

TOWN OF GIBRALTAR

ORDINANCE 2022-32

ALCOHOL BEVERAGES: POSSESSION IN CERTAIN PUBLIC PLACES PROHIBITED

Ordinance 2022-32 Identified in the code of ordinances as 10.15 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

Public property and public places within the town should be readily accessible and available to residents and the public at large. The consumption of alcoholic beverages in these areas can constitute a public health and safety hazard that adversely impacts neighborhoods, commercial areas, and the general welfare of the Town. It is the Town's intent to promote the use and enjoyment of public property and public places while balancing special events where alcoholic beverages may be permitted with appropriate conditions and regulations in place.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

General Provisions

- a. No person shall consume any intoxicating liquor, wine or fermented malt beverage while in or upon public streets, alleys, sidewalks, parking lots, bridges or other public ways. This section shall not apply to town park areas.
- b. All purchases of wine, alcoholic or fermented malt beverages by the glass, can, or in open containers shall be consumed on the licensed premises in the location served and shall not be removed to thoroughfares, streets, parking lots, sidewalks, bridges or public ways within the town.
- c. No person shall be in possession of any glass, can or open container containing intoxicating liquor, wine or fermented malt beverages on any thoroughfare, public street, alley, sidewalk, parking lot, bridge or any other public way within the town.
- d. No licensee of premises licensed for the consumption on such premises of intoxicating liquor, wine or fermented malt beverages, his employees, or agents, shall permit any person to remove from such premises, in an open container, glass or can, any intoxicating liquor, wine, or fermented malt beverages which was purchased on such premises.
- e. This section shall not apply in areas and during hours for which a special permit has been issued allowing the consumption of alcohol beverages, wine, or malt beverages on such public street or thoroughfare, alley, sidewalk, parking lot, bridge, or public way.

Penalty

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00, nor more than \$500.00, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

Enforcement

a. Enforcement shall be by citation.

b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.

c. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.

d. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed, or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.