

ORDINANCE NO. 289

AN ORDINANCE TO AMEND ORDINANCE #117 ENTITLED “AN ORDINANCE TO REPEAL ALL PRIOR ORDINANCES DEALING WITH ALCOHOL BEVERAGES AND CREATE SECTION 12.03 FOR THE MUNICIPAL CODE OF THE VILLAGE OF OCONOMOWOC LAKE ENTITLED INTOXICATING LIQUOR AND AND FERMENTED MALT BEVERAGES” BY REPEALING AND RECREATING SECTION 9 ENTITLED MISCELLANEOUS PROVISIONS, SUBSECTION (F) ENTITLED LOCAL OPTIONS

WHEREAS, Section 125.51(3)(b), Wis Stats has been amended to read as follows:

(3) Retail “Class B” license.

...

(b) In all municipalities electing by ordinance to come under this paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. This paragraph does not apply to a winery that has been issued a “Class B” license. Paragraph (am) applies to all wineries that have been issued a “Class B” license.

and

WHEREAS, by prior ordinance the Village Board of the Village of Oconomowoc Lake authorized the local option as it existed at the time as follows:

(f) Local Option

The holder of a retail “Class b” Liquor License shall be permitted to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises and in the original containers in the original containers in multiples not to exceed four (4) liters at any one time and to be consumed off the premises. Off premises sales shall cease at midnight of each day. It is intended by this section that the sales from Class “B” licensed premises will not be permitted after midnight under the option granted herein.

and

WHEREAS, Village Board of the Village of Oconomowoc Lake wishes to elect by ordinance to come under the amended paragraph 125.51(3)(b);

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance #117 entitled “An Ordinance to repeal all prior ordinances dealing with Alcohol Beverages and create section 12.03 for the Municipal Code of the Village of Oconomowoc Lake entitled Intoxicating Liquor and Fermented Malt Beverages” subsection 9 entitled Miscellaneous Provisions, subsection (f) entitled Local Options is hereby repealed and recreated to read as follows:

9 (f): Local Option

A retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. This paragraph does not apply to a winery that has been issued a “Class B” license. Off premises sales shall cease at midnight of each day. It is intended by this section that the sales from Class “B” licensed premises will not be permitted after midnight under the option granted herein.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

VILLAGE OF OCONOMOWOC LAKE

\_\_\_\_\_  
Joe Birbaum, Village President

ATTEST:

\_\_\_\_\_  
Jennifer A. Moore, Village Clerk/Treasurer