



Wauwatosa, WI

Government Affairs Committee

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, May 14, 2024

6:30 PM

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

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

ORDINANCES FOR ADOPTION CONSIDERATION

1. Ordinance amending Chapter 6.08 and creating Chapter 6.10 of the Wauwatosa Municipal Code related to liquor licensing and cigarette and vape store licenses to conform to the provisions of 2023 Wisconsin Act 73 [24-0684](#)
Recommendation: Introduced May 7, 2024, for adoption consideration
2. Ordinance amending Chapter 1.04 of the Wauwatosa Municipal Code to define modified ward boundaries for the purpose of compliance with new legislative maps, to be applied to current and future aldermanic districts [24-0687](#)
Recommendation: Introduced May 7, 2024, for adoption consideration

GOVERNMENT AFFAIRS COMMITTEE ITEMS

1. Consideration of application for Special Event Permit - Applicant: Chris Barlow, Tosa Village BID, Event Name: Tour of America's Dairyland, Location: Village of Wauwatosa - State Street, Harmonie Avenue, Wauwatosa Avenue, Blanchard Street, 72nd Street, Date/Time: June 23, 2024, 7:00 AM - 9:00 PM [24-0705](#)
2. Presentation by City Clerk and City Attorney regarding alcohol license laws, policy and practice [24-0716](#)

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 clerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 24-0684

Agenda Date: 5/14/2024

Agenda #: 1.

Ordinance amending Chapter 6.08 and creating Chapter 6.10 of the Wauwatosa Municipal Code related to liquor licensing and cigarette and vape store licenses to conform to the provisions of 2023 Wisconsin Act 73

The common council of the City of Wauwatosa do ordain as follows:

Part I. Subsection 6.08.020 C. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

C. “Fermented malt beverages” means any of the following:

1. Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.
2. Any beverage recognized by the federal department of the treasury as beer under [27 CFR part 25](https://docs.legis.wisconsin.gov/document/cfr/27%20CFR%2025) <<https://docs.legis.wisconsin.gov/document/cfr/27%20CFR%2025>>, except sake or similar products.

Part II. The current Subsection 6.08.020 K. of the Wauwatosa Municipal Code of Ordinances is hereby repealed, current subsections designated by the letters “F.” through “J.”, consecutively, are hereby re-designated by the letters “G.” through “K.”, consecutively, and a new Subsection “F.” is created to read in its entirety as follows:

K. “Operator’s Permit” means a current and valid operator’s permit issued by the Department of Revenue, Division of Alcohol Beverages pursuant to Sec. 125.175, Wisconsin Statutes

Part III. Subsection 6.08.040 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

Applications for licenses for retail sales of alcohol beverages shall be made to the city clerk of the city of Wauwatosa by use of the application forms created by the Wisconsin Department of Revenue, Division of Alcohol Beverages, pursuant to sec. 125.04(3) of the Wisconsin Statutes.

Part IV. Subsection 6.08.130 A. (Intro) of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

A. No person other than the licensee shall be permitted to sell or serve alcoholic beverages in any place operated under a class “A”, “Class A”, class “B”, “Class B” or “Class C” retailer’s license unless he or she:

Part V. Subsection 6.08.130 A.1. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

1. Has an operator’s license or an operator’s permit.

Part VI. Subsection 6.08.170 (Title) of the Wauwatosa Municipal Code of Ordinances is hereby amended to read as follows:

Consumption and possession in public places prohibited - Exceptions

Part VII. Section 6.08.250 of the Wauwatosa Municipal Code of Ordinances is repealed and is recreated to read in its entirety as follows:

6.08.250 - Provisional retail licenses.

- A. A provisional retail license may be issued to a person who has applied for a Class "A," Class "B," "Class A," "Class B" or "Class C" license, provided that the provisional retail license only authorizes the activities that the type of retail license applied for authorizes. A provisional retail license may not be issued if the quota prohibits issuing an annual license for the same.
- B. A provisional retail license authorizes applicants for retail licenses to open for business while completing the responsible beverage server training course requirement, provided the applicant meets all the other qualifications set out in article IV and divisions 3 and 4 of article V of this chapter.
- C. A provisional retail license expires 60 days after its issuance or when the retail license applied for is issued or denied, whichever is sooner.
- D. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.
- E. The city clerk may revoke, in accordance with division 4 of article II of this chapter, the license if he/she discovers that the holder has made a false statement on the application.

Part VIII. Section 6.08.260 (Title) of the Wauwatosa Municipal Code of Ordinances is hereby amended to read as follows:

Temporary operator's license

Part IX. Subsection 6.08.260 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- B. No person may hold more than two licenses of this kind per year;

Part X. Section 6.08.330 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

No Class "B" license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license. These restrictions do not apply to any of the following:

- A. A hotel.
- B. A restaurant, whether or not it is a part of or located in any mercantile establishment.
- C. A combination grocery store and tavern.
- D. A combination novelty store and tavern.
- E. A bowling center or recreation premises.
- F. A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license.
- G. A movie theater.
- H. A painting studio.
- I. An axe throwing facility.

Part XI. Section 6.08.350 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

Class "A" retailer's license-Presence of person who has an operator's license or operator's permit required.

- A. Whenever a Class "A" retailer's license has been issued there shall be upon the licensed premises a licensee or other person who has an operator's license or operator's permit.
- B. No person shall sell or dispense fermented malt beverages unless such person is of legal drinking age or has an operator's license or operator's permit or is at least eighteen years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license or operator's permit.
- C. No person, firm or corporation shall allow or permit any employee to sell or dispense fermented malt beverages unless such employee or agent is of legal drinking age or has an operator's license or operator's permit or is at least eighteen years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license or operator's permit.

Part XII. Subsection 6.08.390 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- B. Retail "Class B" License. A retail "Class B" license, when issued by the city clerk under authority of the common council, shall permit its holder to sell, deal and traffic in wine or intoxicating liquors to be consumed by the glass on the premises so licensed, shall authorize the

sale of pre-mixed drinks containing intoxicating liquor in the manner described in Subsection 125.51(3)(bg) of the Wisconsin Statutes, or otherwise not in the original package or container for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. Wine or intoxicating liquor may also be sold, in the original package or container, in unlimited quantities, to be consumed off the premises where sold. The fee for such retail "Class B" license shall be as shown in the fee schedule and shall be prorated based on the number of months remaining in the licensing period.

Part XIII. Section 6.08.400 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

6.08.400 - Retail "Class C" licenses.

- A. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- B. A "Class C" license may be issued to a person qualified under Section 125.04(5) of the Wisconsin Statutes, except a person acting as an agent for or in the employ of another.
- C. A "Class C" license shall particularly describe the premises for which it is issued.

Part XIV. Section 6.08.440 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

"Class A" licensed premises-Operator's license, operator's permit or immediate family member required.

No person other than the licensee shall be permitted to sell, deal or traffic in intoxicating liquors in any place under a retail "Class A" liquor license unless he or she has an operator's license, operator's permit or unless he or she is a member of the immediate family of the licensee who is of legal drinking age or unless he or she is under the immediate supervision of the licensee or of a person holding an operator's license or operator's permit.

Part XV. Subsection 6.08.470 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- B. No retail "Class A", "Class B" or "Class C" licensee shall employ any person under legal drinking age to sell or serve intoxicating liquors in any part of the licensed premises, unless such person has been issued a valid operator's license under this chapter or an operator's permit.

No retail "Class A", "Class B" or "Class C" licensee shall employ any person under sixteen years of age to perform the sale or service of intoxicating liquors in any part of the licensed premises.

Part XVI. Section 6.08.510 of the Wauwatosa Municipal Code of Ordinances is hereby deleted.

Part XVII. Chapter 6.10 of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

Chapter 6.10 CIGARETTE, ELECTRONIC VAPING DEVICES, AND TOBACCO PRODUCTS

RETAILER LICENSE**6.10.010 - License Required.**

No person shall sell cigarettes, electronic vaping devices, or tobacco products in the city without first obtaining a license from the city clerk. The provisions of Section [134.65](https://docs.legis.wisconsin.gov/document/statutes/134.65) [<https://docs.legis.wisconsin.gov/document/statutes/134.65>](https://docs.legis.wisconsin.gov/document/statutes/134.65) Wisconsin Statutes are hereby adopted and made a part of this section by reference. All current provisions of this code, including but not limited to Chapters 8.12 and 8.70, shall continue to be fully in force and in effect.

6.10.020 - License Fee.

The license fee shall be as specified in the Consolidated Fee Schedule adopted annually by the Common Council.

6.10.030 - Penalty.

Any person, firm, partnership, or corporation who violates any part of this chapter shall be subject to the general penalty provisions of this code.

Part XVIII. This ordinance shall take effect on and after its dates of passage and publication.

By: Government Affairs Committee

Recommendation: Introduced May 7, 2024, for adoption consideration



Staff Report

File #: 24-0687

Agenda Date: 5/14/2024

Agenda #: 2.

Ordinance amending Chapter 1.04 of the Wauwatosa Municipal Code to define modified ward boundaries for the purpose of compliance with new legislative maps, to be applied to current and future aldermanic districts

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

Part I. Section 1.04.050 of the Wauwatosa Municipal Code is repealed and recreated to read in its entirety as follows:

The third aldermanic district shall consist of all that territory contained within Wards 7A, 7B, 8A, 8B and 9 in the city of Wauwatosa, Milwaukee County, as shown in the attached map of the city of Wauwatosa and more particularly described below:

- A. *Ward 7A:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906001001, 550791853001017, 550791853001016, 550790906001018, 550791853001020, 550790906001021, 550791853001033, 550790906001019, 550790906001016, 550791853001031, 550790906001011, 550790906001022, 550790906001017, 550790906001023, 550791853001030, 550790906001015, 550790906001013, 550790906001014, 550790906001002, 550791853001021, 550790906001012, 550791853001032, 550790906001000, 550791853001039, 550791853001022
- B. *Ward 7B:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906001008, 550790906001004, 550790906004018, 550790906001010, 550790906004016, 550790906001006, 550790906004020, 550790906001003, 550790906004019, 550790906001009, 550790906004021, 550790906004017, 550790906001007, 550790906001005
- C. *Ward 8A:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: 550790906004009, 550790906004008, 550790906004010, 550790906004006, 550790906004007, 550790906004012, 550790906004011, 550790906004013
- D. *Ward 8B:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906003002, 550790906003005, 550790906002005, 550790906003003, 550790906002011, 550790906004014, 550790906002006, 550790906002013, 550790906003001, 550790906003009, 550790906003012, 550790906002000, 550790906002009, 550790906003006, 550790906003011, 550790906002012, 550790906004022, 550790906002014, 550790906002010, 550790906002003, 550790906002008, 550790906002018, 550790906004015, 550790906003008, 550790906003007, 550790906002007, 550790906002015, 550790906002017, 550790906003004, 550790906002001, 550790906002004, 550790906002016, 550790906002002, 550790906003010, 550790906003000

- E. *Ward 9:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550791853003003, 550790906004004, 550791853003012, 550791853003001, 550791853003027, 550791853003022, 550790906004003, 550790906004001, 550791853003015, 550791853003028, 550791853003000, 550791853003002, 550791853003024, 550791853003008, 550791853003016, 550790906004005, 550791853003029, 550791853003021, 550791853003007, 550791853003009, 550791853003019, 550791853003011, 550791853003017, 550791853001038, 550791853003031, 550791853003014, 550791853003020, 550791853003018, 550791853003010, 550790906004000, 550791853003025, 550790906004002, 550791853003023, 550791853003026, 550791853003013, 550791853003006, 550791853003004, 550791853003005, 550791853003030

Part II. Subsection 1.04.090 B of the Wauwatosa Municipal Code is repealed and recreated to read in its entirety as follows:

Ward 20: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790903001018, 550790903002025, 550790903001021, 550790903002017, 550790903001017, 550790903002019, 550790903002022, 550790903001025, 550790903002016, 550790903001010, 550790903001016, 550790903002020, 550790903001022, 550790903001012, 550790903001019, 550790903002018, 550790903001020, 550790903002023, 550790903001011, 550790903002021, 550790903002024, 550790903001027, 550790903001024, 550790903002026, 550790903001023, 550790903001014

Part III. Subsection 1.04.090 C of the Wauwatosa Municipal Code is repealed and recreated to read in its entirety as follows:

Ward 21: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790903001026, 550790903002005, 550790903002006, 550791853001008, 550790903001006, 550790903001009, 550790902002029, 550790903001005, 550791853001010, 550790903001015, 550790903002011, 550790903002010, 550790903001007, 550790903001002, 550790903001001, 550790903001003, 550790903002003, 550790903002008, 550791853001009, 550791853001007, 550790903001008, 550790903001013, 550790903001004, 550790903002004, 550790903002001, 550790903002013, 550790903002007, 550790903001000, 550790903002012, 550790903002002, 550790903002014, 550790903002000, 550790903002015, 550790903002009

Part IV. The map attached to and included as an illustration related to the current Section 1.04.105 of the Wauwatosa Municipal Code of Ordinances is hereby replaced by utilization of the attached “2024” map, which reflects the revised ward maps described within secs. 1.04.030 through 1.04.100 of the code, as amended by Parts I through III of this ordinance, above.

Part V. That version of Section 1.04.100 of the Wauwatosa Municipal Code, intended to become effective on April 21, 2026, per the provisions of Ordinance O-23-01 as passed by the Wauwatosa Common Council on January 17, 2023, is hereby amended to read in its entirety as follows:

The eighth aldermanic district shall consist of all that territory contained within wards 7A, 7B, 12A and 12B in the city of Wauwatosa, Milwaukee County, as shown in the attached map of the city of Wauwatosa and more particularly described below:

- A. *Ward 7A:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906001001, 550791853001017, 550791853001016, 550790906001018, 550791853001020, 550790906001021, 550791853001033, 550790906001019, 550790906001016, 550791853001031, 550790906001011, 550790906001022, 550790906001017, 550790906001023, 550791853001030, 550790906001015, 550790906001013, 550790906001014, 550790906001002, 550791853001021, 550790906001012, 550791853001032, 550790906001000, 550791853001039, 550791853001022
- B. *Ward 7B:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906001008, 550790906001004, 550790906004018, 550790906001010, 550790906004016, 550790906001006, 550790906004020, 550790906001003, 550790906004019, 550790906001009, 550790906004021, 550790906004017, 550790906001007, 550790906001005
- C. *Ward 12A:* That territory contained within the following areas in the city of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906001020, 550791853001034, 550791853001035, 550791853001036, 550791853001037
- D. *Ward 12B:* That territory contained within the following areas in the city of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790912004004, 550790912004006, 550790912004007, 550790912004008, 550790912004009, 550790912004011, 550790912004012, 550790912004013, 550790912004014, 550790912004015, 550790912004016, 550790913003001, 550790913003002, 550790913003003, 550790913003004, 550790913003005, 550790913003006, 550790913003007, 550790913003008, 550790913004000, 550790913004001, 550790913004002, 550790913004003, 550790913004004, 550790913004005, 550790913004006, 550790913004007, 550790913004008, 550790913004009, 550790913004010, 550790913004011, 550790913004012, 550790913004013

Part VI. That version of Section 1.04.110 of the Wauwatosa Municipal Code, intended to become effective on April 21, 2026, per the provisions of Ordinance O-23-01 as passed by the Wauwatosa Common Council on January 17, 2023, is hereby amended to read in its entirety as follows:

The Ninth aldermanic district shall consist of all that territory contained within wards 8A, *B and 9 in the city of Wauwatosa, Milwaukee County, as shown in the attached map of the city of Wauwatosa and more particularly described below:

- A. *Ward 8A:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: 550790906004009, 550790906004008, 550790906004010, 550790906004006, 550790906004007, 550790906004012, 550790906004011, 550790906004013
- B. *Ward 8B:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790906003002, 550790906003005, 550790906002005, 550790906003003, 550790906002011, 550790906004014, 550790906002006, 550790906002013, 550790906003001, 550790906003009, 550790906003012, 550790906002000, 550790906002009, 550790906003006, 550790906003011, 550790906002012, 550790906004022, 550790906002014, 550790906002010, 550790906002003, 550790906002008, 550790906002018, 550790906004015, 550790906003008,

550790906003007, 550790906002007, 550790906002015, 550790906002017, 550790906003004, 550790906002001, 550790906002004, 550790906002016, 550790906002002, 550790906003010, 550790906003000

- C. *Ward 9:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550791853003003, 550790906004004, 550791853003012, 550791853003001, 550791853003027, 550791853003022, 550790906004003, 550790906004001, 550791853003015, 550791853003028, 550791853003000, 550791853003002, 550791853003024, 550791853003008, 550791853003016, 550790906004005, 550791853003029, 550791853003021, 550791853003007, 550791853003009, 550791853003019, 550791853003011, 550791853003017, 550791853001038, 550791853003031, 550791853003014, 550791853003020, 550791853003018, 550791853003010, 550790906004000, 550791853003025, 550790906004002, 550791853003023, 550791853003026, 550791853003013, 550791853003006, 550791853003004, 550791853003005, 550791853003030

Part VIII. That version of Section 1.04.120 of the Wauwatosa Municipal Code, intended to become effective on April 21, 2026, per the provisions of Ordinance O-23-01 as passed by the Wauwatosa Common Council on January 17, 2023, is hereby amended to read in its entirety as follows:

The Tenth aldermanic district shall consist of all that territory contained within wards 19 and 20 in the city of Wauwatosa, Milwaukee County, as shown in the attached map of the city of Wauwatosa and more particularly described below:

- A. *Ward 19:* That territory contained with the following areas in the city of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550791853001011, 550791853001012, 550791853001013, 550791853001014, 550791853001015, 550791853001023, 550791853001024, 550791853002000, 550791853002001, 550791853002002, 550791853002003, 550791853002004, 550791853002005, 550791853002006, 550791853002007, 550791853002008, 550791853002009, 550791853002010, 550791853002011, 550791853002012, 550791853002013, 550791853002014, 550791853002015, 550791853002016, 550791853002017, 550791853002018, 550791853002019, 550791853002020, 550791853002021
- B. *Ward 20:* That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790903001018, 550790903002025, 550790903001021, 550790903002017, 550790903001017, 550790903002019, 550790903002022, 550790903001025, 550790903002016, 550790903001010, 550790903001016, 550790903002020, 550790903001022, 550790903001012, 550790903001019, 550790903002018, 550790903001020, 550790903002023, 550790903001011, 550790903002021, 550790903002024, 550790903001027, 550790903001024, 550790903002026, 550790903001023, 550790903001014

Part IX. That version of Section 1.04.130 of the Wauwatosa Municipal Code, intended to become effective on April 21, 2026, per the provisions of Ordinance O-23-01 as passed by the Wauwatosa Common Council on January 17, 2023, is hereby amended to read in its entirety as follows:

The Eleventh aldermanic district shall consist of all that territory contained within Wards 21 and 22 in the city of Wauwatosa, Milwaukee County, as shown in the attached map of the city of Wauwatosa and more particularly described below:

- A. *Ward 21:* That territory contained within the following areas in the city of Wauwatosa, Milwaukee

County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790903001026, 550790903002005, 550790903002006, 550791853001008, 550790903001006, 550790903001009, 550790902002029, 550790903001005, 550791853001010, 550790903001015, 550790903002011, 550790903002010, 550790903001007, 550790903001002, 550790903001001, 550790903001003, 550790903002003, 550790903002008, 550791853001009, 550791853001007, 550790903001008, 550790903001013, 550790903001004, 550790903002004, 550790903002001, 550790903002013, 550790903002007, 550790903001000, 550790903002012, 550790903002002, 550790903002014, 550790903002000, 550790903002015, 550790903002009

- B. Ward 22: That territory contained with the following areas in the city of Wauwatosa, Milwaukee County, as defined by the U.S. Bureau of the Census in conjunction with the 2020 decennial census: Census Block ID: 550790902001000, 550790902001001, 550790902001002, 550790902001003, 550790902001004, 550790902001005, 550790902001006, 550790902001007, 550790902001008, 550790902001009, 550790902001010, 550790902001011, 550790902001012, 550790902001013, 550790902001014, 550790902001015, 550790902001016, 550790902001017, 550790902001018, 550790902001019, 550790902001020, 550790902001021, 550790902001022, 550790902001023, 550790902001024, 550790902001025, 550790902001026, 550790902001027, 550790902001028, 550790902001029, 550790902001030, 550790902001031, 550790902001032, 550790902001033, 550790902001034, 550790902001035, 550790902001036, 550790902002000, 550790902002001, 550790902002002, 550790902002003, 550790902002004, 550790902002005, 550790902002006, 550790902002007, 550790902002008, 550790902002009, 550790902002010, 550790902002011, 550790902002012, 550790902002013, 550790902002014, 550790902002015, 550790902002016, 550790902002017, 550790902002022, 550790902002023, 550790902002024, 550790902002025, 550790902002018, 550790902002019, 550790902002020, 550790902002021, 550790902002026, 550790902002027, 550790902002028, 550790902002030

Part X. The map contained as an attachment and adopted by that version of Section 1.04.150 of the Wauwatosa Municipal Code, intended to become effective on April 21, 2026, per the provisions of Ordinance O-23-01 as passed by the Wauwatosa Common Council on January 17, 2023, is hereby replaced by the “2026” map attached hereto and incorporated herein.

Part XI. Parts I through IV ordinance shall become effective on and after its dates of passage and publication.

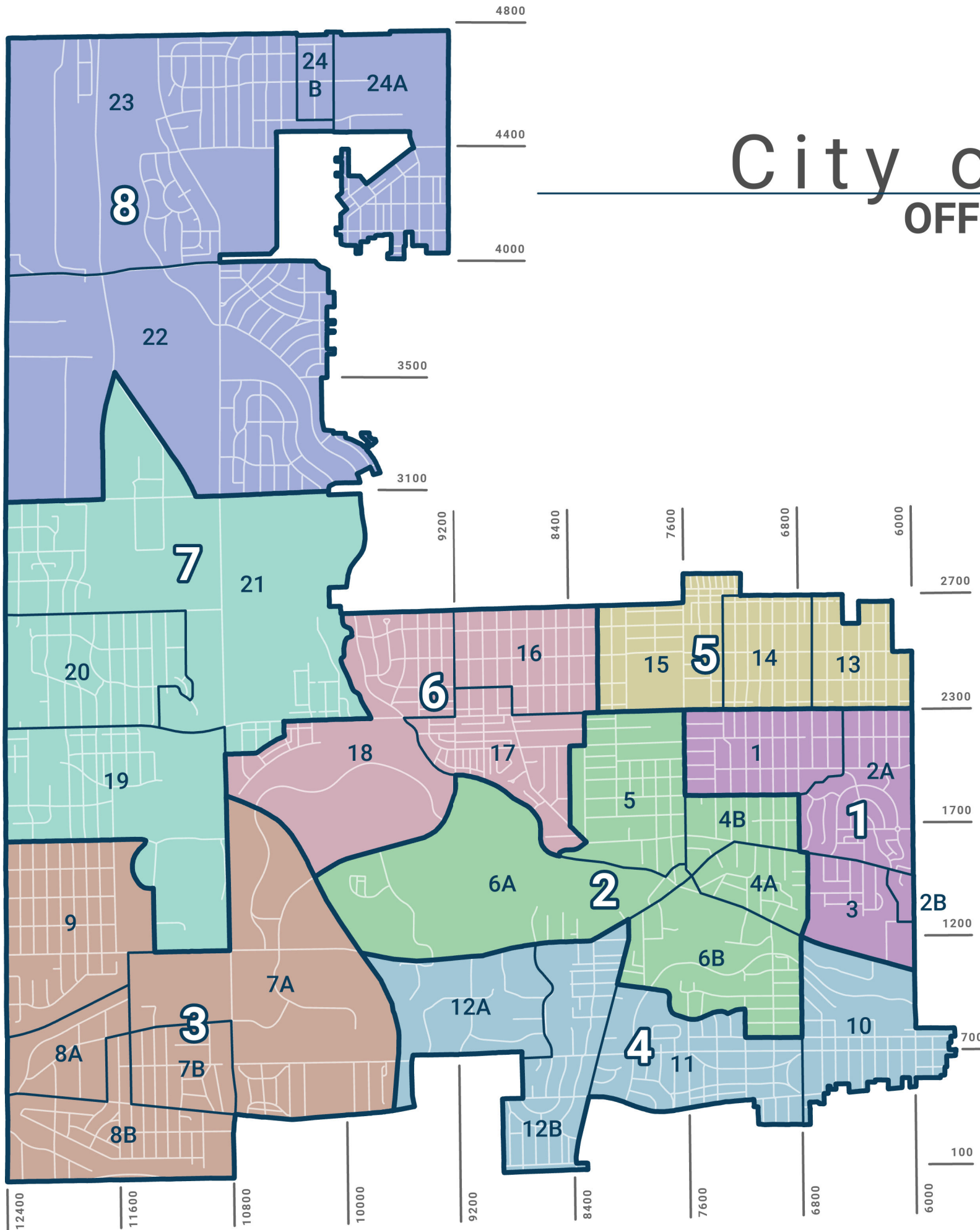
Part XII. Parts V through X of this ordinance, amending the provisions created by Ordinance O-23-01, shall become effective on April 21, 2026, in place of those provisions of Ordinance O-23-01 which they are intended to modify.

By: Government Affairs Committee

Recommendation: Introduced May 7, 2024, for adoption consideration

City of Wauwatosa

OFFICIAL ELECTION MAP

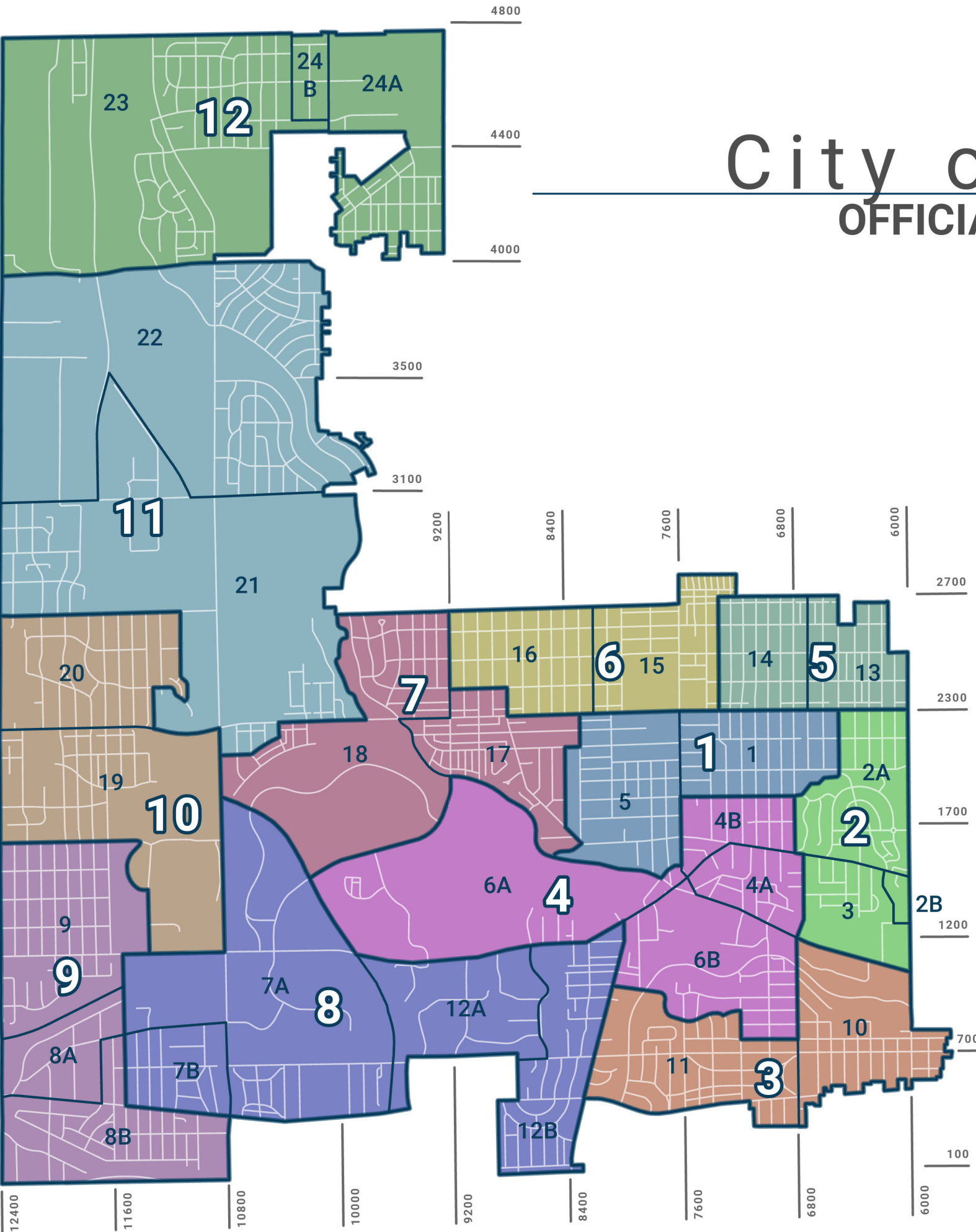


Aldermanic Districts Boundaries (Grouped Wards)

- 1** DISTRICT 1 - CONTAINS WARDS (1, 2A, 2B, & 3)
- 2** DISTRICT 2 - CONTAINS WARDS (4A, 4B, 5, 6A, & 6B)
- 3** DISTRICT 3 - CONTAINS WARDS (7A, 7B, 8A, 8B, 9)
- 4** DISTRICT 4 - CONTAINS WARDS (10, 11, 12A, & 12B)
- 5** DISTRICT 5 - CONTAINS WARDS (13, 14, & 15)
- 6** DISTRICT 6 - CONTAINS WARDS (16, 17, & 18)
- 7** DISTRICT 7 - CONTAINS WARDS (19, 20, & 21)
- 8** DISTRICT 8 - CONTAINS WARDS (22, 23, 24A, & 24B)
- WARD BOUNDARIES
- 2B** WARD LABEL EXAMPLE

City of Wauwatosa

OFFICIAL ELECTION MAP (2026)



Aldermanic Districts Boundaries (Grouped Wards)

- 1** DISTRICT 1 - CONTAINS WARDS (1 & 5)
 - 2** DISTRICT 2 - CONTAINS WARDS (2A, 2B, & 3)
 - 3** DISTRICT 3 - CONTAINS WARDS (11 & 10)
 - 4** DISTRICT 4 - CONTAINS WARDS (4A, 4B, 6A, & 6B)
 - 5** DISTRICT 5 - CONTAINS WARDS (14 & 13)
 - 6** DISTRICT 6 - CONTAINS WARDS (16 & 15)
 - 7** DISTRICT 7 - CONTAINS WARDS (18 & 17)
 - 8** DISTRICT 8- CONTAINS WARDS (7A, 7B, 12A, & 12B)
 - 9** DISTRICT 9 - CONTAINS WARDS (8A, 8B, & 9)
 - 10** DISTRICT 10 - CONTAINS WARDS (19 & 20)
 - 11** DISTRICT 11 - CONTAINS WARDS (21 & 22)
 - 12** DISTRICT 12 - CONTAINS WARDS (23, 24A, & 24B)
- WARD BOUNDARIES
- 2B** WARD LABEL EXAMPLE



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 24-0705

Agenda Date: 5/14/2024

Agenda #: 1.

Consideration of application for Special Event Permit - Applicant: Chris Barlow, Tosa Village BID, Event Name: Tour of America's Dairyland, Location: Village of Wauwatosa - State Street, Harmonee Avenue, Wauwatosa Avenue, Blanchard Street, 72nd Street, Date/Time: June 23, 2024, 7:00 AM - 9:00 PM

Submitted by:

Steven Braatz

Department:

City Clerk

A. Issue

Chris Barlow, Tosa Village BID, submitted an application for a special event permit to be held on June 23, 2024. The event is going to be held in the Village of Wauwatosa, State Street, Harmonee Avenue, Wauwatosa Avenue, Blanchard Street and 72nd Street.

B. Event Details

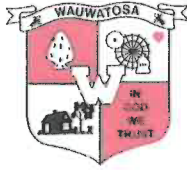
Tour of America's Dairyland is a professional bike race held on village streets. There is also a kid's race. Spectators line the streets.

C. Department Reviews/Fees

- Police: Fees for police overtime. Officers and Reserves will be on scene for the duration of the event
- Fire:
- Public Works: see attached for more info
- Health: An inspector will be assigned to ensure proper food safety & food licensing. No further follow up needed from health for special event permit.
- Attorney:

D. Request Actions

If acceptable, recommend the Common Council approve the Special Event Permit application - Applicant: Chris Barlow, Tosa Village BID, Event Name: Tour of America's Dairyland, Location: Village of Wauwatosa - State Street, Harmonee Avenue, Wauwatosa Avenue, Blanchard Street, 72nd Street, Date/Time: June 23, 2024, 7:00 AM - 9:00 PM.



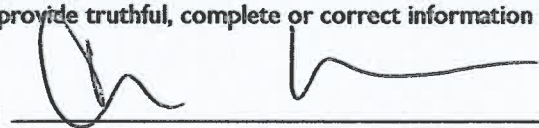
CITY OF WAUWATOSA
7725 West North Avenue
Wauwatosa, WI 53213
(414) 479-8917
www.wauwatosa.net

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

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

Organization Information	Name of the Organization: <u>Tosa Village BID</u>										
	Address: <u>7603A W. State St</u> City, ST Zip: <u>Wauwatosa, WI 53213</u>										
	Phone: <u>414-297-9285</u> Are you a 501(c)3 organization? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No										
	Event Contact Person: <u>Chris Barlow</u> Phone: <u>[REDACTED]</u> Email: <u>[REDACTED]</u> Home Address: <u>[REDACTED]</u> City, ST Zip: <u>[REDACTED]</u>										
Event Information	Name of Event: <u>Tour of America's Dairyland</u>										
	Date(s) of Event: <u>June 23, 2024</u>										
	Location of Event: <u>Village of Wauwatosa - State St, Harmonee Ave., Wauwatosa Ave., Blanchard St., 72nd St</u>										
	Event set up time: <u>7am</u> Event tear down time: <u>9pm</u>										
	Event Start Time: <u>10:30am</u> Event End Time: <u>8:30pm</u>										
	Website of Event: <u>www.Wauwatosavillage.org</u>										
Are you interested in Advertising this Event with the City of Wauwatosa? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please visit wauwatosa.net/advertising to view policy, pricing, and more.											
Will your event take place in a residential neighborhood? <input checked="" 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 DPW@wauwatosa.net .											
Generally describe your event and its purpose: <u>Tour of America's Dairyland is a professional bike race held on village streets. There is also a kids race. Spectators line the streets.</u>											
Estimated Number of Participants: <u>200</u> Spectators: <u>750</u> Vendors: <u>6</u>											
Other Information	<p>Run/Walk Routes and Fees: 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.</p> <table><tr><td><input type="checkbox"/> Route #1</td><td><input type="checkbox"/> Route #2</td><td><input type="checkbox"/> Route #3</td><td><input type="checkbox"/> Route #4</td><td><input type="checkbox"/> Route #5</td></tr><tr><td><input type="checkbox"/> Route #6</td><td><input type="checkbox"/> Route #7</td><td><input type="checkbox"/> Route #8</td><td><input type="checkbox"/> Route #9</td><td><input type="checkbox"/> Route #10</td></tr></table>	<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
<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							

Other Information (Cont'd)	Will there be any alcohol served/sold at the event? If yes, liquor and bartender licenses are necessary under separate application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Please list the number of City of Wauwatosa licensed bartenders that will be on site: <u>4</u>
	Will you be selling/serving food? If yes, you will need to contact the City of Wauwatosa Health Department for proper permits <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Will merchandise be sold at the event? If yes, please ensure that all vendors have their Wisconsin Seller's Permit available upon inspection. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Will your event need electricity? If yes, the Fire Department and Building Inspection Department will need to inspect prior to being energized. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Will you be setting up any lighting? If yes, the Fire Department and Building Inspection Department will need to inspect prior to being energized. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Will your event require any fencing? If yes, please provide plans for the fencing location and the gates. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Does the event involve fireworks? If yes, you will need to obtain a fireworks permit under separate application. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Does the event involve amplified music? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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: <u>Many volunteers</u>
	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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list the streets and/or intersections to be closed. See attached map
	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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Will you be providing portable restrooms and wash stations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many will you provide and where will they be located? Also how will solid waste be disposed of? See attached map They are dropped off Friday, June 21. Pick up Monday June 24
	Will you provide parking for participants? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, where will parking be available?

	Public Parking areas and structures
Other Information (Cont'd)	<p>Will you provide a dumpster/clean-up services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please describe your clean-up and refuse collection plan. See attached map. Drop off June 13 and pickup June 24.</p>
	<p>What other assistance do you foresee needing from the City (personnel, materials, and/or equipment)? Road closures. 25 garbage and 25 recycling bins and bags please. Drop off in Blanchard St parking lot.</p> <p>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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
Insurance Requirements	<p>TBD</p> <p>*Certificate of Insurance is required upon submittal of the application.</p>
Signature and Certification	<p><input checked="" 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.</p> <p>Signature:  Date: 3/15-2024</p>

FOR OFFICE USE ONLY

TBD

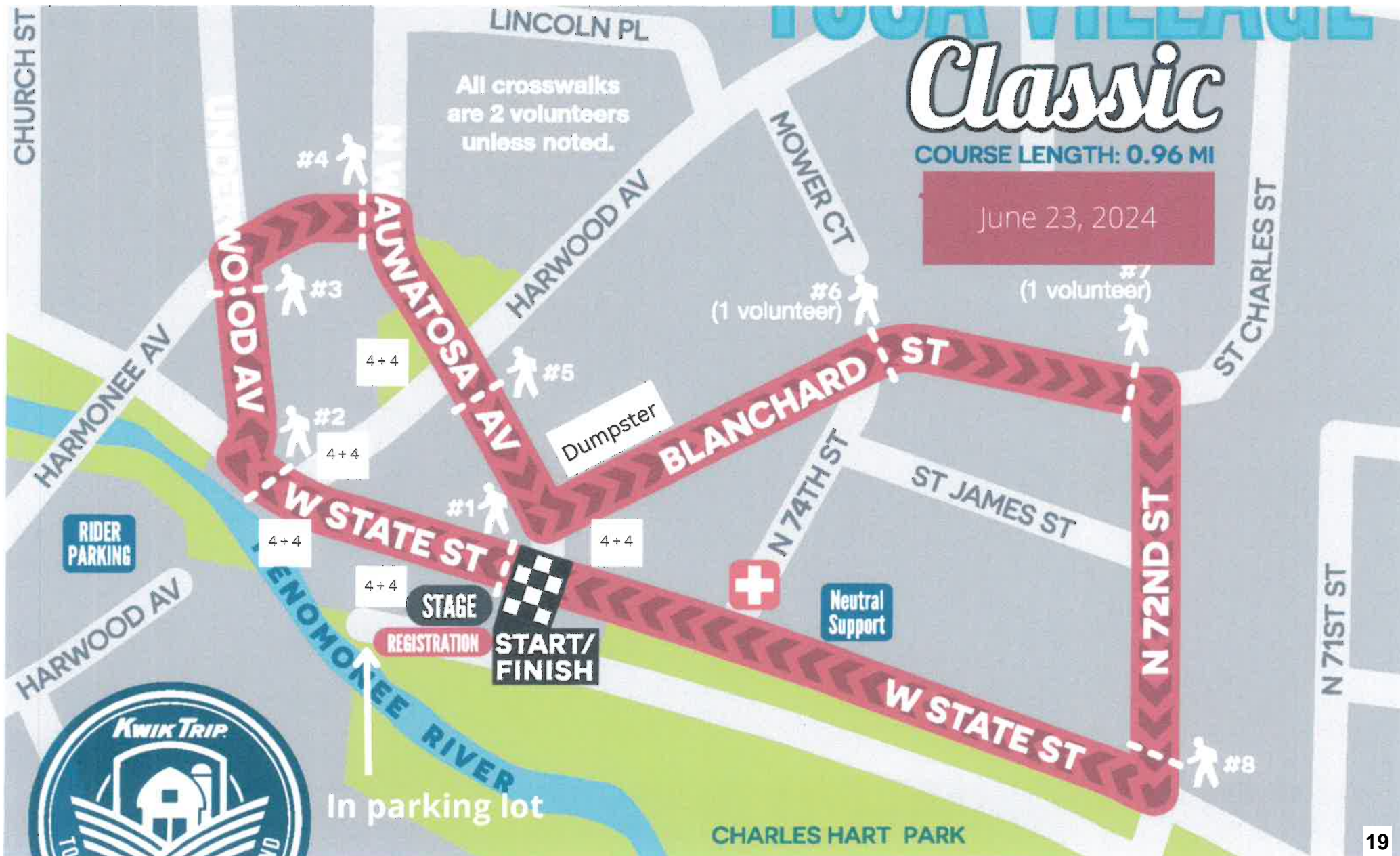
Applicant's Checklist:

Application is incomplete without the completed and signed application, \$150 application fee, COI, a map/sketch of the event and a parking plan. Incomplete applications will not be accepted or processed.

- ☐ 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](#)

Wauwatosa - June 23 - TOAD - Garbage & Recycling locations

Dumpster in Blanchard St. parking lot





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/06/24

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER PHILLEO AGENCY INSURANCE INC 12555 W Burleigh Rd Brookfield, WI 53005	CONTACT NAME: Jeanne Grisetti PHONE (A/C, No. Ext): (262)432-4200 E-MAIL ADDRESS: jeanne@philleo.com FAX (A/C, No): (262)432-4201																					
INSURED Village of Wauwatosa Business Improvement District 7603A W State St Wauwatosa, WI 53213	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>Secura</td><td>22543</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Secura	22543	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
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INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		3332776	11/10/23	11/10/24	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			3332776	11/10/23	11/10/24	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$			3332777	11/10/23	11/10/24	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Wauwatosa and its employees are additional insured in regards to the above named insured.
Events: HartFest: June 14 & 15, 2024 - Hart Park, 7300 Chestnut St, Wauwatosa, WI 53213
Tour of America's Dairyland: June 23, 2024 - Wauwatosa Ave, Blanchard St, N 72nd St, W State St, Underwood Ave and Harmonee Ave
Village al Fresco: July 30, 2024 - 7603 State St, Wauwatosa, WI 53213
First Responders Fest: Aug 28, 2024 - Hart Park, 7300 Chestnut St, Wauwatosa, WI 53213

CERTIFICATE HOLDER**CANCELLATION**

City of Wauwatosa 7725 W North Ave, Wauwatosa, WI 53213	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Jeanne Grisetti</i>
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City of Wauwatosa

ALCOHOL LICENSE LAWS, POLICY AND PRACTICE PRESENTATION

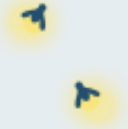
MAY 14, 2024

STEVE BRAATZ, CITY CLERK
ALAN KESNER, CITY ATTORNEY



Topics to Discuss

- GENERAL LICENSING CONCEPTS
 - Licensing philosophy
 - Granting, Denying, or Taking Action Against a Licensee
 - Making an appropriate record
- ALCOHOL LICENSES
 - Legal Authority
 - New License Applications
- STATE QUOTA AND WAUWATOSA LICENSE INFORMATION
 - Statutory Quota
 - Wauwatosa Licenses
- REVIEW KEY CONCEPTS
- QUESTIONS



General Licensing Concepts



Licensing Philosophy

- Public Trust
 - The activity being licensed is inherently something that is a unique concern to the public
 - Oversight prevents and corrects problems
- Licensure requires quality over quantity
 - The license exists because the licensed activity requires a qualified individual do the activity correctly and within the confines of the law
 - The authority that grants licenses must review an applicants qualifications for the license
- Getting a *new license* is a privilege
- An *existing license* is a due process right
- The Common Council sets the standard, within the boundaries of state law and the constitution
 - Whether a new license is issued
 - Whether an existing license is suspended/revoke/not renewed

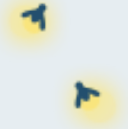
Granting, Denying, or Taking Action Against a Licensee

- When granting, denying, or taking action against a licensee it is important to be mindful of the record you make
- Absolutely cannot make a decision on any license based on discrimination
 - Age
 - Race
 - Creed
 - Color
 - Disability
 - Marital status
 - Sex
 - National origin
 - Ancestry
 - Arrest record
 - Conviction record
 - Military service
 - Use or nonuse of lawful products during nonworking hours
 - Participation or nonparticipation in any communication about religious matters or political matters
- How to avoid unintentional discrimination:
 - Be consistent in the reasons for denying a license
 - Avoid placing a condition on or denying a license for reasons that could impact a protected class with particularity



Making a Record

- Common Council meetings are recorded and can be viewed on the Wauwatosa Meeting Portal
- It is important to make an appropriate record, especially in the following types of decisions:
 - Denying a new license for Class A/B/C
 - Granting a new Class A/B/C License with conditions to be placed on the license
 - Denying an Operator's License (particularly if based on conviction records)
 - When making a determination after a hearing
- Decisions by the Common Council may be subject to review by the court system
- Best practice is to make an appropriate record of your decisions and motion with a rational basis for your decision
 - Rational relation to a legitimate government interest



Alcohol Licensing



Legal Authority

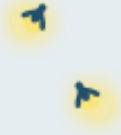
State law requires licenses to operate various alcohol-related businesses

- Class A – Liquor and/or beer store
 - Licensed as “Class A” Liquor /Class “A” Fermented Malt Beverage / Combination
 - Original packages or containers for off-premises consumption
- Class B – Bars, restaurants, etc.
 - Licensed as “Class B” Liquor/ Class “B” Fermented Malt Beverage/ Combination
 - Sale of open or closed containers for on or off premises consumption
- Class C Wine
 - Sale of open or closed containers for on or off premises consumption
- Statutes specifically say the common council “may issue” any Class A, B, or C licenses
 - §§ 125.25(1), 125.26(1), 125.51(1)
 - ~~Except: Class “A” has right to “Class A” cider~~
- Other licenses are “shall issue”:
 - For the city: Operator’s license (bartender/sales clerk)
 - For the state:
 - Alcohol warehouse, Class “B” permit (sports clubs, vessels, tribes), Brewpub, Alcohol Wholesaler, Liquor rectifier/manufacturer, winery

New and Renewal License Applications – Class A/B/C

GENERAL INFORMATION

- The Government Affairs Committee (GAC) is the body that reviews license applications
- Common Council is the granting authority. GAC recommends approval/denial to the full Common Council
- The City Clerk is the issuing authority
- License applications must be submitted to the Clerk's Office no sooner than 15 days prior granting
- City Clerk's Office conducts a criminal background check thru the WI DOJ
- Applications are sent to the following departments for review
 - Police Department: to determine if any violations of Wis. Stat. Ch. 125 have occurred
 - Fire Department: to determine fire code compliance
 - Health Department: to determine health code compliance
 - Planning Department: to determine zoning code compliance
 - Finance Department: to determine if there are any outstanding fees owed to the City
 - Attorney's Office: legal review



New License Application – Class A/B/C

QUALIFICATIONS

- **Step 1:** Council decides if applicant is qualified
 - The applicant does not have a arrest or conviction record **
 - Has been a resident of Wisconsin continuously for at least 90 days
 - 21 years old
 - Has Wisconsin Seller's permit
 - Completed responsible server course or was recently a licensee or agent (within prior two years)
- **Only consider conviction record if the charge substantially relates to licensed activity
 - Except: no discrimination if conviction is for drug manufacture or delivery or poss. w/intent
- Only consider an arrest record if the charge substantially relates to licensed activity and is:
 - A certain crime involving children
 - A crime under Ch. 940
- Before denying for conviction record other than drug manufacture or delivery:
 - Must allow applicant to show competent evidence of rehabilitation and fitness
 - Applicant has wide variety of ways to show it



New License Application – Class A/B/C

COUNCIL DISCRETION

- **Step 2:** Council decides whether to grant new license to a qualified person
 - If qualified applicant and denied:
 - Must have rational basis
 - Must be nondiscriminatory
 - This means that even if the applicant is qualified, the Council still has discretion to reject for a rational reason
- The ability to deny qualified applicants is unique to new applications:
 - Does not apply to renewal application
 - Does not apply to “shall issue” licenses (example: Operator’s Licenses)
- No need to state reasons for denial if evident from the record, but identifying reasons is helpful
- This is the only opportunity to place conditions upon a license. This should be done on the record and should appear on the license
- If unsure, it is okay to postpone consideration of an application to gather more information
- Once a license is granted, the applicant has a right to due process before it can be revoked, suspended, or not renewed

New License Application – Class A/B/C

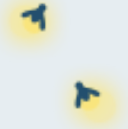
RATIONAL BASIS

- Examples of when municipalities used discretion to deny new alcohol licenses:
 - Past problems with the applicant as licensee
786 F.2d 338
 - Past problems with the landlord of applicant
786 F.2d 338
 - Undesirable neighborhood problems either because of management or of location
38 Wis. 2d 518
 - Moral character of the applicant
38 Wis. 2d 518
 - Financial responsibility of the applicant
38 Wis. 2d 518
 - Appropriateness of the location and of the premises proposed
38 Wis. 2d 518, 220 Wis. 107
 - Don't want any bars in the area
220 Wis. 107
 - Already too many bars in the area
242 Wis. 632
 - False or incomplete information on application
10 Wis. 2d 153
 - The sequence in which applications are received does not matter
230 Wis. 543

New License Application – Class A/B/C

ADDING CONDITIONS TO A LICENSE

- Cities are allowed to place conditions upon the issuance of a new license
2012 WI 76; 2008 WI 38; Wis. Stat. 125.10(1)
- The kinds of conditions must be:
 - Rationally related to license
 - Nondiscriminatory
 - Not in conflict with state laws
- The City can cite licensees for violating those regulations and suspend/revoke licenses, but the regulations must be adopted by ordinance
- Sample conditions that can be adopted by ordinance and MAY be placed on a license include:
 - Licensee conducting principal business as described
 - Maintaining property in accordance with landscape and architectural designs
 - Video surveillance requirements
 - Maintaining security measures
 - Maintaining a certain layout
 - Limitations on promotions or activities



Renewal License Applications – Class A/B/C

- A license renewal request may be denied only for the causes specified in sec. 125.12(2)(ag) for revoking a license
 - The person has violated this chapter or municipal regulations adopted under sec. 125.10
 - The person keeps or maintains a disorderly or riotous, indecent or improper house
 - The person has sold or given away alcohol beverages to known habitual drunkards
 - The person does not possess the qualifications required under this chapter to hold the license
 - The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state
 - The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65
 - The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog
 - The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine
 - The person received the benefit from an act prohibited under s. 125.33 (11)

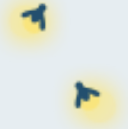
Renewal License Applications – Class A/B/C

- More on refusal to renew a license:

- Prior to the time for renewal of the license, the governing body must notify the licensee in writing of its intent to deny renewal of the license and the reason(s) for doing so
- The licensee must be provided with an opportunity for a hearing
- The hearing procedure for nonrenewal is the same as that for revocation or suspension under sec. 125.12(2)(b)

Renewal process

- Notification of applications are sent to licensees in April
- The Clerk's Office verifies if licensees are still qualified to hold a license
- Applications are sent to the same departments to verify compliance with Wis. Stat. Ch. 125 and local ordinances
- Applications are then reviewed by GAC at the last meeting in May. Licenses are granted by the Council at the first meeting in June. Clerk's Office issues licenses following the Council meeting
- Straggler applications will be reviewed by GAC at their 1st meeting in June and granted by the Council at their 2nd meeting in June



State Quota And Wauwatosa License Information



Statutory Quota

- State quota on alcohol licenses applies only to “Class B” liquor licenses
- Based on # of licenses granted or issued on December 1, 1997
- Municipalities gain an additional reserve license when the population increases by a full 500
- Reserve Licenses
 - **Minimum** of \$10,000 initial issuance fee for Reserve licenses
 - May not rebate or refund the initial issuance fee – 2015 Wis Act 286
 - Reserve licensees are not eligible for premises-to-premises transfer
- Statutory quota exceptions:
 - A full-service restaurant that has a seating capacity (interior, permanent) of 300 or more persons
 - Hotel that has 50 or more rooms and either an attached restaurant with 150 or more seating capacity or a banquet room of 400 persons or more capacity
 - Opera House or theater for the performing arts operated by a nonprofit organization
 - Premier Economic Development District – 2015 Wis Act 286
 - Regional Transfer Option – 2023 Wis Act 73

Wauwatosa Licenses

- State quota on Wauwatosa licenses:
 - Started with 45 regular licenses, 28 reserve licenses
 - 1997 Population: 49,335
 - 2023 Population: 48,836
 - As of today, we have 27 reserve licenses issued, leaving 1 available reserve license
- Premier Economic Development District (PEDD) licenses
 - In 2017, the City created a PEDD in the area of Mayfair Collections
 - This created 2 licenses to be issued above the statutory quota
 - As of today, only one license has been issued: Crafty Crab
- Hotel exceptions to quota
 - This exception can only be used when all reserve licenses have been exhausted
 - Currently, we have 1 eligible hotel with a reserve “Class B” license: Renaissance
- 300-seat restaurant exception to quota
 - We have one licensee with this exception: Texas de Brazil
- Conversions

Wauwatosa Licenses

- Regular “Class B” Licenses: 44 licensees
- The City does not have a local quota on Class A, Class C, or Class B Beer licenses
- Class “B” Beer-Only: 2 licensees
- Class “B Beer and Class C Wine: 10 licensees
- Class C Wine-only: 1 licensees
- Class A Beer and Liquor: 20 licensees
- Class A Liquor-only: 1 licensee
- Brewery/Brewpub Permits
 - Breweries and brewpubs are permitted by the WI DOR
 - Breweries are not eligible for City licenses, and thus are not regulated by the City
 - Brewpubs are eligible for City licenses
 - There are 2 breweries in the City limits: Gathering Place Brewing and Big Head Brewing Company.
 - There are 2 brewpubs: Good City Brewing and Lion’s Tail Brewing Co.

Important Considerations



Biggest Takeaways

- The activity being licensed is inherently something that is a unique concern to the public
- Absolutely cannot make a decision on any license based on discrimination.
 - To protect against those types of allegations, best practice is to make an appropriate record of your decisions and motion with a rational basis for your decision
- New Class A/B/C licenses are discretionary
 - New licenses are a privilege, and discretion can be used in deciding whether to grant. Existing licenses require due process before they can be revoked, suspending, or not renewed
 - If a new Class A/B/C license is issued, you can add conditions to that license, but must have local ordinance in place
- City currently only has 1 available Reserve “Class B” liquor license



Discussion, Questions and Answers

