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MEMORANDUM

To: Board of Selectmen, Town of Wilton
From: Nicholas R. Bamonte, Esq. 
Date: December 8, 2023
Re: Proposed Amendment to Chapter 8 of the Wilton Code, "Sale of Alcoholic Liquor"

At a Special Meeting held on December 6, 2023, the Board of Selectmen considered a proposed amendment to Chapter 8 of the Town Code that would authorize the operation of breweries in Town and permit the sale of beer for both on premises and off premises consumption. The Board ultimately voted to refer the proposal to a public hearing, setting the hours of operation for on premises sales the same as what the Code already established for restaurants, and hours for off premises sales the same as established for package stores. Discussion focused on specific hours of operation as set forth in the existing Code provisions applicable to restaurants and package store that was presented to the Board.

However, the Town Clerk has advised that the version of the existing Code that the Board considered on December 6, 2023 did not reflect the current, effective version of the Code.

On September 16, 2013, the Town did, in fact, amend the existing Section 8-4 regarding package stores to allow Sunday sales from 10AM-5PM, the maximum hours allowed under state law first adopted in 2012. Later, on May 6, 2017, the Town further amended Section 8-3 regarding restaurants to replace the specific hours of operation set forth in the existing Subsection 1, instead setting the broadest hours of operation (on premises consumption only) as defined in C.G.S. § 30-91(a). Those hours, currently in effect in Wilton for restaurants, are: Monday-Thursday from 9AM-1AM, Friday-Saturday from 9AM-2AM, and Sunday from 10AM-1AM. Those two changes are now incorporated into the currently proposed ordinance language redline.

In effect, that means the current proposal referred to a public hearing on December 19, 2023 is to allow breweries to sell beer for off premises consumption, Sundays included, and for on premises consumption during the broader hours set forth in C.G.S. § 30-91(a).

Final note on the hours applicable to package stores (and under this proposal, breweries): In 2012, the state legislature authorized Sunday sales from 10AM-5PM, with all other days open 8AM-9PM. Then in 2015, it extended those hours Sunday to 6PM and other days to 10PM. Through the Town Clerk's research, we have confirmed that Wilton's currently effective code sets package store hours on Sunday from at 10AM-5PM (one hour less than the statutory maximum) and other days from 9AM-8PM (two hours less than the statutory maximum). So, as presently voted by the BOS, the proposal cannot only reference C.G.S. § 30-91 to set the hours of operation for both on premises (like restaurants) and off premises (like package stores) sales. That is why the redline ordinance language provides hours for breweries to sell for off premises consumption "the same as required by the Town for package stores" under the Code.