



# Wauwatosa, WI

## Government Affairs Committee

### Meeting Agenda - Final

7725 W. North Avenue  
Wauwatosa, WI 53213

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Tuesday, April 25, 2023

6:30 PM

Council Chambers and Zoom:  
<https://servetosa.zoom.us/j/82923188685>,  
Meeting ID: 829 2318 8685

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#### Regular Meeting

#### HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

#### CALL TO ORDER

#### ROLL CALL

#### UNFINISHED BUSINESS

1. Application for a new amusement arcade license for 6930 Bar LLC, d/b/a Walter's on North, 6930 W North Avenue, for the period ending June 30, 2023 [23-192](#)

#### GOVERNMENT AFFAIRS COMMITTEE ITEMS

1. Application for Special Event Permit for Art 64 from the Wauwatosa Tourism Commission on State Street, Underwood Avenue, Harwood Avenue, and Wauwatosa Avenue, June 9-10, 2023 [23-1064](#)
2. Request for resolution in support of the State Legislature's passage of the CROWN Act and consideration of ordinance creating CROWN Act anti-discrimination policies [23-1066](#)
3. Application for a New Retail Class "B" beer and Reserve "Class B" liquor license for 67 North LLC, Jason Growel - agent, d/b/a Growlers East Tosa, 6715 W North Avenue, for the period ending June 30, 2024 [23-1065](#)

#### ADJOURNMENT

#### NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to [tclerk@wauwatosa.net](mailto:tclerk@wauwatosa.net), with as much advance notice as possible.



# CLERK'S OFFICE MEMO

To: **Government Affairs Committee**

From: **Steven A. Braatz, Jr., City Clerk**

Meeting Date: **April 11, 2023**

Subject: **Application for a new amusement arcade license for 6930 Bar LLC, d/b/a Walter's on North, 6930 W North Avenue, for the period ending June 30, 2023**

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## **A. Background/Rationale**

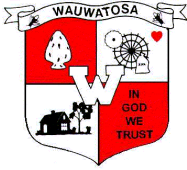
6930 Bar LLC is taking over the existing business at 6930 W. North Ave. and has applied for various entertainment licenses.

## **B. Key Issues for Consideration**

Pursuant to Sec. 6.12.060 of the Wauwatosa Municipal Code, one a licensee has five or more amusement devices, they would then be required to obtain an Amusement Arcade License. Amusement Arcade Licenses are required to have approval by the Common Council. The applicant has applied for 8 amusement devices, triggering the Amusement Arcade License.

## **C. Requested Actions**

If acceptable, recommend the Common Council grant a new amusement arcade license for 6930 Bar LLC, d/b/a Walter's on North, 6930 W North Avenue, for the period ending June 30, 2023.



CITY OF WAUWATOSA  
7725 West North Avenue  
Wauwatosa, WI 53213  
(414) 479-8917  
[www.wauwatosa.net](http://www.wauwatosa.net)

**SPECIAL EVENT PERMIT  
APPLICATION**  
Fee: \$150

**PERMIT TO HOST A STREET FESTIVAL, RUN/WALK, PROTEST, OR PARADE**

<b>Organization Information</b>	<b>Name of the Organization:</b> _____
	<b>Address:</b> _____ <b>City, ST Zip:</b> _____
	<b>Phone:</b> _____ <b>Are you a 501(c)3 organization?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Even Contact Person:</b> _____
	<b>Phone:</b> _____ <b>Email:</b> _____
	<b>Home Address:</b> _____ <b>City, ST Zip:</b> _____
<b>Event Information</b>	<b>Name of Event:</b> _____
	<b>Date(s) of Event:</b> _____
	<b>Event Start Time:</b> _____ <b>Event End Time:</b> _____
	<b>Website of Event:</b> _____
	Will your event take place in a residential neighborhood? <input type="checkbox"/> Yes <input type="checkbox"/> No
	You MUST attach a detailed map/sketch of your event indicating the specific location, layout of your event, the direction of the route, including all turns and the number of traffic lanes to be used.
	*If you are using a City Park, you must reserve the park through the Parks Office prior to getting your special event permit approved by the Common Council. Call 414-471-8420 or email <a href="mailto:tparks@wauwatosa.net">tparks@wauwatosa.net</a> .
	Generally describe your event and its purpose:          
	Estimated Number of Participants: _____ Spectators: _____ Vendors: _____
<b>Other Information</b>	<b>Run/Walk Routes and Fees:</b> If event is a walk/run, choose a route. This includes police costs, barricades and up to 12 refuse or recycling containers to be placed at start/finish lines and may be moved for the event. Please note that route fees are the base price of the event and may include other fees, such as extra or special barriers for safety, extra work fees for involved city departments, extra permits or application fees, or other special circumstances.  <input type="checkbox"/> Route #1 <input type="checkbox"/> Route #2 <input type="checkbox"/> Route #3 <input type="checkbox"/> Route #4 <input type="checkbox"/> Route #5 <input type="checkbox"/> Route #6 <input type="checkbox"/> Route #7 <input type="checkbox"/> Route #8 <input type="checkbox"/> Route #9 <input type="checkbox"/> Route #10
	Is there an outdoor bar that will serve alcohol? If yes, liquor and bartender licenses are necessary <input type="checkbox"/> Yes <input type="checkbox"/> No under separate application.
	Please list the number of City of Wauwatosa licensed bartenders that will be on site: _____

<b>Other Information (Cont'd)</b>	Will you be selling/serving food? If yes, you will need to contact the City of Wauwatosa Health Department for proper permits <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Will merchandise be sold at the event? If yes, please ensure that all vendors have their Wisconsin Seller's Permit available upon inspection. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Will your event need electricity? If yes, the Fire Department and Building Inspection Department will need to inspect prior to being energized. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Will you be setting up any lighting? If yes, the Fire Department and Building Inspection Department will need to inspect prior to being energized. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Will your event require any fencing? If yes, please provide plans for the fencing location and the gates. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Does the event involve fireworks? If yes, you will need to obtain a fireworks permit under separate application. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Does the event involve amplified music? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, will the amplified music be a: <input type="checkbox"/> Band <input type="checkbox"/> DJ <input type="checkbox"/> Other _____ Hours of Amplified Music: _____
	Please list the number of security staff you will be providing for the event: _____
	Will you require street and/or intersection closures? If yes, the Police Department will determine the number of barricades, and the Department of Public Works will provide the costs and schedule of delivery and pickup. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  If yes, please list the streets and/or intersections to be closed.
	Will you be erecting any tents, canopies or other temporary structure(s)? If yes, you will need to provide a plan for their proposed locations and the Fire Department and Building Inspection Department will need to inspect these structures prior to the start of your event. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
	Will you be providing portable restrooms and wash stations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  If yes, how many will you provide and where will they be located? Also how will solid waste be disposed of?
	Will you provide parking for participants? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  If yes, where will parking be available?

<b>Other Information (Cont'd)</b>	Will you provide a dumpster/clean-up services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  If yes, please describe your clean-up and refuse collection plan.
	What other assistance do you foresee needing from the City (personnel, materials, and/or equipment)?
	Have you reviewed and do you have a copy of the City of Wauwatosa Special Events Manual as well as the City Special Events Ordinance? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
<b>Insurance Requirements</b>	TBD  *Certificate of Insurance is required upon submittal of the application.
<b>Signature and Certification</b>	<input type="checkbox"/> I hereby certify that the above information is true and correct to the best of my knowledge. I understand that failure to provide truthful, complete or correct information may lead to denial of this license.  Signature: _____ Date: _____

TBD	<b>FOR OFFICE USE ONLY</b>
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**Applicant's Checklist:**

- Completed and signed application
- Fee – cash, check or credit card accepted. Please make check payable to the City of Wauwatosa. A small convenience fee applies to credit card payments.
- Site plan sketch (parades/races should include start/end points).
- Parking plan that accommodates the number of estimated vehicles, please note how many vehicles.
- Certificate of Insurance (must have a minimum liability of \$1 million per occurrence and name the City of Wauwatosa and its employees as an additional insured).
- If the tents will be 400 sq. ft. or more, you have to file a separate [Tent Permit through Fire Department](#)
- If you plan fireworks, you have to file a separate [Fireworks Permit](#) through the Fire Department
- Plan to notify affected residents/businesses.

## **Applicant/Organizer Notification**

Special Event permit applicants/organizers shall be aware of and comply with the following. A summary is below and more specific information may be obtained by reading the Special Event ordinance or by contacting individual City departments when planning the event and seeking City approval.

- a) **Compliance with City Ordinances:** Special Events must comply with all applicable City ordinances and requirements, including but not limited to traffic rules, park rules, State health laws, fire codes, building codes, zoning, food service, merchant, and liquor licensing requirements. Special Event organizers shall use all reasonable efforts to ensure compliance of participants/attendees with all applicable City ordinances, traffic rules, park rules, state health laws, fire codes, and other licensing requirements, unless otherwise waived.
- b) **Designated Contact:** The applicant/organizer shall identify a designated individual who can be contacted at any time regarding the event. They may be contacted by City representatives such as the Police, Fire, Health, Parks, Public Works, or City Attorney's Office to provide information or answer questions.
- c) **Duration and Hours of Operation:** No Special Event shall be open except between the hours of 8:00 a.m. and 12:00 a.m., unless such other hours of operation are specifically approved by the Council.
- d) **Parking:** The applicant/organizer shall take all reasonable precautions to minimize adverse effects on the neighborhoods that will be directly affected by parking and traffic related to the event. The police department shall post temporary parking-related regulations on public streets for Special Event only if it is determined to be necessary by the Police Chief, or their designee, for public safety.
- e) **Sanitary Facilities and Potable Water:** All sanitary facilities and potable water facilities shall be provided for as required in the applicable codes.
- f) **Illumination:** If the Special Event is to continue during hours of darkness, it shall comply with all applicable codes related to illumination.
- g) **Fire Dept. Protection:** All fire protection applicable to the Special Event activities on the premises, shall be provided by the applicant as required by the municipal Fire Prevention Code and the Wisconsin Administrative Code, including alarms, extinguishing devices, fire lanes, fire escapes and tent permits.
- h) **Refuse Removal:** The Special Event applicant/organizer shall be responsible for taking all reasonable efforts to pick up litter, refuse and recycling during the event, and for removing all litter, refuse and recycling created during the event within twenty-four (24) hours after the conclusion of the event. The event applicant/organizer is responsible not only for the event grounds, but will also take all reasonable measures for the removal of litter, refuse and recycling attributable to the event from the surrounding neighborhoods and properties. Refuse and recycling containers are available for rent from the City. Special Event:  
Applicant/Organizer Notification Form modified: 04/27/18
- i) **Notification:** The Special Event applicant/organizer is required by the City to provide reasonable advance notice to property owners, residents and/or businesses. The Special Event organizer shall include date, time, and location/route to all properties that border the location of the planned event and any other areas designated by the Police Department at least ten business days in advance of the special event.

The Aldermen of the district in which the Special Event is scheduled to occur shall be provided a copy of such

notification prior to its delivery to property owners, residents and/or businesses as described above.

- j) **Glass Containers Prohibited:** No person shall carry, possess, or drink any liquid beverage in a glass container while at a Special Event that receives a temporary liquor license. This applies during the time a Special Event permit is in force.

Note: authorized vendors may be required by law to maintain the product in original glass containers. In this case, prior to servicing a customer the liquid contents should be put into a non-glass beverage container.

- k) **Cancellation:** The City may cancel or suspend a Special Event regardless of whether or not a permit has been issued, without prior notice for any significant change in conditions which would or may adversely affect the public health or safety of the community, or for any condition that would place facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

Any Special Event permit applicant aggrieved by a decision of the City staff with respect to cancellation/suspension of an application, imposition of conditions or determination of the extraordinary fees may, upon written request to the City Clerk, have the decision reviewed by the Government Affairs Committee of the Common Council prior to an event's scheduled date. Such review and determination of the Committee shall constitute final action.

- l) **Penalties:** In addition to other potential fines, penalties, and/or charges as described in the Wauwatosa Municipal Code, the violation of the terms of the Special Event permit shall be punishable by forfeiture of not less than \$500.00 and not more than \$1,000.00. Each day of violation shall be considered a separate offense. In addition, the City may enforce this section by way of immediately revoking the permit, seeking injunctive relief, and all other remedies available at law and in equity.

The penalties set forth herein shall also apply to all persons, organizations, and entities that organize events which are required to obtain a Special Event permit but fail or refuse to do so. If any person violates any provision of this Ordinance, the City shall have the authority to institute the appropriate legal action or proceedings to ensure compliance and to thereby prohibit such person from violating these conditions.

The failure to obtain a Special Event permit before holding or conducting a Special Event, or the failure to abide by Special Event permit requirements, will constitute a violation of this section and may result in the termination of the event, denial of future permit applications, and/or issuance of a City Ordinance citation.

# ART 64

Event Map

Parking	Food/Drink
Street Closure	Main Stage
Artist Matchup	Live Music
Table	Information Tent







# Special Events Staff Review

Departmental Review based on application

Form modified: 1/1/2020

DEPARTMENT	PERMIT REVIEWED BY	DATE	COST TO DEPARTMENT
POLICE			
FIRE			
PUBLIC WORKS			
HEALTH			
ATTORNEY			

Extra permits required (Please save in shared folder)

Yes      No

## Department Notes:

*Please save over the existing document after each department reviews and adds notes.*

### Police:

<Add Comments Here>

### Fire:

<Add Comments Here>

### Public Works:

<Add Comments Here>

### Health:

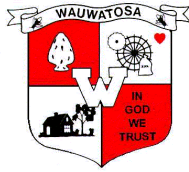
<Add Comments Here>

### Attorney:

<Add Comments Here>

### City Clerk:

<Add Comments Here>



# ALDERPERSON AGENDA ITEM MEMO

To: **Government Affairs**

From: Sean Lowe

Date: 4/20/2023

Subject: Crown Act Resolution to the State of Wisconsin/City of Wauwatosa Ordinance

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## A. Background/Rationale

The CROWN (Creating a Respectful and Open Workplace for Natural hair) Act has been stalled Federally and State-wide. This is long overdue to be passed.

## B. Key Issues for Consideration

There is no legal precedent in state and federal statute to protect individuals against discrimination based on natural hair. Some schools and workplaces around the nation have used dress codes and grooming policies prohibiting natural hairstyles seen in the Black community such as braids, bantu knots and locs. Some Black children have been treated like criminals due to their hairstyles.

## C. Fiscal Impact

None

## D. Requested Action

Adopt a resolution as a Common Council to send to the State letting them know we are urging the passing of the Crown Act that was previously introduced by WI State Rep Lakeshia Myers.

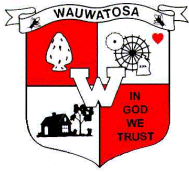
In a second and separate action, requesting that the City of Wauwatosa develop an ordinance similar to the one passed in the City of Milwaukee in 2021.

## E. Attachments

Attached proposed bill and language for resolution. Attached ordinance language and City of Milwaukee language and ordinance for reference.

Whereas despite great strides made by citizens, legislators, and courts to reverse and

2. resolve the long-lasting damaging effects of racism, hair remains a source of racial
3. discrimination with serious economic and health consequences, especially for Black
4. individuals.
5. Whereas This sort of discrimination is encouraged by purportedly “race neutral”
6. grooming and dress code policies in the workplace that enforce a Eurocentric image of
7. professional hair. Enforcing an image of professionalism that was created with European
8. features as the norm disparately affects individuals who do not naturally fall into that



# ALDERPERSON AGENDA ITEM MEMO

9. norm.

10. Whereas Black women, adhering to such grooming policies, must often employ harmful  
11. styling practices like time consuming heat straightening, or chemical permanent relaxers,  
12. both of which can lead to hair damage and hair loss. Thus, braids, locks, and twists,  
13. Also known as “protective hairstyles,” are necessary for healthy Black hair maintenance.  
14. Whereas while anti-discrimination laws presently protect the choice to wear an afro,  
15. afros are not the only natural presentation of Black hair. The CROWN Act will ensure 16.  
protection against  
17. discrimination based on hairstyles by extending statutory protection to hair texture and 18.  
Protective styles in the Fair Employment and Housing Act (FEHA).  
19. Whereas Adding hair texture and protective hairstyles as a protected class will prohibit 20.  
an employer from withholding or terminating employment or promotion based on  
21. discrimination against the protected employee or applicant’s hairstyle.  
22. Whereas according to the Dove CROWN Research Study Black Women are (1) made to  
23. be more aware of corporate grooming policies than white women, (2) hair is judged  
24. differently on Black Women, (3) workplace bias against hairstyles impact Black Womens  
25. ability to celebrate their natural beauty and (4) black womens hair is 3.5 time more likely  
26. to be perceived as unprofessional . [1]  
27. Now, therefore, be in resolved that The City of Wauwatosa will continue to advocate for the  
28. CROWN Act on the state and federal level and support protections for Natural Hair.  
29. We the City of Wauwatosa Common Council urge the State of Wisconsin to pass the  
CROWN Act proposed by State Rep Lakeisha Myers

Ordinance language-PROTECTIVE HAIRSTYLE means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture associated with race, such as natural hair, braids, locks, an afro, curls, cornrows, twists, and any other hairstyle, treated or untreated, which is commonly associated with racial, ethnic, or cultural identity. Any complaint should be sent to the Equal Rights Division at the State of Wisconsin



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-2223/1  
JAM:amn

**2023 BILL**

1       **AN ACT to renumber** 15.04 (1) (g), 48.82 (1), 106.58, 118.13 (1), 118.20 (1), 230.18  
2           and 756.001 (1); and **to create** 15.04 (1) (g) 1., 16.70 (10p), 16.70 (10t), 36.05  
3           (10g), 36.05 (10r), 38.01 (6g), 38.01 (6r), 47.01 (4), 47.01 (4m), 48.82 (1g), 51.01  
4           (13g), 51.01 (13r), 66.1011 (1m) (f), 66.1011 (1m) (g), 66.1201 (3) (mr), 66.1201  
5           (3) (mv), 66.1213 (4) (ng), 66.1213 (4) (nr), 66.1301 (3) (pg), 66.1301 (3) (pr),  
6           66.1331 (3) (hm), 66.1331 (3) (jm), 66.1333 (2m) (hm), 66.1333 (2m) (im), 106.50  
7           (1m) (pg), 106.50 (1m) (pr), 106.52 (1) (dg), 106.52 (1) (er), 106.58 (1), 111.32  
8           (12k), 111.32 (12L), 111.70 (1) (mg), 111.70 (1) (mr), 111.81 (15p), 111.81 (15u),  
9           118.13 (1) (a), 118.134 (1g), 118.20 (1) (a), 118.40 (4) (ae), 194.01 (11m), 194.01  
10          (12m), 224.71 (12g), 224.71 (12r), 227.01 (10g), 227.01 (10r), 230.18 (1), 234.01  
11          (11), 234.01 (12), 321.01 (10g), 321.01 (10r), 440.40 (5g), 440.40 (5r), 600.03  
12          (40g), 600.03 (40r) and 756.001 (1d) of the statutes; **relating to:** prohibiting

**BILL**

1 discrimination based on traits historically associated with race, including hair  
2 texture and protective hairstyles.

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***Analysis by the Legislative Reference Bureau***

This bill provides that prohibitions of race-based discrimination include discrimination related to traits historically associated with race, including hair texture and protective hairstyles. “Protective hairstyle” is defined in the bill to include braids, locs, and twists.

Under current law, discrimination because of race is prohibited in employment, housing, education, service as a juror, adoption, and the equal enjoyment of a public place of accommodation or amusement. This bill prohibits discrimination based on traits historically associated with race in employment, housing, education, service as a juror, adoption, and the equal enjoyment of a public place of accommodation or amusement.

Current law also prohibits motor carriers, automobile insurers, mortgage bankers, mortgage loan originators, mortgage brokers, and real estate brokers and salespersons from discriminating against a person on the basis of race; prohibits discrimination based on race in the provision of vocational rehabilitation or mental health services; and prohibits the University of Wisconsin System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination on the basis of race. This bill prohibits discrimination based on traits historically associated with race in these areas.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 15.04 (1) (g) of the statutes is renumbered 15.04 (1) (g) 2.

4 **SECTION 2.** 15.04 (1) (g) 1. of the statutes is created to read:

5 15.04 (1) (g) 1. In this paragraph:

6 a. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

7 b. “Race” includes traits historically associated with race, including hair  
8 texture and protective hairstyles.

9 **SECTION 3.** 16.70 (10p) of the statutes is created to read:

**BILL**

1           16.70 (10p) “Protective hairstyles” includes hairstyles such as braids, locs, and  
2 twists.

3           **SECTION 4.** 16.70 (10t) of the statutes is created to read:

4           16.70 (10t) “Race” includes traits historically associated with race, including  
5 hair texture and protective hairstyles.

6           **SECTION 5.** 36.05 (10g) of the statutes is created to read:

7           36.05 (10g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
8 twists.

9           **SECTION 6.** 36.05 (10r) of the statutes is created to read:

10          36.05 (10r) “Race” includes traits historically associated with race, including  
11 hair texture and protective hairstyles.

12          **SECTION 7.** 38.01 (6g) of the statutes is created to read:

13          38.01 (6g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
14 twists.

15          **SECTION 8.** 38.01 (6r) of the statutes is created to read:

16          38.01 (6r) “Race” includes traits historically associated with race, including  
17 hair texture and protective hairstyles.

18          **SECTION 9.** 47.01 (4) of the statutes is created to read:

19          47.01 (4) “Protective hairstyles” includes hairstyles such as braids, locs, and  
20 twists.

21          **SECTION 10.** 47.01 (4m) of the statutes is created to read:

22          47.01 (4m) “Race” includes traits historically associated with race, including  
23 hair texture and protective hairstyles.

24          **SECTION 11.** 48.82 (1) of the statutes is renumbered 48.82 (1r).

25          **SECTION 12.** 48.82 (1g) of the statutes is created to read:

**BILL****SECTION 12**

1           48.82 **(1g)** In this section:

2           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

3           (b) “Race” includes traits historically associated with race, including hair  
4 texture and protective hairstyles.

5           **SECTION 13.** 51.01 (13g) of the statutes is created to read:

6           51.01 **(13g)** “Protective hairstyles” includes hairstyles such as braids, locs, and  
7 twists.

8           **SECTION 14.** 51.01 (13r) of the statutes is created to read:

9           51.01 **(13r)** “Race” includes traits historically associated with race, including  
10 hair texture and protective hairstyles.

11          **SECTION 15.** 66.1011 (1m) (f) of the statutes is created to read:

12          66.1011 **(1m)** (f) “Protective hairstyles” includes hairstyles such as braids, locs,  
13 and twists.

14          **SECTION 16.** 66.1011 (1m) (g) of the statutes is created to read:

15          66.1011 **(1m)** (g) “Race” includes traits historically associated with race,  
16 including hair texture and protective hairstyles.

17          **SECTION 17.** 66.1201 (3) (mr) of the statutes is created to read:

18          66.1201 **(3)** (mr) “Protective hairstyles” includes hairstyles such as braids, locs,  
19 and twists.

20          **SECTION 18.** 66.1201 (3) (mv) of the statutes is created to read:

21          66.1201 **(3)** (mv) “Race” includes traits historically associated with race,  
22 including hair texture and protective hairstyles.

23          **SECTION 19.** 66.1213 (4) (ng) of the statutes is created to read:

24          66.1213 **(4)** (ng) “Protective hairstyles” includes hairstyles such as braids, locs,  
25 and twists.

**BILL**

1           **SECTION 20.** 66.1213 (4) (nr) of the statutes is created to read:

2           66.1213 (4) (nr) “Race” includes traits historically associated with race,  
3 including hair texture and protective hairstyles.

4           **SECTION 21.** 66.1301 (3) (pg) of the statutes is created to read:

5           66.1301 (3) (pg) “Protective hairstyles” includes hairstyles such as braids, locs,  
6 and twists.

7           **SECTION 22.** 66.1301 (3) (pr) of the statutes is created to read:

8           66.1301 (3) (pr) “Race” includes traits historically associated with race,  
9 including hair texture and protective hairstyles.

10          **SECTION 23.** 66.1331 (3) (hm) of the statutes is created to read:

11          66.1331 (3) (hm) “Protective hairstyles” includes hairstyles such as braids,  
12 locs, and twists.

13          **SECTION 24.** 66.1331 (3) (jm) of the statutes is created to read:

14          66.1331 (3) (jm) “Race” includes traits historically associated with race,  
15 including hair texture and protective hairstyles.

16          **SECTION 25.** 66.1333 (2m) (hm) of the statutes is created to read:

17          66.1333 (2m) (hm) “Protective hairstyles” includes hairstyles such as braids,  
18 locs, and twists.

19          **SECTION 26.** 66.1333 (2m) (im) of the statutes is created to read:

20          66.1333 (2m) (im) “Race” includes traits historically associated with race,  
21 including hair texture and protective hairstyles.

22          **SECTION 27.** 106.50 (1m) (pg) of the statutes is created to read:

23          106.50 (1m) (pg) “Protective hairstyles” includes hairstyles such as braids,  
24 locs, and twists.

25          **SECTION 28.** 106.50 (1m) (pr) of the statutes is created to read:



**BILL****SECTION 28**

1           106.50 **(1m)** (pr) “Race” includes traits historically associated with race,  
2 including hair texture and protective hairstyles.

3           **SECTION 29.** 106.52 (1) (dg) of the statutes is created to read:

4           106.52 **(1)** (dg) “Protective hairstyles” includes hairstyles such as braids, locs,  
5 and twists.

6           **SECTION 30.** 106.52 (1) (er) of the statutes is created to read:

7           106.52 **(1)** (er) “Race” includes traits historically associated with race,  
8 including hair texture and protective hairstyles.

9           **SECTION 31.** 106.58 of the statutes is renumbered 106.58 (2).

10          **SECTION 32.** 106.58 (1) of the statutes is created to read:

11          106.58 **(1)** In this section:

12          (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

13          (b) “Race” includes traits historically associated with race, including hair  
14 texture and protective hairstyles.

15          **SECTION 33.** 111.32 (12k) of the statutes is created to read:

16          111.32 **(12k)** “Protective hairstyles” includes hairstyles such as braids, locs,  
17 and twists.

18          **SECTION 34.** 111.32 (12L) of the statutes is created to read:

19          111.32 **(12L)** “Race” includes traits historically associated with race, including  
20 hair texture and protective hairstyles.

21          **SECTION 35.** 111.70 (1) (mg) of the statutes is created to read:

22          111.70 **(1)** (mg) “Protective hairstyles” includes hairstyles such as braids, locs,  
23 and twists.

24          **SECTION 36.** 111.70 (1) (mr) of the statutes is created to read:

**BILL**

1           111.70 **(1)** (mr) “Race” includes traits historically associated with race,  
2 including hair texture and protective hairstyles.

3           **SECTION 37.** 111.81 (15p) of the statutes is created to read:

4           111.81 **(15p)** “Protective hairstyles” includes hairstyles such as braids, locs,  
5 and twists.

6           **SECTION 38.** 111.81 (15u) of the statutes is created to read:

7           111.81 **(15u)** “Race” includes traits historically associated with race, including  
8 hair texture and protective hairstyles.

9           **SECTION 39.** 118.13 (1) of the statutes is renumbered 118.13 (1) (b).

10          **SECTION 40.** 118.13 (1) (a) of the statutes is created to read:

11          118.13 **(1)** (a) In this subsection:

- 12           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.  
13           2. “Race” includes traits historically associated with race, including hair  
14 texture and protective hairstyles.

15          **SECTION 41.** 118.134 (1g) of the statutes is created to read:

16          118.134 **(1g)** In this section:

- 17           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.  
18           (b) “Race” includes traits historically associated with race, including hair  
19 texture and protective hairstyles.

20          **SECTION 42.** 118.20 (1) of the statutes is renumbered 118.20 (1) (b).

21          **SECTION 43.** 118.20 (1) (a) of the statutes is created to read:

22          118.20 **(1)** (a) In this subsection:

- 23           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.  
24           2. “Race” includes traits historically associated with race, including hair  
25 texture and protective hairstyles.

**BILL****SECTION 44**

1           **SECTION 44.** 118.40 (4) (ae) of the statutes is created to read:

2           118.40 (4) (ae) *Definitions.* In this subsection:

3           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

4           2. “Race” includes traits historically associated with race, including hair  
5 texture and protective hairstyles.

6           **SECTION 45.** 194.01 (11m) of the statutes is created to read:

7           194.01 (11m) “Protective hairstyles” includes hairstyles such as braids, locs,  
8 and twists.

9           **SECTION 46.** 194.01 (12m) of the statutes is created to read:

10          194.01 (12m) “Race” includes traits historically associated with race, including  
11 hair texture and protective hairstyles.

12          **SECTION 47.** 224.71 (12g) of the statutes is created to read:

13          224.71 (12g) “Protective hairstyles” includes hairstyles such as braids, locs,  
14 and twists.

15          **SECTION 48.** 224.71 (12r) of the statutes is created to read:

16          224.71 (12r) “Race” includes traits historically associated with race, including  
17 hair texture and protective hairstyles.

18          **SECTION 49.** 227.01 (10g) of the statutes is created to read:

19          227.01 (10g) “Protective hairstyles” includes hairstyles such as braids, locs,  
20 and twists.

21          **SECTION 50.** 227.01 (10r) of the statutes is created to read:

22          227.01 (10r) “Race” includes traits historically associated with race, including  
23 hair texture and protective hairstyles.

24          **SECTION 51.** 230.18 of the statutes is renumbered 230.18 (2).

25          **SECTION 52.** 230.18 (1) of the statutes is created to read:

**BILL**

1           230.18 (1) In this section:

2           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

3           (b) “Race” includes traits historically associated with race, including hair  
4 texture and protective hairstyles.

5           **SECTION 53.** 234.01 (11) of the statutes is created to read:

6           234.01 (11) “Protective hairstyles” includes hairstyles such as braids, locs, and  
7 twists.

8           **SECTION 54.** 234.01 (12) of the statutes is created to read:

9           234.01 (12) “Race” includes traits historically associated with race, including  
10 hair texture and protective hairstyles.

11          **SECTION 55.** 321.01 (10g) of the statutes is created to read:

12          321.01 (10g) “Protective hairstyles” includes hairstyles such as braids, locs,  
13 and twists.

14          **SECTION 56.** 321.01 (10r) of the statutes is created to read:

15          321.01 (10r) “Race” includes traits historically associated with race, including  
16 hair texture and protective hairstyles.

17          **SECTION 57.** 440.40 (5g) of the statutes is created to read:

18          440.40 (5g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
19 twists.

20          **SECTION 58.** 440.40 (5r) of the statutes is created to read:

21          440.40 (5r) “Race” includes traits historically associated with race, including  
22 hair texture and protective hairstyles.

23          **SECTION 59.** 600.03 (40g) of the statutes is created to read:

24          600.03 (40g) “Protective hairstyles” includes hairstyles such as braids, locs,  
25 and twists.

**BILL****SECTION 60**

1           **SECTION 60.** 600.03 (40r) of the statutes is created to read:

2           600.03 (~~40r~~) "Race" includes traits historically associated with race, including  
3 hair texture and protective hairstyles.

4           **SECTION 61.** 756.001 (1) of the statutes is renumbered 756.001 (1m).

5           **SECTION 62.** 756.001 (1d) of the statutes is created to read:

6           756.001 (**1d**) In this section:

7           (a) "Protective hairstyles" includes hairstyles such as braids, locs, and twists.

8           (b) "Race" includes traits historically associated with race, including hair  
9 texture and protective hairstyles.

10   **(END)**

**CHAPTER 109  
EQUAL RIGHTS**

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**109-1. Findings; Declaration of Policy. 1.** A vibrant, livable, successful and productive city is made possible by the talents, contributions and well-being of its diverse residents. It is the policy of the city that the equal rights of all those who live and work in the city are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Milwaukee community are promoted.

**2.** The practice of providing equal opportunities to persons without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories, is a desirable goal of the city and a matter of legitimate concern to its government. Discrimination against any city resident endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society and adversely affects the general welfare of the community. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in housing below the standards to which they are entitled. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of

those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.

**3.** Provision for adequate safeguards against discrimination is a proper and necessary function of city government. To protect the health, safety and general welfare of all inhabitants of the city, and all persons employed within the city, it is declared to be the public policy of this city to foster and enforce to the fullest extent the protection by law to equal opportunity without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories, and workplace free from discrimination. To fully effectuate this policy of promoting nondiscrimination, the city shall endeavor to eliminate all discrimination that may occur in the city.

**4.** Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601, et seq., 24 C.F.R. sections 100, et seq., and ss. 66.1011, 106.50 and 111.31, et. seq., Wis. Stats., and 29 C.F.R. 1600, et. seq., Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000a, et. seq., and 106.52 Wis. Stats. and any successor provisions of state and federal law.

**109-3. Purpose.** Each sector of society engaged in the life of the city has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency and unit of city government shall be accountable for promoting social and economic equity for all residents of the city, and structuring its work so that the outcomes are directed toward social and economic equity for all residents.

## 109-5 Equal Rights

**109-5. Definitions.** In this chapter:

1. **COMMISSION** means the equal rights commission.

2. **CONCILIATION** means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the commission.

3. **FAMILIAL STATUS** means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

4. **DISABILITY** means, with respect to a person, any of the following:

a-1. A physical or mental impairment which substantially limits one or more of the person's major life activities.

a-2. A record of having an impairment.

a-3. Being perceived as having an impairment.

b. Disability does not include current, illegal use of or addiction to a controlled substance. The behavioral manifestations of a mental disability may be taken into consideration in determining whether the applicant is qualified. A housing provider may consider a history of disruptive, abusive or dangerous behavior.

5. **GENDER EXPRESSION** means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.

6. **GENDER IDENTITY** means a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.

7. **GENETIC IDENTITY** means the genetic information unique to an individual, including information regarding the individual's genetic tests, the genetic tests of family members of the individual, the manifestation of a disease or disorder in family members of the individual, and any request for, or receipt of, genetic services service, or participation in clinical research which

includes genetic services, by the individual or any family member of the individual.

8. **HOMELESSNESS** means the status of lacking housing, without regard to whether the individual is a member of a family. This includes having a primary residence during the night which is a supervised public or private facility that provides temporary living accommodations, or being a resident of transitional housing.

9. **HOUSING** means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in s. 66.0435, Wis. Stats., and a trailer as defined in s. 246-1-5 and any land which is offered for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in s. 66.0435, Wis. Stats., and a trailer house community as defined in s. 246-1-6.

10. **MARITAL STATUS** means the status of being married, separated, divorced, widowed or single.

11. **PERSON** means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing but, because of actual, potential or perceived conflicts of interest, shall not include the city of Milwaukee, the housing authority and the redevelopment authority of the city of Milwaukee, any agency of the city, or any other municipal, state or federal governmental body or any agent, officer or employee acting in the course of such employment.

12. **PROTECTED PERSON** means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes an individual's sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, protective hairstyle, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories.

**12.5 PROTECTIVE HAIRSTYLE** means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture associated with race, such as natural hair, braids, locks, an afro, curls, cornrows, twists, and any other hairstyle, treated or untreated, which is commonly associated with racial, ethnic, or cultural identity.

**13 PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT** includes, but shall not be limited to, a place of business or recreation, lodging establishment, restaurant, tavern, barber, cosmetologist, aesthetician, electrologist, manicuring establishment, nursing home, clinic; hospital, cemetery, or any place where accommodations, amusement, goods, or services are available either free or for consideration.

**14. SEXUAL ORIENTATION** means the type of sexual, romantic, emotional or spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people to whom they are attracted.

**15. SOURCE OF INCOME** means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation and includes moneys received from public assistance, pension and supplementary security income.

**109-7. Equal Rights Commission. 1.** There is established an equal rights commission consisting of 11 members, appointed by the mayor, subject to confirmation by the common council. A chair shall be elected from the membership of the commission at the first regular meeting of each calendar year by a majority of the members of the commission. Members shall be city residents, appointed from a representative cross-section of the community and shall continue to hold office only so long as they shall reside within the city.

**2.** Each member of the commission shall be appointed for a term of 3 years, except that 3 members initially appointed by the mayor shall serve for one year, and 2 members shall be appointed for a term of 2 years. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the common council for the unexpired portion of the term.

**3.** Five members shall constitute a quorum for conducting business, and a majority of members present shall be required to adopt or approve any action of the commission.

**4.** The commission shall:

a. Meet not less than 4 times annually for monitoring the employment, contracting, and program activities of the city, prepare and provide timely reports to the mayor and common council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in city government and the city.

b. Receive complaints alleging violation of this chapter and pursue remedies by means of mediation, conciliation, litigation or other appropriate means supported by findings of fact and conclusions of law. An aggrieved person may, not later than 300 days after an alleged discriminatory practice has occurred, file a written complaint to the commission alleging a discriminatory practice or violation. The commission shall not accept or investigate any complaint unless it is in writing and verified by the complainant.

c. Not have or exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are the subject matter within the jurisdiction of any state or federal equal rights agency, including, but not limited to the U.S. Equal Employment Opportunity Commission or the Wisconsin Department of Workforce Development, regardless of whether the complainant has chosen to file with that agency.

d. Render from time to time, but not less than once a year, a written report of its activities and recommendations to the mayor and the common council.

e. Adopt rules and regulations consistent with this chapter and the laws of the state to carry out the policy and provisions of this chapter, and the powers and duties of the commission.

f. Issue subpoenas under s. 885.01(4), Wis. Stats., or its successor provisions, to assist in the execution of its duties.

**5.** The department of administration shall assign staff and provide support to the commission as necessary and appropriate to assist the commission in fulfilling its mission and responsibilities.

**6.** The department of administration shall assist the commission by staffing its meetings, drafting reports and other documents, maintaining commission documents, initial processing of complaints, and providing resources necessary for the proper hearing of complaints.



## 109-9 Equal Rights

**109-9. Discrimination Prohibited.** No person may engage in any act of discrimination with respect to housing, employment or public place of accommodation or amusement against any protected person. No person, employer, or public place of accommodation or amusement may:

1. HOUSING. In regard to housing:
  - a. Make or cause to be made any written or oral inquiry or record concerning the nature of any prospective occupants or tenants in a protected class of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law.
  - b. Falsely represent that a dwelling is not available for inspection, sale, or rental because of such person's protected class membership. A person who has received written notice from the police department that a drug nuisance under s. 823.113, Wis. Stats., exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.
  - c. Discriminate against any person because of such person's protected class membership, in the terms, conditions or privileges pertaining to the transfer, sale, rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, or in any other manner.
  - d. For profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class membership.
  - e. Deny any person access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation on account of the person's protected class membership.
  - f. Discriminate against any person in making available a residential real estate-related transaction, or in the terms or conditions of a residential real estate-related transaction, because of a person's protected class membership.

g. Refuse to permit, at the expense of the person in a protected class, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, provided:

g-1. In the case of a rental, a landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; or

g-2. A landlord may require an escrow account where it is necessary in order to ensure, with reasonable certainty, that funds will be available to pay for restoration at the end of the tenancy. The landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest-bearing escrow account over a reasonable period, not to exceed the length of the lease, a reasonable amount of money, not to exceed the cost of restoration. The interest in any such account shall accrue to the benefit of the tenant. Failure by the landlord to utilize escrow funds for restoration of the premises within 90 days of the termination of the tenancy constitutes a forfeiture of the escrow fund, which shall revert to the tenant.

g-3. A landlord may not require further restoration if the modifications satisfy either uniform federal accessibility standards or s. SPS 352.04, Wis. Admin. Code.

g-4. No landlord may require the restoration of modifications made to public and common use portions of the premises if the modifications were necessary to make those portions readily accessible to and usable by persons in a protected class.

h. Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons in a protected class equal opportunity to use and enjoy a dwelling.

i. In connection with the design and construction of a covered multifamily dwelling as defined in 24 C.F.R. s. 100.201, fail to design and construct those dwellings in such a manner that:

i-1. The dwelling has at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.

i-2. With respect to a dwelling with a building entrance on an accessible route, the public use and common use portions of the dwelling are readily accessible to and usable by persons in a protected class.

i-3. All premises within the dwelling contain the following features of adaptive design:

i-3-a. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

i-3-b. Reinforcements in bathroom walls to allow installation of grab bars.

i-3-c. Usable kitchens and bathrooms in which an individual in a wheelchair can maneuver.

**2. PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT.** In regard to a public place of accommodation or amusement:

a. Deny to another, or charge another a different price from the rate charged to others, the full and equal enjoyment of any public place of accommodation or amusement because of the person's protected class membership. An organization which operates a public place of accommodation or amusement and which sells memberships based on family status shall provide the same benefits to those of a protected class as are provided to other families.

b. Directly or indirectly publish, circulate, display, mail or otherwise disseminate any written communication which the person so doing knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of protected class membership or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons.

c. Subject an individual, on the basis of a protected class of the individual, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

d. Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, deny an individual in a protected class the opportunity to participate in programs or activities that are not separate or different.

e. Directly or through contractual or other arrangements utilize standards or criteria or methods of administration which have the effect of discrimination on the basis of a protected class.

**3. EMPLOYMENT AND CONTRACT PROVISIONS.** In regard to employment:

a. Discharge, fail or refuse to hire, or harass any individual, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, because of the individual's protected class membership; provided that an employer who is discriminating with respect to compensation in violation of this subsection shall not, in order to comply with this subsection, reduce the wage rate of an employee.

b. Limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of the individual's protected class membership.

c. Fail or refuse to refer for employment, or otherwise to discriminate against, any individual on the basis of his or her protected class membership.

d. Refuse to reasonably accommodate an employee's or prospective employee's protected class unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

e. Fail to include in all contracts negotiated, or renegotiated by a contracting agency of the city, a provision obligating the contractor not to discriminate against any qualified employee, or qualified applicant for employment, on the basis of a person's protected class membership, or based upon affiliation, or perceived affiliation, with any protected class, and shall require the contractor to include a similar provision in all subcontracts.

**4. EXCEPTIONS.** a. It is not a violation of this ordinance to restrict occupancy in a dwelling to persons in a protected class or to provide housing for protected persons as provided under any state or federal program that is specifically designed and operated to assist persons in a protected class, as defined in the state or federal program.

b. Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or

## 109-11 Equal Rights

for an employer or a labor organization to admit or employ any individual in those certain instances where sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

c. It is not employment discrimination to deny or to refuse to issue a license or permit issued under this code if the person applying for or holding the license or permit has a pending criminal charge the circumstances of which substantially relate to the circumstances of the licensed activity or permit; or has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity, and has not been pardoned for that felony, misdemeanor, or other offense.

d. It is not employment discrimination to refuse to employ a person in a business licensed under s. 440.26, Wis. Stats., or as an employee specified in s. 440.26(5)(b), Wis. Stats., if the person has been convicted of a felony and has not been pardoned for that felony.

e. It is not employment discrimination to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned.

f. Nothing contained in this section shall be interpreted to prohibit any employer from considering an individual's less-than-honorable discharge in cases where the circumstances of the discharge are substantially related to the circumstances of the particular job. However, in no case may an employer consider a less-than-honorable discharge that was made administratively and not pursuant to a court martial.

g. Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity, or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of protected class membership.

h. Nothing contained in this section shall be interpreted to require any employer, employment agency or labor organization to grant

preferential treatment to any individual or to any group because of the protected class.

**109-11. Reporting. 1. DEPARTMENTS.** The department of administration, with the cooperation of all departments, shall regularly provide the commission with information of efforts and activities undertaken across city government to achieve the leadership objectives described in s. 109-1 to 3. This information shall from time to time identify programs and activities conducted by the city to promote equal rights and equal opportunity both within city government and goals, challenges and strategies. The department of administration shall provide the commission with information about activities and accomplishments with respect to the requirements in s. 350-203. Upon request of the commission, other city departments, agencies and units shall report to the commission orally, in writing, or both, at the pleasure of the commission.

**2. MAYOR AND COMMON COUNCIL.** The commission shall provide a written communication to the mayor and the common council, not less than annually, summarizing the activities of the commission and the progress of the city in meeting the leadership objectives specified in this chapter. This communication shall further include an examination of those conditions in the city at large which contribute to or detract from equal rights and an environment free from discrimination. The communication shall provide recommendations for furthering the purposes and objectives provided in this chapter.

**109-13. Investigations.** Pursuant to any investigation or hearing conducted under this chapter, the commission shall:

**1.** Require any person to submit in writing reports and answers to questions relevant to the proceedings conducted under this chapter as the commission may prescribe, submission to be made within the period and under oath or otherwise as the commission may determine.

**2.** Administer oaths and to require, by subpoena issued by it, the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the commission in accordance with s. 109-7-4-f.

3. Order testimony to be taken by deposition before any individual who is designated by the commission and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. 2.

4. Pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

**109-15. Probable Cause of Violation.** At the conclusion of its investigation, the commission shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether probable cause exists to believe that a violation of this chapter has occurred. If the commission determines that no probable cause exists, it shall immediately send written notice of the determination to the accused and to the complainant. If the commission determines that there is probable cause for believing that a violation of this chapter has been committed, its preliminary findings of fact and conclusions shall contain an order setting a date for hearing to determine whether a violation of this chapter has occurred. The commission shall serve the order upon the accused. A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the accused petitions for and the commission consents to a later date. Prior to any hearing ordered under this subsection, the parties shall be entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

**109-17. Hearing Procedure.** 1. During any investigation and during any hearing which is conducted to determine whether a violation of this chapter has occurred, the parties may be represented by counsel of their own choosing, and the parties or their representatives, if any, shall have an opportunity to examine all documents and records obtained or prepared by the commission in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. During any hearing conducted by the commission to

determine whether a violation of this chapter has occurred, all evidence including certified copies of records which the commission considers shall be fully offered and made a part of the record in the proceedings. The parties shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the parties, the commission shall issue subpoenas to compel the attendance of necessary witnesses.

2. In cases in where the commission deems it necessary, the commission shall appoint a hearing examiner to conduct hearings under this section. Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby, may, upon request of the person or a representative of the person, or upon the request of any member of the commission, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the commission may permit any other person to appear and to testify at a hearing.

3. After the conclusion of the hearing the commission shall as soon as practicable begin deliberations on the evidence presented at the hearing and shall then proceed to determine whether the defendant has violated this chapter.

**109-19. Determinations; Commission Actions.**

If the commission determines that no violation of this chapter has occurred, it shall immediately send written notice of the determination to the complainant and defendant. If the commission determines that a violation of this chapter has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

1. An order requiring the defendant to conform his or her conduct to this chapter.
2. Fines in accordance with s. 109-25.
3. In the case of a licensee of the city, a recommendation of suspension or revocation of the license. The recommendation shall be submitted to the city clerk's office.

**109-21. Settlements.** An action may be settled for such sum or terms as may be agreed upon between the applicable parties.

## 109-23 Equal Rights

### 109-23. Public Inspection of Records.

1. Except as provided in sub. 2, all records in the possession of the commission are open to public inspection at all reasonable times.

2. Notwithstanding sub. 1, the following records in the commission's possession shall not be open for public inspection:

a. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The commission may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person shall be deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the commission in connection with the request for an advisory opinion.

b. Records obtained or prepared by the commission in connection with an investigation, except that the commission shall permit inspection of records that are made public in the course of a hearing by the commission to determine if a violation of this chapter has occurred. Whenever the commission refers such investigation and hearing records to the appropriate party under s. 109-19, they may be made public in the course of prosecution initiated under this chapter.

**109-25. Forfeiture.** 1. Any person who willfully violates this chapter or any lawful order of the commission under this chapter shall, for the first violation, forfeit not less than \$500 nor more than \$5,000.

2. For each successive violation within 5 years of having been adjudged to be in violation of this chapter or any lawful order of the commission under this chapter, the person shall forfeit not less than \$1,000 nor more than \$10,000.

**109-27. Enforcement.** 1. Whenever in the judgment of the commission, the enforcement of a forfeiture imposed for violation of this chapter or of an order under this chapter is necessary, the commission shall refer the matter in writing to the city attorney for enforcement in the name of the city or the commission.

2. Upon referral, the city attorney may seek enforcement of this chapter in a court of competent jurisdiction and as provided in ss 66.0114 and 66.1011(2), Wis. Stats., or otherwise.

3. At any time after a complaint is filed, the commission may request the city attorney to file a petition in circuit court, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining the respondent from performing an act tending to render ineffectual an order the commission may enter with respect to the complaint.

For legislative history of chapter 109, contact the Municipal Research Library.

**[Pages 651-656 are blank]**



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-2794/1  
JAM:amn

## 2023 SENATE BILL 246

April 14, 2023 - Introduced by Senators TAYLOR, L. JOHNSON, WIRCH, SPREITZER, LARSON and HESSELBEIN, cosponsored by Representatives MYERS, STUBBS, DRAKE, VINING, EMERSON, BALDEH, BARE, GOYKE, ORTIZ-VELEZ, SNODGRASS, SHELTON, JOERS, RATCLIFF, CONLEY, OHNSTAD, SUBECK, JACOBSON, J. ANDERSON, HAYWOOD, CLANCY, C. ANDERSON, MADISON and PALMERI. Referred to Committee on Labor, Regulatory Reform, Veterans and Military Affairs.

1     **AN ACT** *to renumber* 15.04 (1) (g), 48.82 (1), 106.58, 118.13 (1), 118.20 (1), 230.18  
2             and 756.001 (1); and *to create* 15.04 (1) (g) 1., 16.70 (10p), 16.70 (10t), 36.05  
3             (10g), 36.05 (10r), 38.01 (6g), 38.01 (6r), 47.01 (4), 47.01 (4m), 48.82 (1g), 51.01  
4             (13g), 51.01 (13r), 66.1011 (1m) (f), 66.1011 (1m) (g), 66.1201 (3) (mr), 66.1201  
5             (3) (mv), 66.1213 (4) (ng), 66.1213 (4) (nr), 66.1301 (3) (pg), 66.1301 (3) (pr),  
6             66.1331 (3) (hm), 66.1331 (3) (jm), 66.1333 (2m) (hm), 66.1333 (2m) (im), 106.50  
7             (1m) (pg), 106.50 (1m) (pr), 106.52 (1) (dg), 106.52 (1) (er), 106.58 (1), 111.32  
8             (12k), 111.32 (12L), 111.70 (1) (mg), 111.70 (1) (mr), 111.81 (15p), 111.81 (15u),  
9             118.13 (1) (a), 118.134 (1g), 118.20 (1) (a), 118.40 (4) (ae), 194.01 (11m), 194.01  
10            (12m), 224.71 (12g), 224.71 (12r), 227.01 (10g), 227.01 (10r), 230.18 (1), 234.01  
11            (11), 234.01 (12), 321.01 (10g), 321.01 (10r), 440.40 (5g), 440.40 (5r), 600.03  
12            (40g), 600.03 (40r) and 756.001 (1d) of the statutes; **relating to:** prohibiting

**SENATE BILL 246**

1 discrimination based on traits historically associated with race, including hair  
2 texture and protective hairstyles.

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***Analysis by the Legislative Reference Bureau***

This bill provides that prohibitions of race-based discrimination include discrimination related to traits historically associated with race, including hair texture and protective hairstyles. “Protective hairstyle” is defined in the bill to include braids, locs, and twists.

Under current law, discrimination because of race is prohibited in employment, housing, education, service as a juror, adoption, and the equal enjoyment of a public place of accommodation or amusement. This bill prohibits discrimination based on traits historically associated with race in employment, housing, education, service as a juror, adoption, and the equal enjoyment of a public place of accommodation or amusement.

Current law also prohibits motor carriers, automobile insurers, mortgage bankers, mortgage loan originators, mortgage brokers, and real estate brokers and salespersons from discriminating against a person on the basis of race; prohibits discrimination based on race in the provision of vocational rehabilitation or mental health services; and prohibits the University of Wisconsin System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination on the basis of race. This bill prohibits discrimination based on traits historically associated with race in these areas.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 15.04 (1) (g) of the statutes is renumbered 15.04 (1) (g) 2.

4 **SECTION 2.** 15.04 (1) (g) 1. of the statutes is created to read:

5 15.04 (1) (g) 1. In this paragraph:

6 a. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

7 b. “Race” includes traits historically associated with race, including hair  
8 texture and protective hairstyles.

9 **SECTION 3.** 16.70 (10p) of the statutes is created to read:

**SENATE BILL 246**

1           16.70 (10p) “Protective hairstyles” includes hairstyles such as braids, locs, and  
2 twists.

3           **SECTION 4.** 16.70 (10t) of the statutes is created to read:

4           16.70 (10t) “Race” includes traits historically associated with race, including  
5 hair texture and protective hairstyles.

6           **SECTION 5.** 36.05 (10g) of the statutes is created to read:

7           36.05 (10g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
8 twists.

9           **SECTION 6.** 36.05 (10r) of the statutes is created to read:

10          36.05 (10r) “Race” includes traits historically associated with race, including  
11 hair texture and protective hairstyles.

12          **SECTION 7.** 38.01 (6g) of the statutes is created to read:

13          38.01 (6g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
14 twists.

15          **SECTION 8.** 38.01 (6r) of the statutes is created to read:

16          38.01 (6r) “Race” includes traits historically associated with race, including  
17 hair texture and protective hairstyles.

18          **SECTION 9.** 47.01 (4) of the statutes is created to read:

19          47.01 (4) “Protective hairstyles” includes hairstyles such as braids, locs, and  
20 twists.

21          **SECTION 10.** 47.01 (4m) of the statutes is created to read:

22          47.01 (4m) “Race” includes traits historically associated with race, including  
23 hair texture and protective hairstyles.

24          **SECTION 11.** 48.82 (1) of the statutes is renumbered 48.82 (1r).

25          **SECTION 12.** 48.82 (1g) of the statutes is created to read:



**SENATE BILL 246****SECTION 12**

1           48.82 **(1g)** In this section:

2           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

3           (b) “Race” includes traits historically associated with race, including hair  
4 texture and protective hairstyles.

5           **SECTION 13.** 51.01 (13g) of the statutes is created to read:

6           51.01 **(13g)** “Protective hairstyles” includes hairstyles such as braids, locs, and  
7 twists.

8           **SECTION 14.** 51.01 (13r) of the statutes is created to read:

9           51.01 **(13r)** “Race” includes traits historically associated with race, including  
10 hair texture and protective hairstyles.

11          **SECTION 15.** 66.1011 (1m) (f) of the statutes is created to read:

12          66.1011 **(1m)** (f) “Protective hairstyles” includes hairstyles such as braids, locs,  
13 and twists.

14          **SECTION 16.** 66.1011 (1m) (g) of the statutes is created to read:

15          66.1011 **(1m)** (g) “Race” includes traits historically associated with race,  
16 including hair texture and protective hairstyles.

17          **SECTION 17.** 66.1201 (3) (mr) of the statutes is created to read:

18          66.1201 **(3)** (mr) “Protective hairstyles” includes hairstyles such as braids, locs,  
19 and twists.

20          **SECTION 18.** 66.1201 (3) (mv) of the statutes is created to read:

21          66.1201 **(3)** (mv) “Race” includes traits historically associated with race,  
22 including hair texture and protective hairstyles.

23          **SECTION 19.** 66.1213 (4) (ng) of the statutes is created to read:

24          66.1213 **(4)** (ng) “Protective hairstyles” includes hairstyles such as braids, locs,  
25 and twists.

**SENATE BILL 246**

1           **SECTION 20.** 66.1213 (4) (nr) of the statutes is created to read:

2           66.1213 (4) (nr) “Race” includes traits historically associated with race,  
3 including hair texture and protective hairstyles.

4           **SECTION 21.** 66.1301 (3) (pg) of the statutes is created to read:

5           66.1301 (3) (pg) “Protective hairstyles” includes hairstyles such as braids, locs,  
6 and twists.

7           **SECTION 22.** 66.1301 (3) (pr) of the statutes is created to read:

8           66.1301 (3) (pr) “Race” includes traits historically associated with race,  
9 including hair texture and protective hairstyles.

10          **SECTION 23.** 66.1331 (3) (hm) of the statutes is created to read:

11          66.1331 (3) (hm) “Protective hairstyles” includes hairstyles such as braids,  
12 locs, and twists.

13          **SECTION 24.** 66.1331 (3) (jm) of the statutes is created to read:

14          66.1331 (3) (jm) “Race” includes traits historically associated with race,  
15 including hair texture and protective hairstyles.

16          **SECTION 25.** 66.1333 (2m) (hm) of the statutes is created to read:

17          66.1333 (2m) (hm) “Protective hairstyles” includes hairstyles such as braids,  
18 locs, and twists.

19          **SECTION 26.** 66.1333 (2m) (im) of the statutes is created to read:

20          66.1333 (2m) (im) “Race” includes traits historically associated with race,  
21 including hair texture and protective hairstyles.

22          **SECTION 27.** 106.50 (1m) (pg) of the statutes is created to read:

23          106.50 (1m) (pg) “Protective hairstyles” includes hairstyles such as braids,  
24 locs, and twists.

25          **SECTION 28.** 106.50 (1m) (pr) of the statutes is created to read:

**SENATE BILL 246****SECTION 28**

1           106.50 **(1m)** (pr) “Race” includes traits historically associated with race,  
2 including hair texture and protective hairstyles.

3           **SECTION 29.** 106.52 (1) (dg) of the statutes is created to read:

4           106.52 **(1)** (dg) “Protective hairstyles” includes hairstyles such as braids, locs,  
5 and twists.

6           **SECTION 30.** 106.52 (1) (er) of the statutes is created to read:

7           106.52 **(1)** (er) “Race” includes traits historically associated with race,  
8 including hair texture and protective hairstyles.

9           **SECTION 31.** 106.58 of the statutes is renumbered 106.58 (2).

10          **SECTION 32.** 106.58 (1) of the statutes is created to read:

11          106.58 **(1)** In this section:

12          (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

13          (b) “Race” includes traits historically associated with race, including hair  
14 texture and protective hairstyles.

15          **SECTION 33.** 111.32 (12k) of the statutes is created to read:

16          111.32 **(12k)** “Protective hairstyles” includes hairstyles such as braids, locs,  
17 and twists.

18          **SECTION 34.** 111.32 (12L) of the statutes is created to read:

19          111.32 **(12L)** “Race” includes traits historically associated with race, including  
20 hair texture and protective hairstyles.

21          **SECTION 35.** 111.70 (1) (mg) of the statutes is created to read:

22          111.70 **(1)** (mg) “Protective hairstyles” includes hairstyles such as braids, locs,  
23 and twists.

24          **SECTION 36.** 111.70 (1) (mr) of the statutes is created to read:

**SENATE BILL 246**

1           111.70 **(1)** (mr) “Race” includes traits historically associated with race,  
2 including hair texture and protective hairstyles.

3           **SECTION 37.** 111.81 (15p) of the statutes is created to read:

4           111.81 **(15p)** “Protective hairstyles” includes hairstyles such as braids, locs,  
5 and twists.

6           **SECTION 38.** 111.81 (15u) of the statutes is created to read:

7           111.81 **(15u)** “Race” includes traits historically associated with race, including  
8 hair texture and protective hairstyles.

9           **SECTION 39.** 118.13 (1) of the statutes is renumbered 118.13 (1) (b).

10          **SECTION 40.** 118.13 (1) (a) of the statutes is created to read:

11          118.13 **(1)** (a) In this subsection:

12           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

13           2. “Race” includes traits historically associated with race, including hair  
14 texture and protective hairstyles.

15          **SECTION 41.** 118.134 (1g) of the statutes is created to read:

16          118.134 **(1g)** In this section:

17           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

18           (b) “Race” includes traits historically associated with race, including hair  
19 texture and protective hairstyles.

20          **SECTION 42.** 118.20 (1) of the statutes is renumbered 118.20 (1) (b).

21          **SECTION 43.** 118.20 (1) (a) of the statutes is created to read:

22          118.20 **(1)** (a) In this subsection:

23           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

24           2. “Race” includes traits historically associated with race, including hair  
25 texture and protective hairstyles.

**SENATE BILL 246****SECTION 44**

1           **SECTION 44.** 118.40 (4) (ae) of the statutes is created to read:

2           118.40 (4) (ae) *Definitions.* In this subsection:

3           1. “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

4           2. “Race” includes traits historically associated with race, including hair  
5 texture and protective hairstyles.

6           **SECTION 45.** 194.01 (11m) of the statutes is created to read:

7           194.01 (11m) “Protective hairstyles” includes hairstyles such as braids, locs,  
8 and twists.

9           **SECTION 46.** 194.01 (12m) of the statutes is created to read:

10          194.01 (12m) “Race” includes traits historically associated with race, including  
11 hair texture and protective hairstyles.

12          **SECTION 47.** 224.71 (12g) of the statutes is created to read:

13          224.71 (12g) “Protective hairstyles” includes hairstyles such as braids, locs,  
14 and twists.

15          **SECTION 48.** 224.71 (12r) of the statutes is created to read:

16          224.71 (12r) “Race” includes traits historically associated with race, including  
17 hair texture and protective hairstyles.

18          **SECTION 49.** 227.01 (10g) of the statutes is created to read:

19          227.01 (10g) “Protective hairstyles” includes hairstyles such as braids, locs,  
20 and twists.

21          **SECTION 50.** 227.01 (10r) of the statutes is created to read:

22          227.01 (10r) “Race” includes traits historically associated with race, including  
23 hair texture and protective hairstyles.

24          **SECTION 51.** 230.18 of the statutes is renumbered 230.18 (2).

25          **SECTION 52.** 230.18 (1) of the statutes is created to read:

**SENATE BILL 246**

1           230.18 (1) In this section:

2           (a) “Protective hairstyles” includes hairstyles such as braids, locs, and twists.

3           (b) “Race” includes traits historically associated with race, including hair  
4 texture and protective hairstyles.

5           **SECTION 53.** 234.01 (11) of the statutes is created to read:

6           234.01 (11) “Protective hairstyles” includes hairstyles such as braids, locs, and  
7 twists.

8           **SECTION 54.** 234.01 (12) of the statutes is created to read:

9           234.01 (12) “Race” includes traits historically associated with race, including  
10 hair texture and protective hairstyles.

11          **SECTION 55.** 321.01 (10g) of the statutes is created to read:

12          321.01 (10g) “Protective hairstyles” includes hairstyles such as braids, locs,  
13 and twists.

14          **SECTION 56.** 321.01 (10r) of the statutes is created to read:

15          321.01 (10r) “Race” includes traits historically associated with race, including  
16 hair texture and protective hairstyles.

17          **SECTION 57.** 440.40 (5g) of the statutes is created to read:

18          440.40 (5g) “Protective hairstyles” includes hairstyles such as braids, locs, and  
19 twists.

20          **SECTION 58.** 440.40 (5r) of the statutes is created to read:

21          440.40 (5r) “Race” includes traits historically associated with race, including  
22 hair texture and protective hairstyles.

23          **SECTION 59.** 600.03 (40g) of the statutes is created to read:

24          600.03 (40g) “Protective hairstyles” includes hairstyles such as braids, locs,  
25 and twists.





# CLERK'S OFFICE MEMO

To: **Government Affairs Committee**

From: **Steven A. Braatz, Jr., City Clerk**

Meeting Date: **July 11, 2023**

Subject: **Application for a New Retail Class "B" beer and Reserve "Class B" liquor license for 67 North LLC, Jason Growel - agent, d/b/a Growlers East Tosa, 6715 W North Avenue, for the period ending June 30, 2024**

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## A. Background/Rationale

This application was reviewed by the Committee on April 25, 2023. The Committee decided to hold off consideration until after the approval of the Conditional Use Permit (CUP). The CUP was approved by Common Council on June 20, 2023.

## B. Key Issues for Consideration

- This application is for a New Retail Class "B" beer and Reserve "Class B" liquor license.
- Due to a licensee deciding to not renew their license, a regular "Class B" liquor license became available. Staff has determined the best option would be to offer the regular license to an existing reserve licensee, which will then free up a reserve license for this approval. This change will be included in the Council resolution approving the Growlers East Tosa license.

## C. Requested Actions

If acceptable, recommend the Common Council grant a New Retail Class "B" beer and Reserve "Class B" liquor license for 67 North LLC, Jason Growel - agent, d/b/a Growlers East Tosa, 6715 W North Avenue, for the period ending June 30, 2024.





WISCONSIN DEPARTMENT OF REVENUE  
 PO BOX 8902  
 MADISON, WI 53708-8902

**Contact Information:**

2135 RIMROCK RD PO BOX 8902  
 MADISON, WI 53708-8902  
 ph: 608-266-2776 fax: 608-224-5761  
 email: DORBusinessTax@wisconsin.gov  
 website: revenue.wi.gov

Letter ID L1529943504

67 NORTH LLC  
 9730 N GRANVILLE RD STE D  
 MEQUON WI 53097-3503

**Wisconsin Department of Revenue Seller's Permit**

**Legal/real name:** 67 NORTH LLC  
**Business name:** 6715 W NORTH AVE  
 WAUWATOSA WI 53213-1956

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-1031252627-04

# Plan of Operations

Growlers East Tosa will be a full restaurant gastropub with a sports theme throughout the building. Walking in to the left side of the building will be an island bar that sits around 40 guests. In that area there will be more additional table top seating for about 25-30 people. In the center of the building will be the main dining area sitting between 50-55 guests. That area will remain open as long as food service is being offered which will shut down between 9 or 10pm. After that we will have a small late-night menu provided until midnight. On the west side of the building in the front half will be a party room for special occasions and behind that will be men/women's full bathrooms, and in the far west corner will be the full service kitchen. Outside during warmer months will be our patio fitting 10-12 tables located on the eastside of the property. Parking in the back will be shared allotting us 26 of 30 stalls, along with street parking for patrons,

Staffing will consist of a full crew of back of the house/kitchen staff, and front of the house servers, bartenders, bar backs, and managers. In our early stages we estimate a staff of 16-20 employees, and as we ramp up and continue our business growth a full staff would be closer to 30 employees.

Bartenders 8-10

Cooks 4-6

Bar backs 2-3

General Manger/Agent

Kitchen Manger

Servers 4-6

Assistant Managers 2

Food Runners/ hosts 2-4

Hours of Operation will consist of being open every day from 11am until bar close. We will be doing lunch service starting at 11am, and brunch on Sundays we will start once staffed up starting at earlier times 9 or 10am. We will be applying for a full Hours Of Operations 6am through bar close. We are a sports orientated establishment and some games will run early or late into the night. Premier Soccer, Overseas NFL games, West Coast Bucks games, etc.



# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7/1/23 ending: 6/30/23  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } Wauwatosa  
 Village of }  
 City of }

County of Milwaukee Aldermanic Dist. No. \_\_\_\_\_  
 (if required by ordinance)

Check one:  Individual  Limited Liability Company  
 Partnership  Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1031257627-04</u>	
FEIN Number <u>88-3354604</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
<b>TOTAL FEE</b>	<b>\$</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
67 North LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Balistreri</u>	(First) <u>Mario</u>	(Middle Name) <u>M</u>	Home Address (Street, City or Post Office, & Zip Code) [REDACTED]
Vice President / Member Last Name <u>Growel</u>	(First) <u>Jason</u>	(Middle Name) <u>C</u>	Home Address (Street, City or Post Office, & Zip Code) [REDACTED]
Secretary / Member Last Name	(First)	(Middle Name)	[REDACTED]
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>Growel</u>	(First) <u>Jason</u>	(Middle Name) <u>C</u>	Home Address (Street, City or Post Office, & Zip Code) [REDACTED]
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Growlers East Tosa Business Phone Number 414-698-8209  
 2. Address of Premises 6715 W North Ave Post Office & Zip Code Wauwatosa 53218

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Entrance to the building is on the north side. Walk in and to the east will be an island bar where alcohol will be sold, coolers and back stock of bottles will be in this area. Past the bar will be an outside patio 34x36 where alcohol will be sold in warmer months. Consumption of alcohol will be mainly at bar and table service throughout building. All back stock bottles will be locked in liquor cabinet basement. All receipts will be held in office down stairs locked in file cabinet for 2 years.

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? \_\_\_\_\_

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
Agent Jason Gravel has completed the course last year 2022
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state Wisconsin and date 7/21/22 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No  
**If yes, explain.**  
BB's on North Ave. Mario Balistreri is a partner there with liquor license in his name.
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Gravel, Jason C</u>	Title/Member <u>Agent / VP</u>	Date <u>3-11-23</u>
Signature <u>Jason Gravel</u>	Phone Number [REDACTED]	Email Address [REDACTED]

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Growel		Jason		Charles	
Home Address (street/route)		Post Office	City	State	Zip Code
[Redacted]		[Redacted]	[Redacted]	[Redacted]	[Redacted]
Home Phone Number		Age	Date of Birth	Place of Birth	
[Redacted]		[Redacted]	[Redacted]	[Redacted]	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Officer / Agent / GM of 67 North LLC  
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 20 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>Beer Capital</u>	Employer's Address <u>W222 N5700 Miller Way Sussex</u>	Employed From <u>11-19-22</u>	To <u>3-1-23</u>
Employer's Name <u>Marcus Theaters</u>	Employer's Address <u>5200 S Market Rd New Berlin</u>	Employed From <u>5-1-18</u>	To <u>10-1-22</u>

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Joan Growel  
(Signature of Named Individual)

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  Village  City of Wauwatosa County of Milwaukee

The undersigned duly authorized officer/member/manager of 67 North LLC  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Growlers East Toss  
(Trade Name)

located at 6715 W North Ave

appoints Jason Growel

[Redacted Address]  
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 20 years

Place of residence last year [Redacted]

For: 67 North LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: Jason Growel  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

## ACCEPTANCE BY AGENT

I, Jason Growel  
(Print / Type Agent's Name), hereby accept this appointment as agent for the

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Jason Growel  
(Signature of Agent) 2/28/23  
(Date)

Agent's age [Redacted]

Date of birth [Redacted]

[Redacted Address]  
(Home Address of Agent)

## APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)