

ORDINANCE NO. 03-2021

AN ORDINANCE REPEALING AND RECREATING SECTION 12.02(8a)(a)  
OF THE GERMANTOWN MUNICIPAL CODE RELATING TO  
THE SALE OF INTOXICATING LIQUOR FOR OFF-PREMISES CONSUMPTION

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WHEREAS, the Village Board previously adopted section 12.02(8a)(a) of the Germantown Municipal Code which regulates the sale of intoxicating liquors for off-premises consumption; and

WHEREAS, under Wisconsin Statute, a Class B liquor license previously allowed for the sale of intoxicating liquors by the glass for consumption on the licensed premises and also in the original packaging or container for consumption off-premises; and

WHEREAS, the Wisconsin Legislature passed 2021 Wis. Act 21, which authorizes a Class B license holder to sell intoxicating liquor in a container other than the original container for consumption off-premises provided that the container has a tamper-evident seal; and

WHEREAS, the Village Board wishes to update section 12.02(8a)(a) to match the state regulations; and

WHEREAS, the regulation of the sale of alcohol within the Village furthers the health, safety, and welfare of the community.

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 12.02(8a)(a) of the Municipal Code of Germantown is hereby repealed and recreated to read as follows:

(a) Sale Restrictions. Pursuant to Wis. Stat. § 125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor for consumption off of the premises of any retail "Class B" intoxicating liquor license unless the licensee seals the container of intoxicating liquor with a tamper-evident seal, as that term is defined in the Wisconsin Statutes, before the intoxicating liquor is removed from the premises or the intoxicating liquor is in an original unopened package or container.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

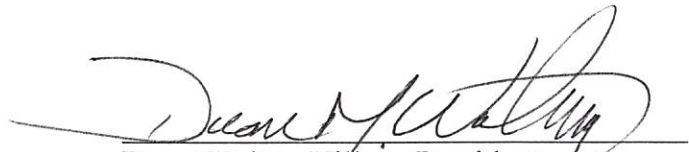
SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.


Introduced by Trustee Myers

Adopted: April 5, 2021

Vote: Ayes: 7 Nays: 2 Absent: -

  
Dean Wolter, Village President

ATTEST:

  
Deanna Braunschweig, Village Clerk

Approved as to form:

  
Brian C. Sajdak, Village Attorney

Published: