



## Legislation Text

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File #: 240304, Version: 1

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240304  
SUBSTITUTE 1

ALD. ZAMARRIPA

A substitute ordinance relating to alcohol beverage establishment regulations and licensing procedures.

85-35	am
90-1-10.5	cr
90-1-20	cr
90-3-5-f	cr
90-3-5-g	cr
90-3-6-e	cr
90-3-6-f	cr
90-3-6.5-0	am
90-3-6.5-f	cr
90-3-6.5-g	cr
90-4-9-d	rc
90-4.5	rc
90-5-12-a	am
90-5-12-b	am
108-3-1	rn
108-3-1	cr

This ordinance make various revisions to the city's alcohol beverage establishment licensing regulations and procedures to bring them into conformity with recently-enacted Wisconsin 2023 Act 73.

The ordinance:

1. Increases the notification period for changes to information provided on license applications from 10 days to 30 days.
2. Defines "hair salon", "nail salon" and "axe throwing facility".
3. Allows a producer to provide taste samples of wine, beer or liquor on "Class A", "Class B", or "Class C" premises if the samples are produced by the producer and leftover taste sample liquor is removed from the premises.
4. Removes the prohibition on the issuance of a "Class C" license to a foreign corporation, or a foreign limited liability company.
5. Allows axe throwing on a premises with "Class B" and "Class C" retail licenses.
6. Creates an exception for hair and nail salons to the prohibition on "other business" on certain licensed premises.

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

Part 1. Section 85-35 of the code is amended to read:

**85-35. Changes to Application.** A licensee shall notify the city clerk when there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within ~~[[40]]~~ >>30<< days after the change occurs.

Part 2. Section 90-1-10.5 of the code is created to read:

**90-1. Definitions.**

**10.5 HAIR SALON** shall mean a personal service establishment as defined in s. 295-201-451 whose primary business is hair-related.

Part 3. Section 90-1-20 of the code is created to read:

**10.5 NAIL SALON** shall mean a personal service establishment as defined in s. 295-201-451 whose primary business is nail-related.

Part 4. Section 90-3-5-f and g of the code is created to read:

**90-3. License Required.**

**5. WINE SAMPLING ON "CLASS A" PREMISES.**

f. Removal of Leftover Taste Sample Alcohol. A producer may provide taste samples produced by the producer if brought to the retail premises and if leftover alcohol beverages are removed from the premises.

g. Exception. Leftover taste sample alcohol purchased from the retailer on the premise may remain on the premise.

Part 5. Section 90-3-6-e and f of the code is created to read:

**6. FERMENTED MALT BEVERAGE SAMPLING ON CLASS "A" PREMISES.**

e. Removal of Leftover Taste Sample Alcohol. A producer may provide taste samples produced by the producer if brought to the retail premises and if leftover alcohol beverages are removed from the premises.

f. Exception. Leftover taste sample alcohol purchased from the retailer on the premise may remain on the premise.

Part 6. Section 90-3-6.5-0 of the code is amended to read:

**6.5. INTOXICATING LIQUOR SAMPLING ON "CLASS A">> "CLASS B" OR "CLASS C"<< PREMISES.**

Part 7. Section 90-3-6.5-f and g of the code is created to read:

f. Removal of Leftover Taste Sample Alcohol. A producer may provide taste samples produced by the producer if brought to the retail premises and if leftover alcohol beverages are removed from the premises.

g. Exception. Leftover taste sample alcohol purchased from the retailer on the premise may remain on the premise.

Part 8. Section 90-4-9-d of the code is repealed and recreated to read:

#### **90-4. Classification of Licenses.**

##### **9. "CLASS C" WINE RETAILER LICENSE.**

d. Restriction. A "Class C" license may be issued to any person otherwise qualified to hold an alcohol beverage retail license.

Part 9. Section 90-4.5 of the code is repealed and recreated to read:

**90-4.5. Limitations On Other Business. 1. CLASS "B" PREMISES.** No Class "B" fermented malt beverage retailer license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" fermented malt beverage retailer license is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" fermented malt beverage retailer premises. No other business may be conducted on premises operating under a Class "B" fermented malt beverage retailer license. These restrictions do not apply to any of the following:

- a. A hotel.
- b. A restaurant, whether or not it is a part or located in any mercantile establishment.
- c. A combination grocery store and tavern.
- d. A combination novelty store and tavern.
- e. A bowling alley or recreation premises.
- f. A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for Class "B" fermented malt beverage retailer license.
- g. A painting studio.
- h. An axe throwing facility.

**2. "CLASS C" PREMISES.** No "Class C" wine license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the "Class C" wine license is issued is connected to premises where

other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the "Class C" wine license premises. No other business may be conducted on premises operating under a "Class C" fermented malt beverage retailer license. These restrictions do not apply to any of the following:

- a. A hotel.
- b. A restaurant, whether or not it is a part or located in any mercantile establishment.
- c. A combination grocery store and tavern.
- d. A combination novelty store and tavern.
- e. A bowling alley or recreation premises.
- f. A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for Class "B" fermented malt beverage retailer license.
- g. A painting studio.
- h. An axe throwing facility.
- i. A hair salon
- j. A nail salon

Part 10. Section 90-5-12-a and b of the code is amended to read:

### **90-5. Licensing.**

**12. CHANGES TO BE REPORTED.** a. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within ~~[[140]]~~ >>30<< days after the change occurs.

b. A licensee, or an applicant if action has not been taken on an application, shall advise the city clerk upon receiving information that the right of the applicant or licensee to occupy the licensed premises will be interrupted or terminated prior to the expiration of the license period. Notification shall be made in writing within ~~[[140]]~~ >>30<< days after the information becomes known to the licensee or applicant. The city clerk shall forward the communication to the member of the common council in whose district the licensed premises is located.

Part 11. Section 108-3-1 of the code is renumbered 108-3-1.5.

Part 12. Section 108-3-1 of the code is created to read:

### **108-3. Definitions.**

**1. AXE THROWING FACILITY** means an establishment that provides customers with a venue to

engage in the activity of axe throwing and that either derives at least 51 percent of its revenue from fees associated with axe throwing or maintains at the venue at least 5 axe throwing lanes.

APPROVED AS TO FORM

*K. Broadnax*

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Legislative Reference Bureau  
Date: June 17, 2024

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IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney  
Date: \_\_\_\_\_

License Division  
LRB179964-1  
Kathleen Brengosz  
6/17/2024