



Legislation Text

File #: 240198, **Version:** 2

240198
SUBSTITUTE 2

ALD. ZAMARRIPA and ALD. BROSTOFF

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

81-52.6	cr
81-130	cr
90-1-9	rn
90-1-9	cr
90-1-10	rn
90-1-10	cr
90-1-11	rn
90-1-12	rn
90-1-13	rn
90-1-14	rn
90-1-15	rn
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90-1-26	rn
90-1-27	rn
90-1-28	rn
90-1-29	rn
90-1-30	rn
90-1-31	rn
90-1-32	rn
90-1-33	cr
90-4-13	cr
90-4-14	cr
90-5-2-a	am

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. Adds definitions for the following terms:
 - a. Full-service retail sales.
 - b. Fixed full-service retail outlet.
 - c. Unlimited transfer full-service retail outlet.
2. Establishes fees for fixed full-service retail outlets and unlimited transfer full-service retail outlets.
3. Establishes an approval procedure for fixed full-service retail outlets and unlimited transfer full-service retail outlets.

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

Part 1. Section 81-52.6 of the code is created to read:

81-52.6. Fixed Full-Service Retail Outlet. The fee for a fixed full-service retail outlet approval is \$600.

Part 2. Section 81-130 of the code is created to read:

81-130. Unlimited Transfer Full-Service Retail Outlet. The fee for an unlimited transfer full-service retail outlet approval is \$10.

Part 3. Section 90-1-31 and 32 of the code is renumbered 90-1-34 and 35.

Part 4. Section 90-1-9 to 30 of the code is renumbered 90-1-11 to 32.

Part 5. Section 90-1-9 and 10 of the code is created to read:

90-1. Definitions.

9. FULL-SERVICE RETAIL SALES shall mean retail sales of fermented malt beverages or intoxicating liquor, for on-premises or off-premises consumption, or the provision of taste samples of fermented malt beverages or intoxicating liquor, or any combination of these activities.

10. FIXED FULL-SERVICE RETAIL OUTLET shall mean an off-site premises where A producer is allowed to make full-service retail sales. Upon notice to the division of alcohol beverages, a fixed full-service retail outlet may be transferred to a different location within the state once per calendar year. If its new location is within the city of Milwaukee, its transfer will be pursuant to s. 85-19-2.

Part 6. Section 90-1-33 of the code is created to read:

33. UNLIMITED TRANSFER FULL-SERVICE RETAIL OUTLET shall mean an off-site premises where a producer is allowed to make full-service retail sales. Upon notice to the division of alcohol beverages, an unlimited transfer full-service retail outlet may be transferred to a different location within the state of Wisconsin without a limitation on frequency.

Part 7. Section 90-4-13 and 14 of the code is created to read:

90-4. Classification of Licenses.

13. FIXED FULL-SERVICE RETAIL OUTLET. a. Authority. Approval by the city of a fixed full-service retail outlet application shall authorize the applicant to establish a full-service retail outlet and make full-service retail sales from that premises. Such authority shall be contingent on the applicant obtaining approval by the state of Wisconsin.

b. Application. An application for a fixed full-service retail outlet shall be made to the city clerk in writing on forms furnished by the city clerk.

c. Approval Procedure. Approval of an application for a fixed full-service retail outlet shall be in the manner set forth in s. 85-2.7.

d. Revocation and Reapplication. The revocation of and the reapplication for a producer fixed full-service retail outlet shall be governed by s. 125.12, Wis. Stats.

e. Fee. Each applicant shall be subject to the fee specified in s. 81-52.6.

14. UNLIMITED TRANSFER FULL-SERVICE RETAIL OUTLET. a. Authority. Approval by the city of an unlimited transfer full-service retail outlet application shall authorize the applicant to establish an unlimited transfer full-service retail outlet and make full-service retail sales from that premises. Such authority shall be contingent on the applicant obtaining approval by the state of Wisconsin.

b. Eligible Areas. Areas included in any unlimited transfer full-service retail outlet shall be owned by or under the control of the licensee. If the applicant seeks to encroach upon public property or a public thoroughfare, the applicant shall also obtain the applicable special privilege permit.

c. Application. An application for an unlimited transfer full-service retail outlet shall be made to the city clerk in writing on forms furnished by the city clerk.

d. Approval by Council Member. Approval of an application for an unlimited transfer full-service retail outlet shall be in the manner set forth in s. 85-39-4.

e. Committee Action and Hearing Procedure. The committee action and hearing procedure related to the denial of an application for an unlimited transfer full-service retail outlet shall be in the manner set forth in ss. 85-39-5 and 85-39-6.

f. Issuance. If the common council member approves or the common council grants the application for an unlimited transfer full-service retail outlet, the city clerk shall issue an appropriate document to the state confirming that fact and specifying the date, period of time and specific location for which the unlimited transfer full-service retail outlet shall be in effect. The document shall also contain any restrictions or conditions which the common council member or common council may place on the approval.

g. Restriction. Issuance shall be restricted as set forth in s. 85-39-7-b.

h. Notice. Notice of issuance shall be given as set forth in s. 85-39-7-c.

i. Fee. Each applicant shall be subject to the fee specified in s. 81-130.

Part 8. Section 90-5-2-a of the code is amended to read:

90-5. Licensing.

2. TRUTH OF STATEMENTS AND AFFIDAVITS; PENALTY.

a. All matters submitted in writing to the city >>or the state<< by any applicant or licensee pertaining to an intoxicating liquor or fermented malt beverage license shall be true. Any person who submits in writing any untrue statement or affidavit to the city >>or the state<< in connection with any such license or application shall be fined not to exceed \$500 or in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 90 days; and that license, if granted, shall be subject to revocation and no intoxicating liquor or fermented malt beverage license of any kind or nature whatsoever shall thereafter be granted to such a person for a period of one year from the date of such revocation.

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: June 11, 2024

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

License Division

LRB179922-2

Kathleen Brengosz

6/10/2024