



## Office of the City Attorney

201 Delafield Street, Suite 330  
Waukesha, Wisconsin 53188-3639

Telephone (262) 524-3520  
Email [attorneys@waukesha-wi.gov](mailto:attorneys@waukesha-wi.gov)

Brian E. Running  
*City Attorney*  
Miles W.B. Eastman  
*Assistant City Attorney*  
Michael C. Radavich  
*Assistant City Attorney*  
Matt Rademacher  
*Assistant City Attorney*  
Karen J. Krueger  
*Legal Assistant*

June 15, 2026

### Memorandum

To: Ordinance and License Committee  
From: Brian Running  
Re: Allowing Extension of Licensed Premises onto Lot 13

This proposal is before the Committee on a referral from Council member Jim Evert.

Currently, licensed premises cannot be extended temporarily onto City property, with only a few limited exceptions. See Mun. Code §9.115, a copy of which is attached. One of the exceptions is to allow extensions onto Municipal Lot 3, the “Clock Tower” lot. This exception was created primarily because of the lot’s location behind a number of establishments fronting on Main Street that hold events in the lot, most notably the St. Paddy’s day event held by the House of Guinness.

Maddy’s Bar and Grill at the corner of Madison Street and St. Paul Avenue requested an extension of premises onto Municipal Lot 13, the “Madison Street” lot. The lot is between Maddy’s and Walgreen’s. The request was denied pursuant to Mun. Code §9.115. The applicant was advised that a request for an amendment to the ordinance could be made to the Council member representing the district, and Mr. Evert got the call. The change proposed by him would simply amend §9.115(2)(e) and §9.115(6)(A)(4)1 so that Lot 13 would be treated the same as Lot 3.

Attached are a copy of §9.115 with redlined changes to accomplish the request, in its entirety to show context. Also attached are a draft ordinance showing only the changes.

This will go on the June 22 O&L agenda for discussion.

**(1) Definitions.**

- (a) “Committee” means the Ordinance and License Committee.
- (b) “Licensed Premises” means the area described in a license issued by the City for the sale of alcohol beverages, within which alcohol beverages are sold, served, or kept for sale. Licensed Premises may be inside or outside of a building, or a combination of both. The Licensed Premises shall be the area into which unaccompanied underaged persons may not enter, except as allowed by Wis. Stats. §125.07(3)(a); and from which persons may not carry open intoxicants, except as allowed by Mun. Code §11.27(5).

**(2) Regulations.**

- (a) A Licensed Premises must be a single, continuous area, except that Licensed Premises within a Sidewalk Café may be separated from the rest of the Licensed Premises by a public sidewalk.
- (b) A Licensed Premises must be entirely within a single tax parcel, except as provided in subsection (6)(g), below.
- (c) A Licensed Premises that is inside a building must be bounded by walls.
- (d) 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.

  - (i) Enclosures surrounding Licensed Premises within Sidewalk Cafés shall meet the requirements of Municipal Code §8.116 rather than the enclosure requirements of this subsection.
  - (ii) Enclosures surrounding temporary Licensed Premises in connection with a temporary Class B license issued under Wis. Stats. §125.26(6) or §125.51(10), an unlimited-transfer full-service retail outlet under Wis. Stat. §125.52(4) and Mun. Code §9.075; or a temporarily-extended Licensed Premises under subsection (6) shall meet the requirements of subsection (6)(e) rather than the requirements of this subsection.
  - (iii) 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 alcohol beverages 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 in a face-to-face transaction within the Licensed Premises.

- (iv) Portions of Licensed Premises in connection with a “Class B” retail license that are outside of a building solely for the purpose of delivery to customers’ vehicles of intoxicating liquor by the glass in a container having a tamper-evident seal in compliance with Wis. Stat. §125.51(3)(b), or alcohol beverages in original, unopened packages or containers, 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 made only to customers in their vehicles; and final payment for the goods must take place in a face-to-face transaction within the Licensed Premises.
  - (e) Licensed Premises may not be on City-owned 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 Lots [3](#) and [13](#) pursuant to subsection (6)(d)(i), or if the portion on City property is within a Sidewalk Café licensed under Municipal Code §8.116.
- (3) Sidewalk Café Licensed Premises.** Any portion of a Licensed Premises that is, or is proposed to be, on public property in conjunction with a Sidewalk Café license issued under Municipal Code §8.116 is a temporary extension subject to subsection (f) and is conditional upon the issuance and existence of, and is subject to any conditions placed on, the Sidewalk Café license. If the Sidewalk Café license is not issued, is not renewed, or is revoked, then the portion of the Licensed Premises that is on public property shall automatically no longer be part of the Licensed Premises.
- (4) Applications Must Clearly Describe Licensed Premises.** Applications to the City for licenses to sell alcohol beverages must contain a definite verbal or graphic description of the boundaries of the proposed Licensed Premises, sufficient for the City Clerk to determine a clear description to be placed in the license.
- (5) Amendment of Licensed Premises.** After a license is issued, the licensee may request an amendment of the Licensed Premises by filing an application with the City Clerk that contains a description of the amended Licensed Premises meeting the requirements of subsection (1)(b), above. The application shall be accompanied by the appropriate fee, which shall not be refunded if the application is denied. The amended Licensed Premises must comply with all of the requirements of this section 9.115. The application shall be forwarded to the Committee for review and action. The Committee shall grant the amendment if the proposed amended Licensed Premises complies in all respects with the requirements of this section 9.115 and Municipal Code Chapter 9, unless the Committee determines on the basis of substantial, objective evidence, that granting the amendment would not be in the best interest of the public safety or welfare. When granted, the amendment shall permanently amend the description of the Licensed Premises.
- (6) Temporary Licensed Premises.**

**(a) Temporary Extension of Licensed Premises.** A licensee may request a temporary extension of a Licensed Premises by filing an application with the City Clerk with the appropriate fee, which shall not be refunded if the application is denied. The application must state the dates and times of the proposed temporary extension, and contain a definite verbal or graphic description of the boundaries of the proposed temporary extension. The application shall be forwarded to the Committee for review and action. If the Committee approves the application, then the City Clerk shall issue a written approval to the licensee. The Committee shall grant the temporary extension if the proposed extended Licensed Premises complies in all respects with the requirements of this section 9.115 and Municipal Code Chapter 9, subject to the following additional provisions:

- (i)** Temporary extensions of Licensed Premises shall only be for the period of duration and frequency determined by the Ordinance and License Committee, but for not more than 90 total days in any calendar year. This limitation shall not apply to temporary extensions of Licensed Premises encompassing a Sidewalk Café, which shall run concurrently with the Sidewalk Café permit.
- (ii)** Upon the expiration of the temporary extension, the Licensed Premises shall revert automatically back to the Licensed Premises described in the license issued by the City.
- (iii)** Temporary extensions of Licensed Premises shall not be granted to any applicant that has been convicted of violations of Municipal Code Chapter 9 or Wisconsin Statutes Chapter 125 in the five years preceding the date of the application.
- (iv)** Licensed Premises may not be temporarily extended onto public property, except as follows:
  - 1. Licensed Premises may be extended onto Municipal Lots [3 and 13](#) if a closure permit under Municipal Code §6.17 and special event permit under Municipal Code §6.18 have been issued for [Municipal Lot 3 them](#);
  - 2. Licensed Premises may be extended temporarily to include Sidewalk Cafés licensed under Municipal Code §8.116; and
  - 3. Licensed Premises encompassing Sidewalk Cafés may be further temporarily extended beyond the terrace and onto public streets or parking lots if the streets and parking lots are closed pursuant to permits issued under Municipal Code §6.17 and the written permission of the street-closure permit holder has been obtained, in the discretion of the Committee.
  - 4. Temporary extensions of Licensed Premises onto public property under this subsection (6)(d) are exempt from the provisions of Municipal Code §11.27.

**(b) Temporary Licensed Premises.** The Licensed Premises in connection with a temporary Class B license issued under Wis. Stats. §125.26(6) or §125.51(10) or an

unlimited-transfer full-service retail outlet under Wis. Stat. §125.52(4) and Mun. Code §9.075 shall be as determined by the Committee.

- (c) **Enclosures Around Temporary Licensed Premises.** The enclosure around temporarily-extended Licensed Premises and Licensed Premises described in a temporary Class B license issued under Wis. Stats. §125.26(6) or §125.51(10), or the Licensed Premises in connection with an unlimited-transfer full-service retail outlet under Wis. Stat. §125.52(4) and Mun. Code §9.075 may be of a temporary nature and need not comply with zoning or building codes; however, at a minimum the enclosures must delineate the boundaries of the temporarily-extended Licensed Premises clearly enough that patrons have fair notice of the line beyond which they may not carry open alcohol beverages. Ropes, chains, or signs posted at least every 10 feet along the boundary are sufficient for enclosures around temporary Licensed Premises. Regardless of the foregoing, enclosures surrounding Licensed Premises within Sidewalk Cafés shall meet the requirements of Municipal Code §8.116 rather than the enclosure requirements of this subsection.
- (d) All laws, rules, and regulations that apply to Licensed Premises apply to temporarily-extended Licensed Premises, except enclosure requirements.
- (e) Licensed Premises may be temporarily extended onto adjoining tax parcels with the written permission of the owner of the adjoining parcels.
- (f) Applications for temporary extensions of Licensed Premises may be denied by the Committee if the Committee determines, on the basis of substantial, objective evidence, that granting the temporary extension would not be in the best interest of the public safety or welfare.
- (7) **Monitoring Entry and Exit.** All entry and exit points in a Licensed Premises, including a temporarily-extended Licensed Premises, must be monitored by a licensed operator or staff under the supervision of a licensed operator, sufficient to prevent the entry of unaccompanied underaged persons or to prevent persons from leaving the Licensed Premises with open alcohol beverages.

**City of Waukesha, Wisconsin**  
**Ordinance No. 2026 – \_\_\_\_\_**

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**An Ordinance Amending Section 9.115 of the Waukesha Municipal Code,  
Regarding the Extension of Licensed Premises onto Municipal Lot 13**

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

**Section 1.** Section 9.115 of the Waukesha Municipal Code is amended as follows:

**9.115 Licensed Premises, Amendment of Licensed Premises, and Temporary Extension of Licensed Premises.**

**(2) Regulations.**

...

- (e) Licensed Premises may not be on City-owned 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 Lots 3 and 13 pursuant to subsection (6)(d)(i), or if the portion on City property is within a Sidewalk Café licensed under Municipal Code §8.116.

**(6) Temporary Extension of Licensed Premises.**

(a) ...

(iv) ...

1. Licensed Premises may be extended onto Municipal Lots 3 and 13 if a closure permit under Municipal Code §6.17 and special event permit under Municipal Code §6.18 have been issued for ~~Municipal Lot 3~~them;

**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 \_\_\_\_\_, 2026.

\_\_\_\_\_  
Alicia Halvensleben, Mayor

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Attest: Katie Panella, City Clerk

Publication date: \_\_\_\_\_