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March 5, 2021

Memorandum

To: Ordinance and License Committee
From: Brian Running
Re: Allowing Delivery of Alcohol Beverages to Customers in Vehicles (Meijer Request)

You will recall that the manager of the Meijer store had asked for an amendment to his store's licensed premises to allow delivery of alcohol beverages to customers in their cars. It is currently allowed under Code §9.115, however, Meijer's proposal was to have their delivery section away from the building and out in the parking lot. Our ordinance requires licensed premises to be surrounded by an enclosure, which would be impossible if there is a traffic lane going through it.

This proposed amendment to §9.115 makes an exception to the enclosure requirement for Class A licensed premises that extend outside of a building only for the purpose of delivering goods to customers in their cars. The area has to be designated with signage, deliveries can only be made to customers in their cars, the goods have to be delivered in sealed original containers, and the transaction has to be finalized within the licensed premises – in other words, by customers in their cars within the designated delivery zone. That last restriction is required by Wisconsin Statutes Chapter 125, which says that sales of alcohol beverages must be face-to-face. If customers pre-order their goods online, they are required to finalize the transaction while face-to-face with the store employee delivering the goods to the vehicle, by signing a credit-card slip or some other means of consummating the transaction.

City of Waukesha, Wisconsin

Ordinance No. 2021 - _____

An Ordinance Amending Subsection (b)(4) of Section 9.115 of the Waukesha Municipal Code, Regarding Outdoor Delivery of Goods to Customers' Vehicles within Licensed Premises.

The Common Council of the City of Waukesha do ordain that:

Section 1. Sub section (b)(4) of section 9.115 of the Waukesha Municipal Code is amended to read in its entirety as follows:

- (4) Any portion of a Licensed Premises that is outside of a building must be surrounded by a substantial enclosure, not less than 36 inches in height, sufficient to delineate the boundary of the Licensed Premises and to prevent easy entry to or exit from the Licensed Premises except at designated entry and exit points, except as provided below. The number and location of entry and exit points shall be as required by the zoning code or building code, or as determined by the Chief Building Inspector or Fire Inspector. All enclosures surrounding Licensed Premises must comply with all applicable zoning and building codes, except as provided otherwise herein.
- (A) Enclosures surrounding Licensed Premises within Sidewalk Cafés shall meet the requirements of Municipal Code §8.116 rather than the enclosure requirements of this subsection.
- (B) Enclosures surrounding temporary Licensed Premises in connection with a temporary Class B license issued under Wis. Stats. §125.26(6) or §125.51(10) or a temporarily-extended Licensed Premises under subsection (f) shall meet the requirements of subsection (f)(1) rather than the requirements of this subsection.
- (C) Portions of Licensed Premises in connection with a Class A retail license that are outside of a building solely for the purpose of delivery to customers' vehicles of pre-ordered goods need not be surrounded by a substantial enclosure, but the area in which such delivery is made must be clearly indicated by signage. Such delivery may be of only original, unopened packages; delivery may be made only to customers in their vehicles, and final payment for the goods must take place within the Licensed Premises. ~~All enclosures surrounding Licensed Premises must comply with all applicable zoning and building codes.~~

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

Section 3. This Ordinance shall be effective the day after its publication.

Passed the _____ day of _____, 2021.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk

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