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**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 9.09 OF THE TOWN OF  
DELAFIELD MUNICIPAL CODE CONCERNING PERMISSION TO CONSUME  
ALCOHOL IN PARKS IN THE TOWN OF DELAFIELD**

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WHEREAS, Section 9.09(2) of the Town of Delafield Town Code currently allows the Town Board to approve the consumption of alcohol in Town parks at community functions or events; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the governing body, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Administrator the power to approve consumption of alcohol in Town parks at community functions or events.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.09 entitled "Consumption of Alcohol Beverages in Public Places Prohibited," subsection (2) is hereby repealed and re-created as follows.

(2) The prohibition in sub. (1) shall not apply to community functions or events when authorized by specific written action of the Town Board-Administrator. In exercising this authority, the Town Administrator shall consider the size of the event, the location of the event, the precautions to be taken by event organizers, and such other relevant facts and circumstances in the situation, to protect health and safety and ensure compliance with applicable laws.

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 Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.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 be effective upon publication or posting as provided by law.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF DELAFIELD

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Ron Troy, Town Chair

ATTEST:

\_\_\_\_\_  
Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published \_\_\_\_\_.