



AN ORDINANCE: By Public Services and Safety Committee
Re: Amending Code § 4-95(h) and Creating Code §4-95(i) to provide for Online ordering and curbside pickup of alcohol beverages.

ORDINANCE NO. 2019-21
Introduced: September 18, 2019
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 4-95(h) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(h) Drive-up or walk-up alcohol sales are prohibited at any licensed premises in the City. Drive-up or walk-up alcohol sales are defined as the sale of intoxicating beverages to customers in a vehicle or on foot located outside a licensed premises through an opening in the licensed premises.

Section 2. Section 4-95(i) of the Code of Ordinances of the City of Neenah is created to read as follows:

(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 an “extension of premises” from the Neenah Common Council, upon recommendation of the Public Service and Safety Committee (PSSC) 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 “extension 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 "extension of premises" application shall result in the City of Neenah Clerk's Office not forwarding the "extension of premises" to the PSSC 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 a 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 for 30 days an image of the license plate and body of the vehicle into which the order is being loaded. Additionally, an image of the ID card used to identify the purchaser must be captured and retained for 30 days. If requested, these records must be made available for the City to inspect to ensure compliance with the above provisions.

(4) Pick-up of "click and collect" orders shall be between the hours of 8:00a.m. and 6:00p.m.

(5) There shall be a minimum four-hour waiting period between order time and pick-up time.

(6) Orders placed after 2:00p.m. cannot be picked up until the following day.

(7) The licensed operator delivering the "click and collect" items to the vehicle must verify that all of the occupants in the vehicle who appear over the age of 16 are over 21 years of age or the dependents of an occupant of the vehicle.

(8) 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 the sobriety of the purchaser for purposes of approving or denying the sale.

(9) Police must be notified when an apparently underage or intoxicated person attempts to purchase alcohol.

(10) The pick-up area for “click and collect” purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up door.

(11) No events other than the delivery of “click and collect” orders shall be allowed on the expanded premises.

(12) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to forfeiture as determined by resolution of the Common Council.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: Ald. Stevenson/Lendrum

Adopted: 7-2 September 18, 2019

Approved: September 18, 2019

Published: September 23, 2019



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
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