

**TOWN OF MEEME**  
**MANITOWOC COUNTY, WISCONSIN**  
**ORDINANCE NO. 2022-1**  
**BEER GARDENS**  
**AN ORDINANCE TO REGULATE BEER GARDENS**

**Section I. Title/Purpose.**

This ordinance is entitled “Beer Gardens”. The purpose of this Ordinance is as follows: To promote the safety, health and general welfare by creating certain conditions and restrictions on, and to provide for the licensing and operation of Beer Gardens in the Town of Meeme.

**Section II. Beer Gardens.**

A. **License Required.** No person shall hereafter keep, maintain, conduct or operate any Beer Garden as defined in Subsection (B) of this section without first obtaining approval from the Town Board.

B. **Definition.** A “Beer Garden” is defined as an open air, roofed or unroofed area adjacent to or accessory to a “Class B” intoxicating liquor and/or fermented malt beverage licensed premises, where beer and other alcoholic beverages are served or consumed.

C. **Application.** Applications for a Beer Garden shall be made in conjunction with the annual liquor license. The premises shall be described in specificity. Applications must include a detailed diagram of the Beer Garden area.

D. **Restrictions.** If any part of the Beer Garden is within 150 feet of a private residence, a privacy fence or wall no less than 8 feet tall, subject to applicable zoning provisions, shall be required around the perimeter of the Beer Garden prior to the licensed use of the Beer Garden. The fence shall be a solid fence to block the view of neighboring properties, constructed of wood, composite wood, vinyl, concrete or any other material approved by the Town Board prior to construction. The fence, including the exterior, shall be adequately maintained by the license holder and the Beer Garden’s owner so as to not constitute a nuisance or negatively affect neighboring properties’ values.

E. **Granting.** The Town Clerk shall refer all Liquor License applications to the Town Board. Upon approval of the Town Board, and payment of the license fee, the Town Clerk shall issue the license authorizing a Beer Garden to the applicant.

F. **Conditions.** No Beer Garden shall be permitted, maintained, or operated except on conformity with the following regulations:

1. A description of the Beer Garden area shall be included in the application and license for a “Class B” intoxicating liquor and/ or fermented malt beverage licensed premises.

2. Except for open air, roofed or unroofed areas which are part of the “Class B” licensed premises and not at ground level, such as a deck or porch, which comply with all applicable safety and building codes, the construction of the Beer Garden shall be as follows:

a. In addition to the requirements of Section II D, a fence may be required by the Town Board. Fence requirements shall be established on a case-by-case basis as specified by the Board. Fence requirements shall be based on the location of the establishment, adjoining land use, lot and building size, and proximity to residential properties and streets.

b. Beer Gardens shall have a maximum capacity of one person for each ten (10) net square feet of the floor area of the Beer Garden. The capacity of the Beer Garden shall be posted in the garden.

3. All electrical wiring shall comply with National, State, County and Town of Meeme building and construction codes.

4. All combustible rubbish shall be stored in non-combustible covered containers.

5. Any noise emanating from the Beer Garden shall not violate the regulations of the Town Code of Ordinances or other regulations pertaining to noise and shall not create a nuisance. There shall be no amplified sound in the Beer Garden area. Noise from the Beer Garden shall not interfere with the neighbor’s enjoyment of their property.

6. All Beer Garden areas shall comply with Chapters SPS 361-366 of the Wisconsin Administrative Code, relative to the required number of toilets, exit lights, and other relevant regulations contained therein.

7. The “Class B” intoxicating liquor and/or fermented malt beverage licensee and/or agent shall be responsible for all violations of this Section and subject to compliance with any and all Town of Meeme, State, County and local regulations.

8. The maximum hours of operation of the Beer Garden shall be as follows

Friday and Saturday 10:00 A.M. to 10:00 P.M.

Sunday-Thursday 10:00 A.M. – 8 P.M.

**G. Discretion.** A license is a privilege granted by the town board, and the town board may, but is not required to, issue retail liquor and beer licenses for premises, including a Beer Garden. The Town Board shall have discretion to refuse the granting of any license or transfer thereof if, in its judgment, the granting or transfer of such license shall be contrary to the public interest of safety, health or welfare and is not discriminatory. Reasons for refusal include, but are not limited to, the unsuitability of the location, the unreliability of the applicant or applicant’s agent or manager, or because of the failure of applicant or applicant’s agent or manager to observe the provisions of the Town of Meeme Ordinances or the ordinances of other relevant

jurisdictions in the prior conduct of a cabaret, dance hall, tavern, beer garden or other similar place.

**H. Penalties.** Any violations of this ordinance may result in the suspension or revocation of any “Class B” intoxicating liquor and/or fermented malt beverage license for such premises.

**Section III. Enforcement and Penalties.**

This ordinance is enforceable by the town board acting through the town Chairperson or designee. Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall, upon conviction, be subject to a forfeiture of One Hundred Dollars (\$100.00) plus any court fees for each such offense. Each day a violation continues may be considered a separate offense. The provisions of this Section III are in addition to Section II (H) Penalties.

**Section IV. Severability.**

The provisions of this Ordinance are severable, and it is expressly declared that the Town Board would have passed provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid or unenforceable. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unenforceable, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall continue in full force and effect.

**Section V. Effective Date.**

This Ordinance is effective upon adoption and posting or publication according to law.

Enacted: June 9, 2022

TOWN OF MEEME

By: \_\_\_\_\_

Dennis Graf, Chairman

By: \_\_\_\_\_

Susan Kracht, Supervisor

By: \_\_\_\_\_

Henry Langenhahn, Supervisor

Attest: \_\_\_\_\_

Valerie Spindler, Clerk