



Office of the City Attorney

City Hall, Room 206
201 Delafield Street
Waukesha, Wisconsin 53188-3688
Telephone (262) 524-3520
Fax (262) 650-2569
Email attorneys@ci.waukesha.wi.us

Brian E. Running
City Attorney
Miles W.B. Eastman
Assistant City Attorney
Julie M. Gay
Assistant City Attorney
Anne Marie Iselin
Assistant City Attorney
Donna Hylarides Whalen
Assistant City Attorney

Memorandum

To: Ordinance and License Committee
Common Council

From: Miles Eastman, Assistant City Attorney

Date: April 21, 2016

Re: Repeal of the City's Liquor License Fee Grant Program

State law establishes a quota system limiting the number of "Class B" intoxicating liquor licenses a municipality may grant based on its population. "Class B" intoxicating liquor licenses allow persons to consume intoxicating liquor on the premises where it is sold, such as at taverns and restaurants.

In 1997, the law was changed to establish a class of licenses called "reserve" "Class B" intoxicating liquor licenses which are based on the number of licenses remaining under a municipality's quota that were not issued as of December 1, 1997. Municipalities must assess initial applicants of reserve "Class B" intoxicating liquor licenses a fee of at least \$10,000. The City responded to this change in the law by creating Section 9.03 of the Municipal Code, which establishes a \$10,000 Economic Incentive Grant for liquor licensees who must pay the \$10,000 fee.

On March 29, 2016, the Wisconsin State Legislature enacted a new law which prohibits municipalities from rebating or refunding the \$10,000 fee for the initial issuance of a reserve "Class B" intoxicating liquor license, "including through any grant or tax credit program." Consequently, section 9.03 must be repealed.

Please contact me at your convenience if you have any questions or concerns.

