

TOWN OF GIBRALTAR ORDINANCE
REGARDING ISSUANCE OF ALCOHOL LICENSES

ORDINANCE #2014-05

Amended April 12, 2023

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 the 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 2014-01 in its entirety, including prior amendments thereto. The provisions of this ordinance apply to the initial issuance of an alcohol license of any class issued for a premise within the Town of Gibraltar, excepting temporary licenses, or 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 follow the requirements of this Ordinance relating to the 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 renewal of, all licenses that are the subject of this Ordinance.
- 1) No person shall be issued or re issued any of the noted licenses in the Town of Gibraltar who have failed to properly and fully complete and submit to the Town Clerk the appropriate application for as provided by the Town of Gibraltar.
 - 2) No person shall be issued or reissued any of the noted licenses in the Town of Gibraltar until the appropriate fee has been paid to the Gibraltar Town Clerk.
 - 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 and 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 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 the 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 premise 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 acts of God. A license may be reissued one time while the 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 premise which does not include indoor seating, as defined by the Wisconsin Department of Health Services, or its successor, unless such premises is exempted from taxation under the provision of Sec. 70.11(29p) Wis. Stats. The provisions of this subparagraph 6 do not apply to retail "Class A" or Class A licenses.
- 7) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar for any premise who fails to remain open a minimum of 100 days in a calendar year beginning on July 1 and ending on June 30
- 8) Any application for issuance or re-issuance of any of the noted license 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. An applicant desiring to make temporary use of additional areas on the premises in or on which intoxicating beverages will be served during the license year must include the additional area on the proposed site plan. Any such temporary uses must always comply with all State and Local codes, regulations, and provisions of the Door County Zoning Ordinance. The site-plan provisions of this subparagraph 7 do not apply to retail Class A or Class A licenses.
- 9) 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 50% of the gross receipts for all food and beverage served on the premise according to state licensing requirements.
- 10) The Town Board may require personal interviews and/ or written statements for any or all applicants for any of the noted licenses.

C. Reserve Liquor license. By order of the Town Board on a majority vote direct the Town Clerk to issue the Town of Gibraltar Reserve Liquor License as authorized by Wisconsin Statutes 125.51(4)(a)4; provided however that a fee of \$20,000 shall be required for the initial issuance of a reserve class B license, which fee shall be in addition to any other fee required under this Ordinance or designated by the Town Board.

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

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

Dated April 12th, 2023.

Steve Sohns Town Chairman _____

Bill Johnson Supervisor _____

Brian Merkel supervisor _____

Karl Stubenvoll Supervisor _____

Jayson Merkel Supervisor _____

Attested Kelly Murre Gibraltar Town Clerk
