

City of Waukesha, Wisconsin

Ordinance No. ____-18

**An Ordinance Creating Subsection (8) of Section 9.09 of the Waukesha Municipal Code,
Regarding Restrictions on the Issuance of Class C Retail Wine Licenses**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Subsection (8) of Section 9.09 of the Waukesha Municipal Code is created to read in its entirety as follows:

(8) Restrictions on the Issuance of Class C Licenses.

- (a) Class C Retail Wine licenses may be issued only to retail businesses that prepare food for their customers, serve food to their customers, or sell food to their customers. For purposes of this subsection, “food” means any product intended for consumption by humans, but does not include soft drinks, ice cream, milk, milk drinks, ices, candy, or confections, and cannot consist solely of snack foods such as potato chips, tortilla chips, corn chips, nuts, pretzels, popcorn, cheese, crackers, or any items that are served solely through vending machines.
- (b) Regardless of subsection (a), Class C Retail Wine licenses may not be issued to the following entities:
 - (i) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.
 - (ii) Churches, religious, fraternal, youth or patriotic organizations, service clubs, and civic organizations that occasionally prepare, serve, or sell meals to transients or the general public.
 - (iii) Any public or private school lunchroom at which food service is directly provided by the school, or a private individual selling food from a movable or temporary stand at a public farm sale.
 - (iv) Any bed and breakfast establishment, as defined in Wis. Stats. §97.01(1g), that serves breakfasts only to its lodgers.
 - (v) Any college campus as defined in Wis. Stats. §36.05(6m), institution as defined in Wis. Stats. §36.51(1)(b), or technical college, that serves meals only to the

students enrolled in the college campus, institution, or technical college or to authorized elderly persons under Wis. Stats. §36.51 or §38.36.

(vi) A concession stand at a locally-sponsored sporting event, such as a little league game.

(vii) A potluck event, as defined in Wis. Stats. §97.01(13g).

Section 2. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective immediately upon its publication.

Passed the 7th day of August, 2018.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk