

ORDINANCE NO.: 5100

AN ORDINANCE to create Section 4-20 of the Code of Ordinances of the City of La Crosse to regulate online ordering and curbside pickup of alcohol beverages.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 4-20 is hereby created to read as follows:

Sec. 4-20 - Online Ordering and Curbside Pickup of Alcohol Beverages.

- (a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining approval from the Common Council to amend a licensed premises, upon recommendation of the Judiciary & Administration 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. Online shall mean a website or application or any other electronic or telecommunication means.
  - (1) The licensed establishment shall file a detailed operation plan with their "Request to Amend 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. The plan of operation shall include a drawing of the entire premises to scale with the areas for the order pickup program designated on the drawing, along with their dimensions and the north point and date.
  - (2) Failure of licensee to provide a detailed operation plan with their "Request to Amend Premises" shall result in the City Clerk's Office not forwarding the "Request to Amend Premises" to the Judiciary & Administration Committee and Common Council for consideration.
- (b) 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.
  - (1) 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.
  - (2) The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.
  - (3) The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.
  - (4) No alcohol sales are permitted if the purchaser fails to present valid photo identification.
  - (5) The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- (c) 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.
- (d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:

- (1) The name of the purchaser.
  - (2) The type of identification card presented and the number and expiration date of that identification card.
  - (3) The purchaser's date of birth.
  - (4) The license plate of the vehicle into which the order is being loaded.
- (e) Pick-up of "Click and Collect" orders shall be between the hours of 9:00 a.m. and 6:00 p.m.
  - (f) There shall be a minimum four (4) hour waiting period between order time and pick-up time.
  - (g) Orders placed after 2:00 p.m. cannot be picked up until the following day.
  - (h) 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. If the driver is less than 21, the alcohol sale must be voided and cannot be completed.
  - (i) The licensed operator shall report to his or her manager any purchaser who shows signs of impairment due to alcohol or legal or illegal drug consumption, and in conjunction with the manager, shall assess impairment for purposes of approving or denying the sale.
  - (j) The pick-up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.
  - (k) No events other than the delivery of "Click and Collect" orders shall be allowed on the portion of the premises reserved for pick-up of "Click and Collect" orders.
  - (l) Police must be notified when an apparently underage, intoxicated or impaired person attempts an alcohol purchase.

SECTION II: Create Section 4-1(a)(3) to read as follows:

- (3) Any licensee or person who violates any provision of Section 4-20 shall be subject to a forfeiture of not less than \$250, nor more than \$500 together with the cost of prosecution.

SECTION III: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION IV: This ordinance shall take effect and be in force from and after its passage and publication.

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy Kabat, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Teri Lehrke, City Clerk

Passed: 7/11/2019  
Approved: 7/16/2019  
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