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Memorandum

To: Common Council
From: Brian Running
Re: Municipal Code Amendments to Allow Class B License in Minooka Park

On November 7, 2022, the Clerk-Treasurer's Office received an application for a Class B retail license from Primetime Events, LLC, for a beer garden at the Minooka Park beach house. The applicant proposes a licensed premises adjacent to the beach house, bounded by a substantial enclosure that meets the requirements for enclosures, and otherwise the application appears to be complete and sufficient. However, two code provisions (§9.09(2) and §9.115(b)(5)) prevent the issuance of the license, because they prohibit licenses and licensed premises on public property. Waukesha County parkland is considered public property.

The intent of the two code provisions is to prohibit the issuance of licenses on City-owned property, except under limited circumstances. The intent was not to include other government-owned property in the prohibition.

The O&L Committee is in favor of issuing the license for a beer garden at Minooka Park, and amending our code to allow it. This would also allow the issuance of licenses in any other County, State, or Federal-owned property. The code amendments are simple, just changing references from public property to City-owned property:

WMC §9.115(b)(5) would be amended as follows:

- (5) Licensed Premises may not be on ~~City-owned public~~ property, except for temporary Licensed Premises in City parks in connection with licenses issued pursuant to Municipal Code §9.09(2), temporary extensions onto Municipal Lot 3 pursuant to subsection (f)(4)(a), or if the portion on ~~public-City~~ property is within a Sidewalk Café licensed under Municipal Code §8.116.

WMC §9.09(2) would be amended as follows:

- (2) **License for Sales on ~~Public-City-Owned~~ Property Prohibited; Exceptions.** No license shall be issued for the sale of intoxicating liquor or fermented malt beverages in ~~public-City~~ parks or any other City-owned property, except: