

## GENERAL ORDINANCE NO. 17-18

An ordinance creating section 33.08(7)(i), green bay municipal code, relating to online ordering and curbside pickup of alcohol beverages

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DO ORDAIN AS FOLLOWS:

**SECTION 1.** Section 33.08(7)(i), Green Bay Municipal Code, is hereby created to read:

- (i) **Online Ordering and Curbside Pickup of Alcohol Beverages.**
1. **No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining a "Change of Premises" from the Common Council, upon recommendation of the Protection and Welfare Committee to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.**
    - a. **The licensed establishment shall file a detailed operation plan with their "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.**
    - b. **Failure of licensee to provide a detailed operation plan with their "Change of Premises" application shall result in the City Clerk's Office not forwarding the "Change of Premises" form to the Protection and Welfare Committee for consideration.**
  2. **No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.**
    - a. **Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.**

- b. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.
  - c. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.
  - d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
  - e. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
3. Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.
4. Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:
  - a. The name of the purchaser.
  - b. The type of identification card presented and the number and expiration date of that identification card.
  - c. The purchaser's date of birth.
  - d. The license plate of the vehicle into which the order is being loaded.
5. Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m. prohibited between the hours of 12:00 A.M. and 6:00 A.M. for a premises holding a Class "B" (Beer) or "Class B" (Liquor) license. For premises holding a Class "A" (Beer) license or "Class A" (Liquor) license, pick-up of fermented malt beverages shall be prohibited between the hours of 12:00 A.M. and 8:00 A.M. and pick-up of intoxicating liquor shall be prohibited between the hours of 9:00 P.M. and 8:00 A.M.
6. If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

7. The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
8. The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.
9. No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.
10. Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than \$250, nor more than \$1000 plus court costs and fees. Licensees are also subject to demerit point assessment for violations of this subsection.

**SECTION 3.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

KKJ

7/17/18