

**TOWN OF GIBRALTAR
ORDINANCE 2026-01
REGARDING ISSUANCE OF ALCOHOL BEVERAGE LICENSES
(Repealing and Replacing 2014-05)**

This ordinance shall repeal and replace Ordinance 2014-05 in its entirety and is adopted under a new ordinance number.

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

SECTION 1. PURPOSE; AUTHORITY; ADOPTION BY REFERENCE.

A. Purpose. The purpose of this ordinance is to provide clear, uniform, and comprehensive local procedures and requirements for alcohol beverage licensing in the Town of Gibraltar to protect public health, safety, and welfare.

B. Authority. This ordinance is adopted pursuant to Wis. Stats. §§ 60.10(2)(c), 60.22(3), 125.02–125.69, and the Town’s general village powers under § 60.22(3) and § 125.10(1).

C. State Law Adopted by Reference. Except as modified herein and where not inconsistent with this ordinance, the provisions of Wis. Stats. ch. 125 and related administrative rules are adopted by reference.

SECTION 2. DEFINITIONS.

A. Statutory Terms. Terms used but not defined in this ordinance have the meanings given in Wis. Stats. §125.02. For convenience, the following key terms are listed:

- **Alcohol beverages** (Wis. Stats. § 125.02(1)) — includes fermented malt beverages (beer) and intoxicating liquor.
- **Fermented malt beverages** (Beer) (Wis. Stats. § 125.02(6)) — beverages produced by alcoholic fermentation of malt and hops containing 0.5% or more alcohol by volume.
- **Intoxicating liquor** (Wis. Stats. § 125.02(8)) — all spirituous, distilled, or vinous liquors containing 0.5% or more alcohol by volume, except beer.
- **Wine** (Wis. Stats. § 125.02(22)) — the product of fermentation of grapes or other agricultural products with an alcohol content of 0.5% to 21%.
- **Premises** (Wis. Stats. § 125.02(14m)) — the area described in a license or permit where alcohol beverages may be stored, sold, or consumed.
- **Operator’s (Bartender’s) license** (Wis. Stats. § 125.17) — authorizes an individual to serve/sell alcohol beverages on a licensed premises.
- **Class “A” Beer** (Wis. Stats. § 125.25) — retail beer license for off-premises sales.
- **Class “B” Beer** (Wis. Stats. § 125.26) — retail beer license for on-premises consumption and authorized off-premises carryout.
- **“Class A” Liquor** (Wis. Stats. § 125.51(2)) — retail liquor license for off-premises sales (includes wine).
- **“Class B” Liquor** (Wis. Stats. § 125.51(3)) — retail liquor license for on-premises consumption (with limited off-premises privileges as allowed by law).
- **Reserve “Class B” Liquor** (Wis. Stats. § 125.51(4)) — a “Class B” liquor license subject to quota/reserve rules with a one-time initial issuance fee set by the Town Fee Schedule subject to Statutory minimums.

- **Above-Quota “Class B” Liquor** (§ 125.51(4)(br)) — a “Class B” liquor license issued under the statutory above-quota exception for qualifying establishments such as restaurants in historic inns or other premises meeting Wis. Stats. § 125.51(4)(br).
- **“Class C” Wine** (Wis. Stats. § 125.51(3m)) — retail wine license for on-premises consumption.
- **Temporary Class “B” (Beer)** (Wis. Stats. § 125.26(6)) — temporary retail beer license for qualified organizations.
- **Temporary “Class B” (Wine)** (Wis. Stats. § 125.51(10)) — temporary retail wine license for qualified organizations. Pursuant to Wis. Stats. § 125.51(10), no organization may be issued more than two Temporary “Class B” (wine) licenses in any twelve-month period.
- **Qualified Organization**—a bona fide club, church, lodge, society, veteran’s organization, fair association, chamber of commerce, or similar civic group organized under Wis. Stats. ch. 181 or ch. 188, as authorized under Wis. Stats. §§ 125.26(6) and 125.51(10) to hold Temporary Class “B” (beer) and Temporary “Class B” (wine) licenses.
- **Provisional retail license** (Wis. Stats. § 125.185) — short-term authorization pending regular issuance of a retail license as provided by statute.
- **License Year**—means July 1 through June 30.
- **Applicant and Agent**—Applicant means the person or entity applying for a license. Corporations and LLCs must appoint an agent who meets statutory qualifications and has authority over the premises (§ 125.04; § 125.17). An Agent is a natural person appointed by a corporation or limited liability company who meets statutory qualifications and has authority over the licensed premises.
- **Active Operation (100-Day Requirement)**—the licensed premises conducts regular business on at least one hundred (100) days during each license year. This requirement applies to “Class B” licenses only. Failure to satisfy this requirement may be grounds for written warning, nonrenewal, suspension, or revocation under Sections 9 and 10 and Wis. Stats. ch. 125.
- **Background Check** — a review of criminal, financial, and compliance history conducted by the Town or its designee under Wis. Stats. §§ 125.04(5) and 19.35(1)(a) to determine eligibility for licensing.

SECTION 3. LICENSE TYPES.

The following licenses are authorized by Wisconsin Statutes and issued by the Town Board.

A. Retail Beer Licenses.

1. **Class “A” Beer** (§ 125.25). Authorizes the retail sale of beer in its original sealed containers for consumption off the premises only. No on-premises consumption is allowed.
2. **Class “B” Beer** (§ 125.26). Authorizes the retail sale of beer for on-premises consumption. It also allows limited carryout sales for off-premises consumption as permitted by state law.

B. Retail Liquor Licenses.

1. **“Class A” Liquor** (§ 125.51(2)). Authorizes retail sale of intoxicating liquor (including wine and cider) in its original sealed containers for off-premises consumption only.
2. **“Class B” Liquor** (§ 125.51(3)). Authorizes retail sale of intoxicating liquor for on-premises consumption. Also authorizes limited carryout of wine and other privileges as allowed by statute. The Town may by resolution permit additional off-premises privileges as authorized by law.

3. **Reserve “Class B” Liquor** (§ 125.51(4)). A “Class B” liquor license subject to statutory quotas based on municipal population. The Town’s quota of regular and reserve licenses is established by state law. A reserve license requires a one-time initial issuance fee as set forth in the Town Fee Schedule, and not less than \$10,000, in addition to the annual license fee. Once issued, a license designated as “reserve” remains classified as reserve if later surrendered and reissued (a “transferred reserve”).
4. **Above-Quota “Class B” Liquor** (§ 125.51(4)(br)). A “Class B” liquor license that may be issued above the municipal quota to qualifying establishments as authorized by Wis. Stats. § 125.51(4)(br). An above-quota license does not count against the Town’s regular or reserve quota and is subject to the application and issuance procedures set forth in Section 4 of this ordinance and Wis. Stats. § 125.51(4)(v).
5. **“Class C” Wine** (§ 125.51(3m)). Authorizes the retail sale of wine by the glass or in an opened original container for on-premises consumption. Also allows a customer to remove a single partially consumed bottle of wine if it has been resealed and was sold with a meal, as permitted by statute.

C. Temporary Licenses

1. **Temporary Class “B” Beer** (§ 125.26(6)). May be issued only to bona fide clubs, churches, lodges, societies, veteran’s organizations, fair associations, chambers of commerce, or similar civic groups organized under Wis. Stats. ch. 181 or ch. 188, for limited-duration events such as picnics, fairs, or festivals.
2. **Temporary “Class B” Wine** (§ 125.51(10)). May be issued only to bona fide clubs, churches, lodges, societies, veteran’s organizations, fair associations, chambers of commerce, or similar civic groups organized under Wis. Stats. ch. 181 or ch. 188, for limited-duration events such as picnics, fairs, or festivals. No organization may be issued more than two Temporary “Class B” (wine) licenses in any twelve-month period. When issued together with a Temporary Class “B” Beer license for the same event, no separate additional wine fee is charged.
3. **When a Temporary License Is Required; Statutory Sale.** A Temporary Class “B” (beer) license under Wis. Stats. §125.26(6) or a Temporary “Class B” (wine) license under Wis. Stats. §125.51(10) is required whenever alcohol beverages are furnished at an event in exchange for *any* form of consideration. Under Wis. Stats. §125.02(20), a “sale” includes any transfer of alcohol beverages with consideration, and also includes any transfer without consideration if knowingly made to evade the requirements of Wis. Stat. ch. 125. Transactions constituting a sale include, but are not limited to, furnishing alcohol beverages in connection with: an admission, cover charge, ticket price, or entry fee; b. a required or expected donation; c. a fee for cups, wristbands, or similar items used to obtain alcohol beverages; or d. a charge for non-alcohol items or services where alcohol beverages are furnished as part of the event.

D. Operator Licenses

1. **Operator’s (Bartender’s) License** (§ 125.17). Required for any person who serves or sells alcohol beverages in a retail establishment. Ensures trained, qualified individuals are supervising service of alcohol. Operator licenses are renewed annually and the license year shall mean July 1 through June 30.
2. **Temporary Operator License** (§ 125.17(4)). May be issued for use at specific events, typically for a short duration, to help organizations staff their events legally.

3. **Provisional Operator License** (§ 125.17(5)). May be issued to an applicant for an operator's license while their regular application is pending. Valid only for the time period allowed by law.

SECTION 4. APPLICATION AND ISSUANCE; DEADLINES; PUBLICATION; INVESTIGATIONS.

A. Filing. Applications must be filed with the Town Clerk on state and Town-prescribed forms, signed by the applicant and agent where required (§ 125.04).

B. Filing Deadline. The Town Board considers annual alcohol beverage license applications at its regular June meeting. To comply with the statutory fifteen (15) day notice requirement (§ 125.04(3)(f)), completed applications must be received by the Clerk at least fifteen (15) days prior to that meeting. The Clerk will distribute renewal packets in advance of the meeting; however, it is the responsibility of each license holder to ensure that a timely and complete application is filed. Applications received late may still be considered but may require a special meeting, in which case the special meeting fee described in Section 5(C) will apply.

C. Publication. The Clerk shall publish notice of retail license applications as required by law (§ 125.04(3)(g)). A publication fee, established by the Town of Gibraltar Fee Schedule, shall be assessed for each application.

D. Investigations. A background check shall be completed with each license application, including original, renewal, transfer, reserve, provisional, and operator license applications. Filing an application authorizes the Town to conduct criminal, financial, compliance, and premises investigations as permitted under Wis. Stats. §§ 125.04(5) and 19.35(1)(a). Background and premises investigations shall include verification of statutory qualifications, compliance with Wis. Stats. § 125.04(5), and the Town's Debt Ordinance 2023-01. The Town may request additional documentation reasonably related to statutory qualifications and local standards. A background check fee, established by the Town of Gibraltar Fee Schedule, shall be assessed for each application, including operator license applications.

E. Reserve License Reissuance. When a Reserve "Class B" Liquor license is surrendered to the Town, it retains its reserve classification. Upon reissuance to a new applicant, no additional one-time reserve issuance fee may be required; only the annual license fee applies. The Clerk may maintain a separate ledger of all regular, reserve, and above-quota "Class B" licenses to ensure compliance with statutory quota limits. Issuance, surrender, and reissuance of reserve licenses must comply with Wis. Stats. § 125.51(4)(a) and (b).

F. Above-Quota License Applications. If the Town's quota of "Class B" Liquor licenses is fully used, an applicant may apply for an above-quota "Class B" Liquor license under the exceptions in Wis. Stats. § 125.51(4)(v). The application must include documentation demonstrating eligibility, including proof of qualifying characteristics required by statute. The Clerk may review the application for completeness and refer it to the Town Board for action. The Town Board may approve or deny the application consistent with statutory criteria. Each above-quota license issued must be recorded as "Above-Quota 'Class B' Liquor" in Town records. An above-quota license is tied to the qualifying premises and may not be transferred except as provided by law.

G. Review and Approval; Issuance. Except as otherwise provided in this Ordinance, all alcohol beverage license applications shall be reviewed and acted upon by the Town Board at a regular monthly meeting of the Board, unless a special meeting is required due to application timing or statutory notice requirements. Upon approval of an application by the Town Board, the Town Clerk is authorized to issue the license or permit upon receipt of all required fees, forms, and documentation. No retail alcohol beverage license shall be issued without Town Board approval. Notwithstanding the foregoing, pursuant to Wis. Stat. § 125.17(1), the Town Clerk or a duly appointed Deputy Clerk, as a designated municipal official, is authorized to review,

approve, and issue operator's licenses action at any time upon receipt of a complete application, payment of the applicable fee established by the Town Fee Schedule, completion of any background investigation required under Section 4(D), and proof of completion of responsible beverage server training as required by Wis. Stat. § 125.17 and Section 6(G) of this ordinance.

SECTION 5. FEES; PRORATION; SPECIAL MEETING COSTS.

A. License and Administrative Fees. Alcohol beverage licensing fees and administrative fees are established by the Town of Gibraltar Fee Schedule, as adopted and amended from time to time by the Town Board. All such fees are subject to the statutory maximums and maximums set forth in Wis. Stats. ch. 125, including but not limited to §§ 125.25, 125.26, and 125.51. The fee for a Reserve "Class B" intoxicating liquor license shall be no less than the minimum amount required under Wis. Stat. § 125.51(3)(b) and may be set at a higher amount by the Town Board through the Town Fee Schedule.

B. Proration. Licenses issued after July 1 are prorated by the number of months remaining in the license year ending June 30 (§§ 125.25(4), 125.26(4), 125.51(9)).

C. Special Meeting Costs (Late Applications). If a complete application is not filed in time for a regular Board meeting and the applicant requests Board action at a special meeting, the applicant shall pay the full cost of the special meeting (including Board per-diems, staff time, and required postings/publications), in addition to the license and publication fees.

SECTION 6. QUALIFICATIONS; CONDITIONS; PREMISES.

A. Statutory Qualifications. Applicants must satisfy all qualifications in ch. 125, including: at least 21 years of age; completion of responsible beverage server training where required; residency/agent requirements; and no disqualifying criminal convictions or delinquent taxes, assessments, or forfeitures (§ 125.04(5)).

B. Delinquent Taxes, Assessments, and Claims. No license shall be issued, renewed, or transferred if the applicant or licensee is delinquent in payment of any state or local taxes, assessments, special charges, or claims owed to the Town consistent with the Town's Debt Ordinance, Ordinance 2023-01.

C. Health and Sanitation. Licensed premises shall be maintained in a safe, clean, and sanitary condition and comply with all applicable public health regulations, including those of the Wisconsin Department of Health Services and the Door County Sanitarian.

D. Premises Description. Each license shall particularly describe the licensed premises. Any area where alcohol beverages are stored, served, or consumed under the license must be included (§ 125.04; § 125.02(14m)). Each initial application shall include a scaled map or drawing showing the boundaries of the licensed premises, including any outdoor service areas, storage areas, or patios. Renewal applications shall include an updated map only if there has been a change in any area where alcohol beverages are stored or served.

E. Posting. Licenses must be conspicuously posted on the licensed premises.

F. Conduct on Premises; Compliance. Licensees shall comply with ch. 125, applicable administrative rules, this ordinance, and other Town ordinances, including noise, nuisances, and signage. The Board may impose reasonable conditions related to public health, safety, and welfare.

G. Responsible Beverage Server Training. Proof of completion must be provided where required by statute (§ 125.04(5)(a)5.; § 125.17).

H. Active Operation Requirement. As a continuing condition of "Class B" licenses, the licensed premises must be actively operated ~~and open to the public~~ for regular business on at least one hundred (100) days during each license year (July 1–June 30). For purposes of compliance with this section, the burden of demonstrating eligibility, qualification, and continued conformity with Wis. Stats. ch. 125 and this ordinance rests with the license holder.

1. **Definition of Active Operation.** "Active operation" means that the premises is staffed and providing the goods and services authorized under the license.
2. **Seasonal Businesses.** Licensees that operate seasonally may meet this requirement if they are open at least one hundred (100) days during their normal operating season within the license year.
3. **Compliance Review.** The Clerk or Town Board may require proof of operation (such as business records, utility bills, or sworn statements) to verify compliance.
4. **Consequences of Noncompliance.** Failure to meet the Active Operation requirement constitutes grounds for written warning, nonrenewal, suspension, or revocation under Sections 9 and 10 of this ordinance and Wis. Stats. ch. 125. Prior to adverse action, the Clerk shall issue a written warning and allow thirty (30) days to cure the noncompliance or submit a written explanation for the noncompliance, unless immediate action is necessary to protect public health or safety.
5. **Timing Limitation; Plan for Cure.** If a failure to meet the Active Operation (100-day) requirement is identified at a time when fewer than one hundred (100) operating days remain in the applicable license year or, for seasonal businesses, within the licensee's normal operating season, compliance with the full requirement may be impracticable or impossible. In such cases, the license holder may submit a written plan proposing how the noncompliance will be cured. Upon approval of a plan for cure, the Town Board may, in its discretion, waive or modify the one hundred (100) day operating requirement to the extent necessary to allow completion of the approved plan. Approval of a plan for cure shall not constitute a waiver of enforcement authority, and failure to comply with an approved plan shall constitute a continuing violation.

I. Licensed Operator Required. No alcohol beverages may be sold or served upon the licensed premises unless a duly appointed agent or other person who holds a valid operator's license issued pursuant to Wis. Stat. § 125.17 is present on the premises and responsible for the supervision of the sale and service of alcohol beverages at all times when alcohol beverages are sold or served.

SECTION 7. TRANSFERS; CHANGES; SURRENDER.

A. Agent Changes. Corporations and LLCs shall appoint an agent who meets statutory qualifications. A new agent shall be appointed within a reasonable time after a vacancy and is subject to Board approval (§ 125.04).

B. Premises Transfer. A retail license may be transferred to a different premises within the Town during the license year only upon Town Board approval and payment of any fee established by the Fee Schedule (§ 125.04(12)). The license remains non-transferable to another person, except as otherwise provided by law for corporate/LLC ownership changes.

C. Surrender and Reissuance. Where permitted by law (including transfers contingent on sale of a business), the Town may accept the surrender of a license and consider issuance to a new applicant in accordance with statutory quota and procedures (§ 125.51(4)). Reserve “Class B” liquor licenses, once issued, remain classified as reserve if later surrendered and reissued, consistent with Wis. Stats. § 125.51(4). These are commonly referred to as transferred reserves.

D. Ownership Changes. Changes in ownership or control of a licensed entity shall be reported promptly to the Clerk. The Town may review whether continuation of the license is appropriate under ch. 125.

E. Inter-Municipal Transfer of Reserve Licenses (§ 125.51(4)(e)). When an applicant submits an application for a “Class B” liquor license and the Town has no available licenses under its quota, the Town Board may request the transfer of a Reserve “Class B” license from a neighboring municipality. This process is triggered by the applicant’s filing of a complete Class B application with the Clerk. The applicant shall be responsible for payment of the transfer fee required by the neighboring municipality, which shall be not less than \$10,000 as required by statute. The Town does not purchase the license nor profit from the transfer; the applicant bears all costs. Upon approval by the neighboring municipality, the transferred license becomes part of the Town’s quota, remains classified as a Reserve license, and may be issued to the applicant consistent with this ordinance and ch. 125.

SECTION 8. DENIAL OF INITIAL LICENSE APPLICATIONS.

If the Town Board denies a new license application, the Board shall state the reasons for denial on the record at the meeting (§ 125.12). No license may be issued in violation of ch. 125; any license so issued is void (§ 125.04(2)).

SECTION 9. NONRENEWAL – NOTICE AND HEARING (§ 125.12(3)).

A. Notice of Intent Not to Renew. If the Town intends not to renew a license, the Clerk shall provide the licensee written notice of intent not to renew, stating the reasons for the proposed nonrenewal, which may include, but are not limited to, violations of any condition or requirement of this ordinance or Wis. Stat. ch. 125, including compliance with the Active Operation requirement under Section 6(H). Notice shall be served as required by Wis. Stat. § 125.12(3)(b), including publication or posting when applicable.

B. Hearing. The Board shall conduct a quasi-judicial hearing at which the licensee may appear with counsel, present evidence and witnesses, and cross-examine opposing witnesses. The Town Board shall set the hearing date, and the Clerk shall give and post all notices as required by Wis. Stats. § 125.12(3)(b). The Board may issue subpoenas and set reasonable procedures. The hearing shall be recorded.

D. Decision; Reasons. After the hearing, the Board shall issue its decision and mail written reasons to the licensee. Judicial review is available as provided by law.

SECTION 10. SUSPENSION OR REVOCATION – COMPLAINT; SUMMONS; HEARING (§ 125.12(2)).

A. Complaint. A sworn complaint alleging a licensee has violated ch. 125, this ordinance, or that other good cause for suspension or revocation exists may be filed with the Clerk by a resident or initiated by the Town.

B. Summons and Hearing Scheduling. Upon filing, the Board (or its chair) shall issue a summons setting a hearing date as provided by statute. The Clerk shall prepare, issue, and serve the summons and complaint on the licensee in compliance with all statutory posting and service requirements.

C. Hearing. The Board shall conduct a quasi-judicial evidentiary hearing. Formal rules of evidence do not apply; relevant, non-repetitious evidence shall be received. The complainant bears the burden to establish grounds. The licensee may be represented by counsel, present evidence, and cross-examine witnesses. The hearing shall be recorded.

D. Findings; Order. Following the hearing, the Board shall issue written findings and an order dismissing the complaint, suspending the license for a stated period, or revoking the license. The Clerk shall mail the decision to the licensee. Judicial review is available as provided by law.

E. Effect of Revocation. A person whose license is revoked may not apply for a new license for one year (or as otherwise provided by law) (§ 125.12(2)(d)).

F. Active Operation – Written Warning and Right to Cure. If the alleged ground includes failure to meet the Active Operation (100-day) requirement, the Clerk shall first issue a written warning specifying the deficiency and allow thirty (30) days to cure or submit a written explanation for the noncompliance, consistent with the provisions of Section 6(H)(5), unless immediate action is necessary to protect public health and safety. Failure to cure may be considered by the Board as grounds for suspension or revocation in addition to any other grounds permitted by law.

SECTION 11. ENFORCEMENT; PENALTIES; REPORTING.

A. Enforcement. Violations of this ordinance may be enforced by citation and as otherwise provided by law. Each day of violation is a separate offense.

B. Penalties. The Town may impose forfeitures as permitted by law and may seek suspension or revocation where appropriate.

C. State Reporting. The Clerk shall report suspensions, revocations, or penalties as required by statute.

SECTION 12. UNDERAGE AND INTOXICATED PERSONS; ENFORCEMENT.

A. Adoption of State Law. The prohibitions, provisions, exceptions, and penalties relating to underage and intoxicated persons, proof of age, restrictions on alcohol beverages, and prohibitions on alcohol beverages on or near schools, as set forth in Wis. Stats. ch. 125 (including but not limited to § 125.07 and § 125.085), together with any future amendments, are hereby adopted and made part of this ordinance by reference.

B. Local Enforcement. Violations of these provisions shall be enforceable by citation in municipal court or referral to circuit court as provided by law.

C. Penalties. Penalties for violations shall be as provided in Wis. Stats. ch. 125 and other applicable provisions of Wisconsin law.

SECTION 13. ADMINISTRATION; FORMS; FEE SCHEDULE.

A. The Town Clerk is authorized to develop administrative forms and checklists to implement this ordinance.

B. The Town Board shall adopt and may amend by resolution a Town Fee Schedule that sets specific local fee amounts consistent with Section 5, including publication fees, investigation fees and special-meeting cost recovery.

SECTION 14. SEVERABILITY; EFFECTIVE DATE; REPEALER.

A. Severability. If any provision of this ordinance is held invalid or unconstitutional, the remainder shall not be affected.

B. Effective Date. This ordinance takes effect upon passage and publication.

C. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

Adopted by the Town Board of Gibraltar this 1st day of January, 2026.

Approved AYE 5 Nay 0

Steve Sohns Town Chairman Steve Sohns

Jayson Merkel Supervisor Jayson Merkel

Tom Birmingham Supervisor Tom Birmingham

John Selenica Supervisor John Selenica

Vinni Hancock Supervisor Vinni Hancock

Attested:
Laura Reetz Clerk Laura Reetz