

**The Common Council
of the
City of Waukesha, Wisconsin**

Ordinance No. _____-15

An Ordinance Repealing and Recreating Municipal Code §9.11(16), Regarding Sale of Intoxicating Liquors at Motor Vehicle Fueling Stations

Whereas previous Municipal Code §9.11(16) prohibited the issuance of Class A intoxicating-liquor licenses to any establishment where motor-vehicle fuels are offered for sale; and

Whereas cider is classified as a wine, which is in the category of intoxicating liquor, and thus could not be sold at establishments where motor-vehicle fuels are offered for sale under the previous ordinance; and

Whereas the Wisconsin State Legislature passed amendments to Chapter 125 of the Wisconsin Statutes which contradicted previous Municipal Code §9.11(16) and expressly allow the issuance of Class A intoxicating liquor licenses for cider only to be issued to establishments where motor-vehicle fuels are offered for sale, rendering previous Municipal Code §9.11(16) contrary to state law; and

Whereas the Common Council now wishes to amend Municipal Code §9.11(16) to be in compliance with state law;

Now, therefore, the Mayor and Common Council of the City of Waukesha do ordain as follows:

Section 1. Subsection (16) of Municipal Code §9.11 is repealed and recreated to read in its entirety as follows:

(16) Sales of Intoxicating Liquors at Motor Vehicle Fueling Stations Prohibited;

Exception. No “Class A” intoxicating liquor license shall be issued to any establishment at which gasoline, diesel fuel, E85, or any other fuel for motor vehicles is offered for sale to the public; except a “Class A” intoxicating liquor license for the sale of cider only.

Passed the 1st day of September, 2015.

Approved:

Shawn N. Reilly, Mayor

Attest:

Gina L. Kozlik, City Clerk