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Memorandum

November 12, 2015

To: Common Council
From: Brian Running
Re: Proposed Amendment to Municipal Code §9.09(4)

Municipal Code §9.09(4) presently reads as follows:

(4) RESTRICTIONS TO CLASS A PREMISES. (Rep. #19-92, Recr. #57-94) (Am. #14-05) No Class A Intoxicating liquor license may be granted for any premises where another business is conducted in connection with the premises. This restriction does not apply if intoxicating liquor is displayed and sold in a room separate from the remainder of the premises where the other business is conducted. All checkouts and purchases shall be made in the room in which the intoxicating liquor is displayed. The restrictions and requirements of this subsection do not apply to the display and sale of wine.

This is the ordinance that requires grocery stores in the City to sell intoxicating liquor in a separate room, and not out in the aisles of the groceries portion of the store. It applies to any other business, and not just grocery stores, but grocery stores are the main example. Beer is a fermented malt beverage, so the license for beer is not subject to this section. Also, even though wine is defined as an intoxicating liquor, this section excepts wine. In the end, this means that grocery stores can sell beer and wine out in the grocery part of the store, but intoxicating liquors (including cider, incidentally) can only be sold in a segregated part of the store.

Meijer has requested that the ordinance be changed, to allow the sale of intoxicating liquor in the main part of the store. They have submitted materials explaining their position; but in a nutshell, they believe they can control the sale of intoxicating liquors well enough using their point-of-sale equipment so that a separate room isn't necessary to monitor it.

A motion to recommend the amendment of §9.09(4) was made at the November 9 meeting of the Ordinance and License Committee, and it failed to carry.

A motion to amend the ordinance will be made at the November 17 Council meeting. If the Council wishes to amend the ordinance as requested by Meijer, the following is a possible amendment to §9.09(4) that would accomplish the request:



- (4) **Restrictions on “Class A” Premises.** No “Class A” intoxicating liquor license shall be granted for any premises in which a business other than the sale of intoxicating liquor is also conducted, except under any of the following circumstances:
- (a) The intoxicating liquor is displayed and sold only in a room separate from the remainder of the premises. All purchases shall be made only in the separate room.
 - (b) The intoxicating liquor is sold only using point-of-sale equipment that will not allow sale of intoxicating liquor without age verification, and will not allow sale of intoxicating liquor between the hours stated in Municipal Code §9.12(5).
 - (c) The intoxicating liquor is limited only to wine.

