



Legislation Details (With Text)

**File #:** 111421      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/7/2012      **In control:** LICENSES COMMITTEE  
**On agenda:**      **Final action:** 2/28/2012  
**Effective date:**

**Title:** A substitute ordinance relating to dispensing and sale of fermented malt beverages on Class "B" licensed premises.

**Sponsors:** ALD. KOVAC

**Indexes:** ALCOHOL - REGULATION AND LICENSING, TAVERNS

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

Date	Ver.	Action By	Action	Result	Tally
2/7/2012	0	COMMON COUNCIL	ASSIGNED TO		
2/22/2012	1	CITY CLERK	DRAFT SUBMITTED		
2/23/2012	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/28/2012	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/28/2012	1	COMMON COUNCIL	PASSED	Pass	15:0
3/2/2012	1	MAYOR	SIGNED		
3/15/2012	1	CITY CLERK	PUBLISHED		

111421

SUBSTITUTE 1  
ALD. KOVAC

A substitute ordinance relating to dispensing and sale of fermented malt beverages on Class "B" licensed premises.

90-29 am

90-31-1 rc

This ordinance authorizes a Class "B" licensed retailer to dispense and sell fermented malt beverages in refillable bottles and containers commonly referred to as "growlers".

Whereas, Dispensing fermented malt beverages in reusable bottles and containers is a common practice by Class "B" retail alcohol beverage establishments in many areas of Wisconsin; and

Whereas, Refilling malt beverage containers provides retail customers a convenient and economical alternative; and

Whereas, Refilling malt beverage containers reduces the volume of trash and recyclables; and

Whereas, The State of Wisconsin allows for the refilling of properly labeled beverage containers with fermented malt beverages; now, therefore

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

Part 1. Section 90-29 of the code is amended to read:

**90-29. ~~[[Alcoholic]]~~>>Alcohol<< Content to Show on Label.** No fermented malt beverages or intoxicating liquors shall be sold unless the barrel, keg, cask, bottle or other container containing the same shall have thereupon at the time of a sale a label of the kind and character required by statute. Every bottle shall contain upon the label thereof a statement of the contents in fluid ounces in plain and legible form. >>No bottle or other container shall be refilled as permitted in s. 90-31-1-b, unless there is a label or other identification on the container bearing a statement of its contents in fluid ounces in plain legible type.<<

Part 2. Section 90-31-1 of the code is repealed and recreated to read:

**90-31. Refilling Bottles or Substitution of Brands Prohibited. 1. RETAILER MAY NOT BOTTLE OR REFILL.** a. Prohibited. No Class "A" or "B" liquor or fermented malt beverage retailer licensee may bottle any intoxicating liquor or fermented malt beverage or refill any bottle or add to the contents of any bottle or container from any other bottle or container.

b. Exception. A Class "B" retail licensee authorized to sell fermented malt beverages may dispense and sell fermented malt beverages in refillable bottles or containers labeled and identified as provided in s. 90-29 and not exceeding one gallon capacity.

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: \_\_\_\_\_

LRB137166-2  
Richard L. Withers  
2/8/2012