

TOWN OF GIBRALTAR LIQUOR LICENSE ORDINANCE
REGARDING RETAIL “CLASS B” LICENSES
ORDINANCE NO. 1999-04

The Town of Gibraltar does hereby adopt this ordinance, in accordance with Section 125.51 of Wisconsin Statutes, regarding the issuance of Retail “Class B” licenses and Reserve “Class B” licenses in the Town of Gibraltar.

- A. Applicability. The provisions of this Ordinance apply to the initial issuance of a retail “Class B” license or reserve “Class B” license, or for any change in the location of any licenses premises, and to annual renewals of such licenses thereafter. This Ordinance does not apply to the renewal of licenses issued on or before the date hereof, except in the event of a change in the location of a licensed premises.
- B. Reserve “Class B” license issuance fee. The initial issuance fee for a reserve “Class B” license, as that license is described at Sec. 125.52(4)(a)(f), shall be \$10,000.00. The amount is in addition to the annual fee charged to all retail “Class B” licenses in the Town of Gibraltar. Thereafter, the annual renewal fee for the reserve “Class B” license shall be the same as the annual fee charged to all retail “Class B” licenses.
- C. Requirements for Issuance. The following requirements and limitations shall apply to the initial issuance of, and subsequent renewals of, reserve “Class B” licenses, and the initial issuance of retail “Class B” licenses after the date of this Ordinance, and subsequent renewals thereof.
- 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 the rules promulgated by the Wisconsin Department of Health and Family Services, or its successor, governing sanitation in restaurants. No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar until the premises complies with all applicable State and local codes regarding commercial buildings and/or public facilities and accommodations.

- 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.
- 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 and Family Services, or its successor.
- 7) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar for any premises which includes outdoor dining areas that: (a) contain more than 50% of the square footage of the indoor dining areas on the premises; or (b) contain more than 50% of the number of seats of the indoor dining areas on the premises. For the purposes of this ordinance, the number of seats and the total square footage measurements shall be determined in accordance with the standards of the Wisconsin Department of Health and Family Services, or its successor. Outdoor dining areas are those areas that are not located under a fixed, permanent roof that is attached to, or a structural component of, the building containing the indoor dining area.
- 8) 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.
- 9) No person shall be re-issued any of the noted licenses in the Town of Gibraltar unless the application therefore includes a verified record log specifying not less than 100 days during the preceding license term in which the license was used by the licensee, by virtue of the licensed premises being open for business on each such day for a period of time in excess of three hours. The record log must upon its face be verified by the licensee affirm or swearing to its truth furnish the record log forms to a licensee upon request of the licensee, and such forms shall be the official record log for use in compliance with the provisions of this ordinance. In the event that the licensee demonstrates to the satisfaction of the Town Board that due to undue hardship or unusual circumstances beyond the licensee's control, the licensee could not make use of said license for at least one hundred (100) days within the yearly term of the license, the licensee may make a request to the Town Board for an exception to the requirement found in this Paragraph. Without limiting the generality of the foregoing, examples of exceptions which the Town Board may consider in not imposing the requirements of this Paragraph include: Damage to the licensed premises rendering it temporarily unfit for safe operation under the license; closing for reasonable periods of time to alter, repair, remodel or redecorate the premises; certain

factors of death, illness or contractual impossibility, or other unusual circumstances not under the control of the licenses.

- 10) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar for any premises which includes outdoor dining areas having a primary entrance or exit from a public walkway or roadway. The restriction in this Paragraph does not include fire exits connected to audible alarms or marked as such.
 - 11) No person shall be issued or re-issued any of the noted licenses in the Town of Gibraltar for any premises in which the sale of alcohol beverages accounts for more than fifty percent of the gross receipts of all food and beverage served on premise.
 - 12) The Town Board may require personal interviews and/or written statements from any or all applicants for any of the noted licenses.
- D. 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.
- E. Amendatory Effect. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

Dated this 4th day of August, 1999.

TOWN BOARD FOR THE TOWN OF GIBRALTAR

Richard Skare, Chairman

Sharon Kellner, Clerk

Merrell P. Runquist, Supervisor

Judith Kalb, Supervisor

Myrvin Somerhalder, Supervisor