

ORDINANCE 09-2019
AMENDING CHAPTER 109-16
OF THE
VILLAGE OF COTTAGE GROVE MUNICIPAL CODE

The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows:

SECTION I. – BACKGROUND RATIONALE

Wisconsin State Statute 125.68(4) is the statute that regulates the operating hours for establishments that hold an alcohol license. The state statute reads as follows:

(4) CLOSING HOURS.

(a) *Wholesalers.* No premises for which a wholesale intoxicating liquor permit has been issued may remain open for the sale of intoxicating liquor between the hours of 5 p.m. and 8 a.m., except on Saturday the premises may remain open until 9 p.m.

(b) *“Class A” retailers.* No premises for which a “Class A” license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 6 a.m. A municipality may, by ordinance, impose more restrictive hours than those provided in this paragraph.

(c) *“Class B” and “Class C” retailers.*

1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises for which a “Class B” license or permit or a “Class C” license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a “Class B” license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), no premises may remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a “Class B” license issued to a winery under s. 125.51 (3) (am).

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on “Class B” licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on “Class C” licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision except with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a). This subdivision does not apply to a “Class B” license issued to a winery under s. 125.51 (3) (am).

3m. No premises for which a “Class B” license has been issued under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

4. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters, painting studios, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

5. A municipality may not, by ordinance, impose different hours than those provided under subd. 1.

6. No person may serve wine after 9 p.m. on premises covered by a temporary "Class B" license issued as provided in s. [125.51 \(10\) \(b\)](#).

The current Village ordinance is contrary to Wisconsin State Statute; and the Police Department is following Wisconsin State Statute 125.68(4).

SECTION II. – CURRENT LANGUAGE

§109-16 Closing Hours.

No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of alcohol beverages:

Section 109-16 (A) will remain as is.

Section 109-16 (B) currently reads:

“Class A licensees. If a Class A license, between 9:00 p.m. and 8:00 a.m.”

Section 109-16(B) shall be amended to read as follows:

“*Class A Licensees. If a Class A license, between 9:00 p.m. and 6:00 a.m.*”

Section 109-16(C) currently reads:

“Class B licensees. If a retail Class B license, between 1:00 a.m. and 8:00 a.m., except January 1, when the closing hours shall be between 3:00 a.m. and 8:00 a.m., and except on that day of each year when the standard of time is advanced under s. 175.095, Wis. Stats., when the closing hours shall be between 2:00 a.m. and 8:00 a.m.”

Section 109-16 (C) shall be amended to read as follows:

““*Class B*” and “*Class C*” retailers.

1. Subject to subds. [3](#) and [6](#) and s. [125.51 \(3r\) \(a\) 3](#), no premises for which a “Class B” license or permit or a “Class C” license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. [4](#). On January 1 premises operating under a “Class B” license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. [175.095 \(2\)](#), no premises may remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a “Class B” license issued to a winery under s. [125.51 \(3\) \(am\)](#).

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on “Class B” licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on “Class C” licensed premises as authorized under s. [125.51 \(3r\) \(a\)](#). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision except with respect to the sale of

intoxicating liquor authorized under s. [125.51 \(3r\) \(a\)](#). This subdivision does not apply to a "Class B" license issued to a winery under s. [125.51 \(3\) \(am\)](#).

3m. No premises for which a "Class B" license has been issued under s. [125.51 \(3\) \(am\)](#) may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

4. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters, painting studios, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. [1.](#) or, with respect to the sale of intoxicating liquor authorized under s. [125.51 \(3r\) \(a\)](#), under subd. [3.](#)

5. A municipality may not, by ordinance, impose different hours than those provided under subd. [1.](#)

6. No person may serve wine after 9 p.m. on premises covered by a temporary "Class B" license issued as provided in s. [125.51 \(10\) \(b\)](#)."

Section 109-16 (D) will be deleted.

Section 19-16 (E) will be deleted.

SECTION III. - CONFLICT AND SEVERABILITY

SECTIONS 109-16 of the MUNICIPAL CODE OF THE VILLAGE OF COTTAGE GROVE shall apply to this ordinance.

SECTION IV. - EFFECTIVE DATE

This ordinance shall take effect upon compliance with the publication/posting requirements of the Wisconsin Statutes.

Adopted this 4th day of November, 2019.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF COTTAGE GROVE

John Williams, Village President

Attest:

Lisa Kalata, Village Clerk