an opened original container for consumption on premises only.
2. A single open bottle of wine may be taken off premise if ordered with a meal and re- corked prior to being taken off premise.
3. No sales to other licensees for resale.
4. Closing hours the same as Class "B" License above.

G. Temporary Class B (Picnic) Beer and Wine Licenses

1. May be issued only to "bona fide" clubs, fair associations or agricultural societies, churches, lodges or societies that have been in existence for at least six months, and to veterans' organizations
2. Allow sales -Temporary Class "B" (picnic) beer license – sale or service of fermented malt beverages. Temporary "Class B" (picnic) wine license – sale or service of wine. A licensee must hold both licenses to sell beer and wine at the same event.
3. The Town of Cassian may delegate the authority to issue picnic beer and wine licenses to a municipal official (e.g. the Clerk) or body.
4. Not more than two temporary "Class B" (picnic) wine licenses may be issued to an eligible organization in any 12-month period.

OPERATOR'S LICENSE:

Every municipal governing body shall issue an operator's license to any applicant who is qualified under s. 125.04 (5) . Operators' licenses may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s.125.06 (3g). Operators' licenses may be issued only upon written application. Operators' licenses are valid only within the issuing municipality.

A license shall be valid for one year (or less based on when applied for), and shall expire on June 30.

Application for a license to sell or deal in alcohol beverages shall be made in writing on the form prescribed by s.125.04(3), Wis. Stats., and shall be filed together with the cost of publication as provided by s.125.04(3)(g)6., Wis. Stats., with the Town Clerk not less than 15 days prior to the granting of the license. However, applications for licenses to be issued under s.125.26(6) and 125.51(4m), Wis. Stats., shall be filed with the Clerk not less than 3 days prior to the granting of the license. Further, as a condition of granting a liquor license or an operator's license, the applicant shall permit the Town to secure from the Oneida County Sherriff's Department and the Wisconsin Crime Information Bureau a record check of the applicant. No license shall be issued until fees have been paid.

TEMPORARY LICENSES.

Any municipal governing body may issue a temporary operator's license under the terms of subs. (1) to (3), except that:

- (a) This license may be issued only to operators employed by, or donating their services to, nonprofit organizations.
- (b) No person may hold more than one license of this kind per year.
- (c) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

PROVISIONAL LICENSE.

A municipal governing body that issues operators' licenses shall issue provisional operators' licenses to a person who, at the time of application for an operator's license and payment of the fee under, files a certified copy of a valid operator's license issued by another municipality. A provisional license may not be issued to any person who has been denied a license by the municipal governing body.

The municipal governing body shall establish the fee for a provisional license. The fee may not exceed \$15.

A provisional license expires 60 days after its issuance or when a license is issued to the holder, whichever is sooner. A provisional license issued expires as provided or upon expiration of the operator's license issued by another municipality and filed whichever is sooner.

The official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application or determines that the operator's license issued by another municipality and filed is not valid or upon denial of the person's application for an operator's license.

TRAINING COURSE.

No operator's license may be issued unless the applicant has successfully completed a responsible beverage server training course at: any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board, or unless the applicant fulfills one of the following requirements:

- 1 The person is renewing an operator's license.
- 2 Within the past 2 years, the person held a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.
- 3 Within the past 2 years, the person has completed such a training course.

A municipal governing body shall issue a provisional operator's license to a person who is enrolled in a training course and who meets the standards established by the municipality by ordinance, if any. The municipal governing body shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

TOBACCO LICENSE.

1. No person shall sell cigarettes in the Town without first obtaining a license from the Town Clerk. The Provisions s. 134.65 through 134.66, Wis. Stats., dated May 10, 2014 are hereby adopted and made part of this section by reference.

2. License Fee. The license fee shall be per fee schedule.

NOTICE -With limited exceptions, all retailers of alcohol beverages may only sell to consumers who are physically at the licensed premises.

With the privilege of serving alcohol also comes with it the RESPONSIBILITY of complying with state law and local ordinances. Failure to do so subjects licensees to criminal and civil penalties.

See Town of Cassian Schedule of Fees and Penalties for License and Permit fees.

SECTION VII: DISCIPLINE: HEARING PROCESS

- A. In the event any alcohol beverage retail or wholesale sale licensee or permittee violates this ordinance or chapter 125, Wis. stats., the Town Board may take disciplinary action, including permit or license suspension for not less than 10 or more than 90 days, or permit or license revocation or nonrenewal. Any license or permit that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken by the Town Board shall follow notice to the licensee or permittee prior to a hearing in accordance with subsection B. The hearing notice shall include the reason for the hearing. The hearing decision of the Town Board shall be sent by first class mail to the licensee's last known address, or personally served, at the Town chairperson's option.
- B. In the event disciplinary action is taken against an alcohol beverage retail or wholesale sale licensee or permittee, the procedure mandated under s. 125.12, Wis. stats., or its successor, will be followed.
- C. There shall be no refund of any alcohol beverage retail or wholesale sale license or permit fee paid to a party whose license is revoked or suspended under this ordinance.
- D. In lieu of a hearing, the Board may accept surrender of the alcohol beverage retail or wholesale sale license or permit and the Board shall then determine the time period before another application for the same type of license or permit will be accepted from the former licensee or permittee.
- E. Evidence and testimony at the hearing shall be given in open session. The Town Clerk shall post or arrange to post the hearing notice or publish in a format acceptable to the Town Chairperson.
- F. Unless no disciplinary action, including reprimand or probation, is ordered by the Town Board, the alcohol retail sale or wholesale licensee or permittee shall reimburse the Town for costs of personal service, mailing, faxing, copies, and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Unpaid costs assessed under this subsection shall accrue interest at the rate of 5% per annum if unpaid after 30 days. Payment is required before any future alcohol retail or wholesale sale license or permit is issued or reinstated to the license or permit holder.

SECTION VIII - COMPLIANCE CONDITIONS

- A. It is unlawful for any person to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the town any alcohol beverage, except in strict accordance with the provisions of this ordinance and state law. The issuance of any license or permit to any person under this ordinance and chapter 125, Wis. stats. is contingent upon full compliance with this ordinance and chapter 125, Wis. stats., by the licensee or permittee. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this ordinance or chapter 125 or 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of this

- ordinance and chapter 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of this ordinance is abated. When the activity is abated, the building or place may be used for any lawful purpose.
- B. It is unlawful for a licensee, permittee, or any employee, operator, or manager of a tavern or other licensed or permitted establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed or permitted premises of the Town.
- C. It is unlawful for any person, including any owner, tenant, employee, operator, or manager of a tavern, who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct in a Town tavern premises under circumstances in which that conduct tended to cause or provoke a disturbance and who has been ordered by the Town Board or a law enforcement officer not to enter or to remain in a tavern or other licensed or permitted establishment to so enter or remain during any period after having been ordered not to enter or remain by a law enforcement officer. An order prohibiting entry under this subsection may prohibit entry for a period up to 6 months.
- D. A license or permit shall not be denied on the grounds that the applicant lacks good moral character, unless there is evidence that the applicant would, if granted an initial or renewed license or permit, pose a threat to the safety or welfare of patrons of the licensed or permitted establishment in which he or she would be employed. The following will be considered grounds for a determination that an applicant lacks good moral character:
1. Suspension or revocation of a Class A, Class B, or Operator's License, under chapter 125, Wis. stats., or this ordinance, or dismissal from a bartending job if all of the following apply:
 - a. There is a relationship between the reasons for the suspension, revocation, or dismissal and the applicant's ability to competently tend bar without endangering the safety or welfare of the patrons of the premises where the applicant will tend bar under the authority of the applied-for license or permit.
 - b. The suspension, revocation, or dismissal occurred within a year of the date of the application, or there has been more than one such suspension, revocation, or dismissal within 3 years of the date of the application.
 2. Conduct exhibiting the use, within 3 years of the date of the application, of alcoholic beverages or controlled substances, to an extent or in a manner dangerous to any other person, or to an extent that such use would impair the applicant's ability to competently tend the tavern business.
 3. The applicant has habitually been a law offender or has been convicted of a felony and the circumstances of the crime or crimes substantially relate to the circumstances of the permitted or licensed activity, unless the person has been legally pardoned.
 4. The applicant is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the permitted or licensed activity.
 5. The applicant has been convicted of one or more of the following:
 - i. Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under s. 961.41 (1m), Wis. stats.
 - ii. Possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m), Wis. stats.
 - iii. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.
 - iv. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.
 6. If any town committee, or local law enforcement, recommends to the Town Board denial of an Operator's License or other license or permit on the basis provided under this ordinance, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.
 7. If a license or permit is denied by the Town Board, the applicant shall have the right to file an appeal with the Town Clerk within 30 days of the date of the decision, and

to appear and be represented by legal counsel before the Town Board, to be heard, to present evidence in favor of the granting of the license or permit, and to rebut the evidence presented in opposition to the granting of the license or permit. The hearing on the appeal shall be held within 40 days of the filing of the appeal. Notice of the time and place of the hearing on the appeal shall be mailed by the Town Clerk to the applicant by certified mail at least 10 days before the date of the hearing. The town board shall, after the hearing, comply with chapter 125, Wis. stats. by providing in writing the reasons for its decision to grant or not grant a license or permit. The Town Board shall comply with s. 125.12, Wis. stats. in the denial, revocation, suspension, or nonrenewal of a license or permit.

- E It is a condition of any license or permit issued under this ordinance that the licensed or permitted premises, delivery vehicles, and any of the business books of account, bank statements, billings, invoices, and any other documents relating specifically to the licensed or permitted business may be entered and inspected at any reasonable hour by any law enforcement officer of the town without any warrant, and application for a license or permit under this ordinance shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license or permit issued under this ordinance and shall be deemed a violation of this subsection.
- F No licenses or permits may be granted under this ordinance or under chapter 125, Wis. stats. unless the Town Board, by a vote of the majority of the members-elect of the town board, authorizes the issuance of the license or permit. The town board shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of action upon applications for licenses and permits as may be presented to them on or before April 15, and all applications for licenses so filed shall be granted or denied not later than June 15 for the ensuing license year.
- G An applicant must hold a valid Wisconsin Seller's Permit in the exact name as the licensee and Federal Identification Number (FEIN). Renewal of any alcohol license or permit will not be issued if there are unpaid wholesalers' bills in excess of 15 days for beer (sec 125.33(7)(b)) and in excess of 30 days for alcohol (sec 125.69(4)(b)).
- H A list of requirements for an original license must be obtained from the Town Clerk. All conditions of that list must be fulfilled before the application is presented to the Town Board for approval.
- I When ownership or lease changes for a particular location, the current owner or leasee shall surrender the physical license to the Town Clerk and before an original license can be issued to the new owner or lease.
- J All applicants for all licenses are subject to a background check.
- K Outdoor Entertainment must follow the zoning requirements of Oneida County Planning and Zoning and permits must be obtained as applicable. The Town of Cassian Board must be notified by applicants and approval may also be required from the town board.

SECTION XI - UNDERAGE AND INTOXICATED PERSONS/DISORDERLY HOUSE/AFTER HOURS

- 1 Sale of Alcohol Beverages to Underage Persons; Restrictions.
 - A No person may procure for or sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
 - B No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who

has attained the legal drinking age.

- C No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.
- 2 Intoxicated Persons.
 - A No person may procure for or sell , dispense , or give away alcohol beverages to an intoxicated person.
 - B No licensee or permittee may sell , vend, deal, or traffic in alcohol beverages to or with an intoxicated person.
 - C No licensee or permittee may permit an intoxicated person to be on a licensed or permitted premise.
 - 3 Disorderly House. No licensee or permittee in charge and control of licensed or permitted premises shall keep or maintain a disorderly or riotous, indecent, or improper tavern or licensed or permitted establishment. This includes no nudity of any sort.
 - 4 After hours. No licensee or permittee shall permit any person to be present on the premises operated under a Class "A", "Class A," or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business unless these persons are performing job-related activities.
 - 5 Unsanitary or Unsafe Conduct. No licensee or permittee in charge and control of a tavern shall fail to keep or maintain a tavern or other licensed or permitted premise in a sanitary and safe condition after written notice by the State of Wisconsin, Department of Health and Family Services, Oneida County Health Dept., Oneida County Planning and Zoning Dept., or the Town Board.

SECTION X - PENALTIES

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

See Town of Cassian Schedule of Fees and Penalties

SECTION XI - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this _____ day of _____, 2015

Signed _____, 2015

Larry Hendrickson, Town Chairman

Gail Winnie, Supervisor

Attest: Michael Leair, Town Clerk

Gene Rio, Supervisor

** Note: Section 125.12(2)(ar), Wis.stats., requires personal service of the hearing notice (summons) and complaint, and a hearing within 3 to 10 days thereafter. In the event the permittee or licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.*