

ORDINANCE O – 11 – 09

AN ORDINANCE RELATING TO CLOSING HOURS FOR CLASS “B” PREMISES

Introduced by Mayor Merkes

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Sec. 7- 12 – 15 (b) is repealed and the subsequent sections are re-lettered accordingly.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of _____,

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

Attorney’s Note: The ordinance defining closing hours for licensed premises was amended on May 6, 2002. At that time, the only Class “B” licenses were ones for the Macs at Koslo Park and one or more of the churches. The closing time was established as between 11:00 p.m. and 8:00 am to avoid problems at Koslo Park for any games that had extended hours. We now have a request for a Class “B” license to sell beer and wine at a proposed coffee shop. This ordinance makes our closing hours consistent with State law and other combination licensed premises.

SEC. 7-2-15 CLOSING HOURS.

Closing hours shall be established in conformance with Section 125.32(3), Wis. Stats., and further restricted as follows:

(a) **“CLASS B” LICENSES.**

- (1) No premises for which a retail “Class B” liquor and fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m. Saturday and Sunday. There shall be no closing hours on January 1.
- (2) Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons shall be permitted to remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
- (3) The licensee or permittee and one (1) employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning during closed hours. Under no circumstances shall the consumption of alcohol beverages be permitted during closed hours. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning during closed hours. The premises shall be well lighted during cleanup.

(b) CLASS “B” LICENSES. Class “B” licenses premises may not sell fermented malt beverages or wine between 11:00 p.m. and 8:00 a.m.

- (c) **CLASS “A” LICENSES.** Premises that have been granted a “Class A” license may remain open for the conduct of their regular business daily but may not sell fermented malt beverages between 12 midnight and 8 a.m. Intoxicating liquor may not be sold between 9 p.m. and 8 a.m. If such “Class A” premise wishes to sell fermented malt beverages between 9 p.m. and 12 midnight, all intoxicating liquor must either be locked up or removed from that portion of the business open to customers.