

Ordinance No. O-2020-0011

Sponsor: Ald. Stefanski

Ordinance to Create Section 9.02(1m) of the West Allis Municipal Code Relating to the authorization for “Class B” licenses to sell intoxicating liquor in the original package or container.

Whereas, under Wis. Stat. § 125.51(3)(a), “Class B” licensees are not allowed to sell intoxicating liquor, other than wine, in the original package or container to be consumed off the premises where sold.

Whereas, the prohibition does not apply in municipalities in which the governing body elects to come under Wis. Stat. § 125.51(3)(b); and...; and

Whereas, “Class B” licensees have expressed an interest in selling intoxicating liquor for consumption off the premises where sold;

Now, therefore, the Common Council of the City of West Allis, Milwaukee County, do ordain as follows:

Part 1. Code Revision

Section 9.02(1m) of the Municipal Code of the City of West Allis is hereby created to read

as follows: (1m) Pursuant to Wis. Stat. § 125.51(3)(b), 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 any quantity, to be consumed off the premises where sold.

Part 2. Code Revision (OPTIONAL)

Section 9.02(15)(b) of the Municipal Code of the City of West Allis is hereby amended to read as follows:

(b) Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class “B” or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.

Part 3. Inconsistent Law Repealed

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Part 4. Severability

The provisions of this ordinance are severable. If any provision of this ordinance is invalid, or if the application of this ordinance to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Part 5. Effective Date

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

Part 6. Sunset Date

This ordinance shall cease to have effect and is repealed as of the date on which the emergency declared in West Allis Resolution No. R-2020-0196 is terminated.

PASSED: April 8, 2020
/s/ Steven A. Braatz, Jr., City Clerk
APPROVED: April 8, 2020
/s/ Dan Devine, Mayor

Published: April 15, 2020