



City of Waukesha
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Committee: Ordinance and License	Date: 1/13/2025
Common Council Agenda Item Number: 25-00031	Date: 1/21/2025
Submitted By: Brian Running	City Administrator Approval: Anthony W. Brown, City Administrator
Finance Department Review: Joseph P. Ciurro, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: Amendments to Mun Code §9.09(4) and §9.11(9), regarding qualifications for "Class C" and Class "B" retail alcohol licenses, to bring into compliance with revised state law.	

Details:
This is another instance where our Municipal Code mirrored state law, and then state law changed. Formerly, "Class C" wine licenses could only be issued to restaurants, and the definition of restaurant was convoluted and problematic. Wis. Stat. §125.51(3m)(c) has recently been amended so that a "Class C" license can now be issued to any person qualified under §125.04, with no restaurant requirement. Our Mun. Code §9.09(4) still states that "Class C" licenses can only be issued to businesses that serve food to their customers, and is in conflict with state law.
Likewise, Mun. Code §9.11(9) says that a Class "B" beer-only license can be issued only to a person that operates a bona-fide restaurant that derives at least 65% of its revenue from the sale of food and non-alcohol beverages. However, Wis. Stat. §125.26(2)(a) says that a Class "B" can be issued to any person qualified under Wis. Stat. §125.04.
The proposed amendments would delete the restaurant requirement from our code, bringing it in line with current state law.

Options & Alternatives:
There is no alternative, state law requires these changes.

Financial Remarks:
There is no financial impact from the proposed amendments.

Executive Recommendation:
Motion to recommend the proposed amendments to the Common Council.