

ORDINANCE NO. 23-01

An Ordinance Allowing for Expanded Issuance of Class “B” Fermented Malt Beverage Licenses and “Class B” Intoxicating Liquor Licenses to Establishments that do not Operate a Restaurant, and Expanding Exceptions to Limitations on “Other Businesses” on Class “B” Premises

At a regular meeting of the Common Council of the City of Glendale, Milwaukee County, Wisconsin held on this 9th day of January 2023, a quorum being present and a majority of the Common Council voting therefore, said Council finds:

WHEREAS, the City finds that it will not negatively impact the general health, welfare, safety, or economic development of the City to generally permit the issuance of “Class B” intoxicating liquor and Class “B” fermented malt beverage licenses to proprietors that operate “bars” as opposed to restaurants; and

WHEREAS; the City no longer wishes to limit the issuance of “Class B” intoxicating liquor and “Class B” fermented malt beverage licenses to a business that operate a restaurant.; and

WHEREAS; Glendale City Code § 7.2.14(k) creates exceptions to the normal limitations on “other businesses” that can be operated on a Class “B” premises; and

WHEREAS; Wis. Stat. § 125.32(3m) creates exceptions to the normal limitations on “other businesses” that can be operated on a Class “B” premises that are more expansive than what is found in Glendale City Code § 7.2.14(k); and

WHEREAS, the City of Glendale wishes to expand the exceptions it allows in City Code § 7.2.14(k) to harmonize with those allowed by state statute;

NOW THEREFORE, at a regular meeting of the Common Council of the City of Glendale, Milwaukee County, Wisconsin, held on the 9th day of January 2023, by a favorable vote of the members being present and therefore, said Council does ordain as follows:

SECTION 1

City of Glendale Code Section 7.2.4(b), “Retail “Class B” Intoxicating Liquor License” is repealed and replaced as follows:

Retail “Class B” Intoxicating Liquor License. A Retail “Class B” license authorizes the retail sale of intoxicating liquor for consumption on the premises or in the original package or container. A “Class B” license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers only on the premises where sold and also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine. There are nine (9) such “Class B” licenses specifically reserved for the Bayshore Town Center, whether or not it operates under the foregoing name or any successor tradename.

SECTION 2

City of Glendale Code Section 7.2.4(e), “Retail Class “B” Fermented Malt Beverage Retailer’s License” is repealed and replaced as follows:

The Glendale Common Council may issue Class “B” licenses for the sale of fermented malt beverages from premises within the City of Glendale and may authorize an official or body of the City to issue temporary Class “B” licenses under sub. (f). Subject to Wis. Stats. §§125.34(5) and (6), a Class “B” license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. A license may be issued on or after July 1. That license shall expire on the following June 30. Persons holding a Class “B” license may sell beverages containing less than .5% of alcohol by volume without obtaining a license under Wis. Stat. §66.0433(1). Class “B” licenses may be issued to any person qualified under Wis. Stat. §125.04(5).

SECTION 3

That Subsection (2) of City of Glendale Code Section 7.2.6(f), “License Reserve Pool” Retailer’s License” is repealed and replaced as follows:

(2) It shall be the firm policy of the Common Council to issue licenses from said reserve pool only under the following circumstances and such license shall be deemed a new issuance and subject to all statutorily prescribed and municipally imposed fees thereon:

- a. For a development project of a size, type and location that would enhance the commercial well-being and prosperity of the City and be a benefit to the business firms, residents therein and to the general public;
- and
- b. That such project would be in the public interest and welfare and be for the public’s convenience.

SECTION 4

That City of Glendale Code Section 7.2.7(g) is hereby repealed in its entirety.

SECTION 5

That City of Glendale Code Section 7.2.14(k), “Limitations on Other Businesses; Class “B” Premises” is repealed and replaced as follows:

(k) **Limitations on Other Businesses; Class B Premises.** No Class “B” license or permit 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 or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class “B” premises operating under a Class “B” license or permit. These restrictions do not apply to any of the following:

- (1) A hotel.
- (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
- (3) A combination grocery store and tavern.
- (4) A combination novelty store and tavern.
- (5) A bowling center or recreation premises.
- (6) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class “B” license or permit.
- (7) A movie theater.
- (8) A painting studio.
- (9) Premises for which a temporary Class “B” license is issued under s. 125.26 (6) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.
- (10) Premises for which a Class “B” permit is issued under s. 125.27 (5).

SECTION 6

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 7

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Common Council of the City of Glendale, Milwaukee County, Wisconsin, this 9th day of January 2023.

Bryan Kennedy, Mayor

Countersigned:

Megan Humitz, City Clerk