

TOWN OF GIBRALTAR ORDINANCE
REGARDING ISSUANCE OF ALCOHOL LICENSES
ORDINANCE NO. 2014-01

The Town of Gibraltar does hereby adopt this ordinance, in accordance with Chapter 125 of Wisconsin Statutes, and particularly Section 125.10, regarding the issuance of alcohol licenses in the Town of Gibraltar. The purpose of this ordinance is to promote uniformity in the issuance of licenses under Chapter 125 of Wisconsin Statutes by conforming the requirements for the various classes of alcohol licenses issued by the Town of Gibraltar.

- A. Applicability. This Ordinance repeals and replaces Ordinance 1999-04 in its entirety. The provisions of this Ordinance apply to the initial issuance of an alcohol license of any class, excepting temporary licenses, or for any change in the location or description of any licensed premises, and to annual renewals of all such licenses thereafter. A licensed premises existing prior to the date of this Ordinance must be in compliance with the requirements of this Ordinance relating to physical features of the licensed premises at the time of the second renewal following the date hereof.
- B. Requirements for Issuance. The following requirements and limitations shall apply to the initial issuance of, and subsequent renewals of, Class “B” and Retail “Class C” licenses.
- 1) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar who has failed to properly and fully complete and submit to the Town Clerk of the Town of Gibraltar the appropriate application form as provided by the Town of Gibraltar.
 - 2) No person be issued or re-issued any of the noted licenses in the Town of Gibraltar until the appropriate fee has been paid to the Town Clerk of the Town of Gibraltar.
 - 3) No person shall be issued or re-issued any of the noted licenses for any premises in the Town of Gibraltar until all delinquent taxes and assessments of the Town of Gibraltar for that premises are paid to the Town Treasurer.
 - 4) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar until the premises complies with any outstanding orders for correction of a condition issued by the Wisconsin Department of Health Services, or its successor, governing sanitation in the premises. No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar until the premises complies with any outstanding order regarding the premises issued pursuant to State or local codes concerning commercial buildings and/or public facilities and accommodations; provided, however, that the Town Board shall have discretion to issue a license if the applicant has an appeal pending for any such order.

- 5) No person shall be issued any of the noted licenses in the Town of Gibraltar who does not, at the time of application, have a building on the premises for the purpose of utilizing the license; provided, however, that in the event a building has been damaged or destroyed by fire, earthquake or other act of God, a license may be re-issued one time while repair or replacement of the building is being effectuated. The intent of this provision is to allow at least one year for reconstruction to occur.
- 6) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar for any premises which does not include indoor seating, as defined by the Wisconsin Department of Health Services, or its successor.
- 7) Any application for issuance or re-issuance of any of the noted licenses shall describe with particularity those portions of the premises in or on which intoxicating beverages will be served, and shall be accompanied by a site plan depicting the premises to be covered by the license, including any outdoor seating, picnic areas, beer gardens and, if applicable, outdoor serving locations. *[optional: An applicant desiring to make temporary uses of additional areas on the premises in or on which intoxicating beverages will be served during the license year must include the additional areas on the site plan. Any such temporary uses must at all times comply with applicable State and local regulations, including provisions of the Door County Zoning Ordinance.]*
- 8) The Town Board may require additional information regarding sales figures for any premises in which the sale of alcohol beverages may not account for more than fifty percent of the gross receipts of all food and beverage served on premise according to state licensing requirements.
- 9) The Town Board may require personal interviews and/or written statements from any or all applicants for any of the noted licenses.

C. Severability. The provisions of this ordinance are severable. In the event that any portion of this Ordinance is found to be invalid or unenforceable, such invalidity shall not effect the remaining provisions or the application of such provision, and the remaining provisions shall be given effect without the invalid provisions or invalid application.

D. Amendatory Effect. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

E. Variances and Appeal. [Reserved.]

BE IT RESOLVED that the foregoing ordinance be adopted and shall become effective on passage and publication

Dated this 5 day of February, 2014.

Brian Merkel
Town Chairperson

Steven W. Sohns
Town Supervisor

Abstained
Town Supervisor Skare

Karl Stubenvoll
Town Supervisor

Abstained
Town Supervisor Hackbarth

Attest:

Beth Hagen, Town Clerk