

ORDINANCE NO. 080519-02

An Ordinance Creating Section 42-124 of the Municipal Code of the Village of Fontana-on-Geneva Lake

WHEREAS, according to reports from the Fontana Police Department, the sale and use of Cannabidiol ("CBD") appears to be increasing in the Village of Fontana-on-Geneva Lake; and

WHEREAS, Wis. Stats. Section 94.55 authorizes pilot programs to be administered by the Department of Agriculture, Trade and Consumer Protection ("DATCP") and permits the production, sale and possession of CBD in the State of Wisconsin so long as it is derived from industrial hemp that is produced in DATCP supervised pilot programs; and

WHEREAS, the State of Wisconsin Attorney General, in an opinion issued on May 10, 2018, has provided guidance as to enforcement of conflicting law on the subject of the sale and use of CBD in the State of Wisconsin; and

WHEREAS, the Village Board of the Village of Fontana-on-Geneva Lake, in consideration of the opinion of the Wisconsin Attorney General issued on May 10, 2018 and Wis. Stats. Section 94.55 intends by this ordinance to reasonably regulate the sale of CBD by Fontana retailers so as to fully comply with Wis. Stats. Section 94.55 and follow the most current guidance of the State of Wisconsin Attorney General.

NOW, THEREFORE, the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

Section 42-124 of the Municipal Code of the Village of Fontana-on-Geneva Lake is hereby created to read as follows:

Sec. 42-124. Sale of CBD oil regulated.

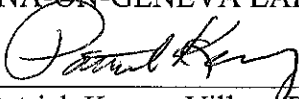
- (a) The sale of Cannabidiol, also referred to as "CBD", or any consumable product which is CBD based, may only take place when said CBD is the product of industrial hemp that is grown pursuant to a program administered and supervised by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection under authority provided in Wis. Stats. Section 94.55. Retailers of CBD shall provide evidence of this specific legal source of CBD offered for sale on request from the Village of Fontana.
- (b) CBD shall be displayed for sale only at the rear of a supervised retail counter and out of direct reach by consumers, so as to be sold only by request.

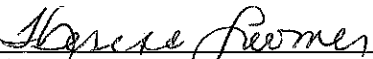
SECTION 2. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon and from its passage, approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this 5th day of August, 2019.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: 
Patrick Kenny, Village President

Attest: 
Theresa Loomer, Village Clerk