



Legislation Details (With Text)

**File #:** 111228      **Version:** 0  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/18/2012      **In control:** LICENSES COMMITTEE  
**On agenda:**      **Final action:** 2/28/2012  
**Effective date:**

**Title:** An ordinance relating to the provision of free taste samples at licensed Class "A" retail intoxicating liquor and Class "A" fermented malt beverage retailer premises.

**Sponsors:** THE CHAIR

**Indexes:** ALCOHOL - REGULATION AND LICENSING

**Attachments:** 1. Hearing Notice List, 2. Notice Published on 3-15-12

Date	Ver.	Action By	Action	Result	Tally
1/18/2012	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/13/2012	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE		5:0
2/13/2012	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/28/2012	0	COMMON COUNCIL	PASSED	Pass	15:0
3/2/2012	0	MAYOR	SIGNED		
3/15/2012	0	CITY CLERK	PUBLISHED		

111228  
ORIGINAL

THE CHAIR

An ordinance relating to the provision of free taste samples at licensed Class "A" retail intoxicating liquor and Class "A" fermented malt beverage retailer premises.

- 90-3-5 ra
- 90-3-5 cr
- 90-3-6 rn
- 90-3-6 cr

Consistent with ss. 125.06(13) and 125.25(10), Wis. Stats., this ordinance provides that no special license or permit is required for a Class "A" retail intoxicating liquor licensee or a Class "A" retail fermented beverage licensee to offer free taste samples of wine and fermented malt beverages, respectively, of not more than 3 ounces each. The ordinance also establishes restrictions on the number of free samples that may be provided, the hours when they may be offered and the provision of free samples to underage persons. In addition, any wine given away in the form of free samples must be purchased from a wholesaler.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 90-3-5 of the code is renumbered 90-3-7 and amended to read:

**90-3. License Required.**

7. EVADING LAW BY GIVING AWAY ALCOHOL BEVERAGES. No person may give away any alcohol beverages >>, except as provided in subs. 5 and 6,<< or use any other means to evade this chapter or any state law relating to the sale of alcohol beverages.

Part 2. Section 90-3-5 of the code is created to read:

**5. WINE SAMPLING ON CLASS "A" PREMISES.** a. Free Taste Samples Permitted. No license or permit is required under this chapter for the provision of wine taste samples of not more than 3 fluid ounces each, free of charge, by a Class "A" retail intoxicating liquor licensee to customers and visitors for consumption on the premises.

b. Number of Samples Limited. No Class "A" retail intoxicating liquor licensee may provide more than 2 taste samples per day to any one person.

c. Hours for Free Samples. This subsection applies only between the hours of 11 a.m. and 7 p.m..

d. Underage Persons. No Class "A" retail intoxicating liquor licensee may provide taste samples under this subsection to any underage person.

e. Wine to Come from Wholesaler. No Class "A" retail intoxicating liquor licensee may provide as taste samples under this subsection wine that the licensee did not purchase from a wholesaler.

Part 3. Section 90-3-6 of the code is renumbered 90-3-8.

Part 4. Section 90-3-6 of the code is created to read:

**6. FERMENTED MALT BEVERAGE SAMPLING ON CLASS "A" PREMISES.** a. Free Taste Samples Permitted. No license or permit is required under this chapter for the provision of fermented malt beverage taste samples of not more than 3 fluid ounces each, free of charge, by a Class "A" fermented malt beverage retailer licensee to customers and visitors for consumption on the premises.

b. Number of Samples Limited. No Class "A" fermented malt beverage retailer licensee may provide more than 2 taste samples per day to any one person.

c. Hours for Free Samples. This subsection applies only between the hours of 11 a.m. and 7 p.m..

d. Underage Persons. No Class "A" fermented malt beverage retailer licensee may provide taste samples under this subsection to any underage person.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: \_\_\_\_\_

City Clerk - License Division

LRB124915-1

Jeff Osterman

12/20/2011