

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1**

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

260003 A substitute ordinance relating to Department of Neighborhood Services investigation of license applications.

Remove old MEMO (Suppl. #457)

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
85-21-2-c	am	260003	6/20/2026	v-vi 333-334	v-vi 333-334
90-1-25	corr			359-360	359-360
90-5-7	am	260003	6/20/2026	369-370	369-370

Abbreviations: am=amended ra=renumbered and amended rn=renumbered
 cr=created rc=recreated rp=repealed
 corr=correction

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 2, 2026.

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it is approved by the common council and the new licensee or permittee is in full compliance with the applicable provisions of this code.

7. TRANSFER OF STOCK. The transfer of stock in any corporate licensee or permittee when the effect of the transfer would constitute a change in a stockholder list required by this code shall be reported to the city clerk within 10 days of the transfer. The transfer of corporate stock shall not require the payment of any transfer of license or permit fee.

8. SOLE PROPRIETORSHIP OR BUSINESS ENTITY REORGANIZATION. A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license or permit for operation of an establishment to the newly-formed business entity or sole proprietorship if the following conditions are satisfied:

a. The establishment remains at the location for which the license or permit was issued.

b. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license or permit was issued has an ownership interest in the newly-formed sole proprietorship or business entity.

9. NOTIFICATION. a. The city clerk shall be notified of any changes made in the name of a licensed or permitted business within 10 days of the change.

b. The city clerk shall notify the chief of police, the licensing committee and the Wisconsin department of revenue of any name change or license transfer involving an alcohol beverage licensee or permittee.

85-20. Provisional Renewal Licenses.

1. ISSUANCE. If a licensee files a renewal application but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license whenever:

a. The renewal application contains all required information.

b. The licensee has submitted all required supporting documentation.

c. The licensee has paid the required fee for the renewal license and provisional renewal license specified in ch. 81.

d. Except in the case of a Class “D” operator’s license or a Class “B” manager’s license, the local common council member has approved the application for a provisional renewal license.

e. Issuance of the provisional license would not be contrary to state law.

f. The renewal application is filed before the end of the license period subsequent to the expiration date of the license.

2. EXCEPTIONS. a. If a licensee files a renewal application by the date established by the city clerk but the common council will not be able to meet to take action on the application prior to the expiration date of the license, the city clerk may issue a provisional renewal license and the licensee shall not be subject to pars. 1-c and d.

b. If an application is held in committee, the city clerk may issue a provisional renewal license, and the licensee shall not be subject to pars. 1-c and d.

3. APPEAL. If an application is denied approval by a common council member under sub. 1-d, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of the common council member.

4. EXPIRATION DATE. A provisional renewal license shall expire 60 days after the date of issuance by the city clerk or upon issuance, non-renewal or suspension of the regular license, whichever is sooner, and shall not be renewable.

5. REVOCATION. The city clerk may revoke a provisional renewal license without further common council action if he or she determines that the licensee provided false information on the license application.

85-21. Fingerprinting and Investigation Required.

1. FINGERPRINTING REQUIREMENT. a. Each applicant for a license or permit subject to review by a licensing committee of the common council shall be fingerprinted in a manner directed by the chief of police unless otherwise provided in this code.

a-1. If the applicant is a partnership, each partner shall be fingerprinted.

a-2. If the applicant is a corporation, limited liability company or similar firm or business recognized in law, the agent as well as any persons holding 20% or more ownership in the legal entity shall be fingerprinted.

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b. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of the change.

c. If there is change of ownership where the change results in any person holding 20% or more ownership in the legal entity, that person shall be fingerprinted within 10 days of the change, if not already fingerprinted under this section.

d. Exemption. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for verification.

2. INVESTIGATION REQUIREMENT. a. Each application for a license or permit subject to review by a licensing committee of the common council shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the applicant's compliance with background investigation requirements.

b. The report provided by the chief of police shall include information for the preceding 10 years related to any criminal or ordinance convictions and any pending criminal charges and ordinance citations of the applicant; each partner, if the applicant is a partnership; or agent, as well as any persons holding 20% or more ownership in the legal entity, if the applicant is a corporation, limited liability company or similar firm or business recognized in law.

c. If referral of a license or permit application to the commissioner of neighborhood services, commissioner of health, commissioner of public works or chief of police for investigation is required, the commissioner or chief of police shall cause an investigation to be made and report the findings to the licensing committee of the common council within 14 days of the city clerk's referral of the application to the commissioner or chief of police. The commissioner of neighborhood services may not complete an investigation until the applicant has applied for a certificate of occupancy.

85-23. Maximum Authorized Occupancy for Certain Licensed Establishments.

1. PURPOSE. The common council finds that the overcrowding of licensed establishments constitutes a serious risk of

harm, injury or death, that overcrowding may also be detrimental to the character and well-being of the surrounding neighborhood, including traffic and parking patterns in that neighborhood, and that these risks and detrimental impacts increase with each person over the established occupancy limit for an establishment. The purpose of this section is to require the clear and accurate posting of occupancy limitations and to enforce occupancy limitations so as to assure the health, safety and welfare of the public and of persons employed by licensed establishments with occupancy limitations.

2. POSTING REQUIRED. Any licensed establishment with a maximum occupancy established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, shall securely post and maintain official placards issued by the department of city development indicating the maximum number of persons permitted on the licensed premises as established by the commissioner of neighborhood services or, in the case of a public entertainment premises, by the common council under s. 108-7-3, whichever is less.

3. POLICE ORDERS. If, in the determination of the police department, the number of persons on the premises exceeds the limitation set on the official placard, the police department shall order the number reduced to the permitted number. The police department may also order the establishment closed until it complies with this section.

4. PROHIBITIONS. a. No greater number of persons than the number indicated on the official placard shall be permitted on the licensed premises by any person responsible for operations or activities conducted on the premises.

b. Tampering with, obscuring or otherwise changing the official placard is prohibited.

c. Refusal by a patron to comply with a police department order to leave an establishment that has been determined by the police department to exceed the posted occupancy limitation is prohibited.

5. CITATION. The citation for a violation of sub. 4 shall state the occupancy limitation contained upon the official placard and shall further state the number of persons determined to be present in excess of the permitted limitation.

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20.5. NO-SALE EVENT VENUE PERMIT means a permit issued by the Wisconsin department of revenue pursuant to s. 125.24, Wis. Stats., for a public place that authorizes the permittee to rent or lease real property for use as an event venue at which fermented malt beverages and wine may be consumed on no more than 6 days per calendar year and no more than one day per month. A no-sale event venue permit does not authorize the sale of alcohol beverages on the premises.

21. OBJECTION shall mean any information that could form the basis of a license denial, non-renewal, suspension or revocation. An objection may result from probative information provided by any resident or from the written reports summarizing the arrest and convictions of an applicant filed by the chief of police pursuant to this chapter.

22. OFFICER shall mean a person who is elected or appointed to serve in a position of trust, authority or command within an organization, business or social club.

23. OPERATOR shall mean any person who shall draw or remove any alcohol beverage as defined in ch. 125, Wis. Stats., for sale or consumption from any barrel, keg, cask, bottle or other container in which alcohol beverages shall be stored or kept on premises requiring a license under this chapter, for sale or service to a consumer for consumption in or upon the premises where sold; or one who shall sell or serve intoxicating liquor to customers upon premises operated under a "Class A" retailer's intoxicating liquor license, "Class B" tavern license or retail "Class C" wine license; or who shall sell bottled intoxicating liquors or bottled and canned fermented malt beverages on a premises requiring a "Class A" retailer's intoxicating liquor license or a Class "A" fermented malt beverage retailer's license.

24. PAINTING STUDIO means an establishment that is primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers to purchase food and beverages for consumption while they paint.

25. PREMISES means the area described in a license.

25.5. PUBLIC PLACE means a venue, room, or establishment that is rented or made available for rent to the public for an event or social gathering, and has the meaning given in s. 125.09(1), Wis. Stats.

26. REGULATION shall mean any requirement controlling business conduct which has been prescribed by city ordinance.

27. RESIDENCE shall mean a place where one actually lives or has his home as distinguished from a place of temporary sojourn or transient visit; or the principal place of business and location of corporate headquarters.

28. RESTAURANT shall mean and include any building, room or place where meals or lunches are prepared or served to the general public; except that the term "restaurant" shall not apply to churches, religious, fraternal, youth or patriotic organizations, service clubs or civic organizations which occasionally prepare or serve or sell meals or lunches to the general public nor shall it include any private individuals selling foods from movable or temporary stands at public farm sales.

29. RETAILER shall mean any person who sells, or offers for sale, any intoxicating liquor or fermented malt beverages for personal consumption.

30. SELL, SOLD, SALE OR SELLING shall mean any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for the purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.

31. SODA WATER BEVERAGE shall mean and include all such beverages commonly known as soft drinks, as soda water, carbonated or uncarbonated or sweetened and flavored, and mineral and spring waters, carbonated or uncarbonated; and shall not include strong, spirituous, vinous, malt, ardent or intoxicating liquor.

32. UNDERAGE PERSON means a person who has not attained the legal drinking age.

33. UNLIMITED TRANSFER FULL-SERVICE RETAIL OUTLET shall mean an off-site premises where a producer is allowed to make full-service retail sales. Upon notice to the division of alcohol beverages, an unlimited transfer full-service retail outlet may be transferred to a different location within the state of Wisconsin without a limitation on frequency.

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34. WHOLESALER shall mean any person who sells, or offers for sale, any intoxicating liquor or fermented malt beverage to any retailer or other licensee for the purpose of resale.

35. WINE shall mean products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain ½ of 1% or more of alcohol by volume.

90-2. State Law Applicable. In addition to the requirements imposed by ch. 125, Wis. Stats., incorporated by reference herein, the following regulations shall apply to all licenses granted or issued under this chapter.

90-3. License Required. 1. BASIC REQUIREMENT. It shall be unlawful for any person to sell, barter or offer for sale or barter in the city any intoxicating liquors or fermented malt beverages without having obtained a license as provided for in this chapter, or to be in violation of the terms of such license.

2. PROHIBITED PRACTICES, ILLEGAL ALCOHOL BEVERAGE DISTRIBUTION, UNLICENSED PREMISES. It shall be unlawful for any person to sell, barter or offer to sell or barter in the city any intoxicating liquors or fermented malt beverages in or on a premises where the issuance of a license is prohibited by this chapter or Wisconsin statute.

3. SEPARATE LICENSE REQUIRED. A separate license shall be required for each stand, place, room or enclosure where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale, except that only one license shall be required when either of the following is true:

a. A suite of rooms or enclosures are in direct connection or communication or contiguous to each other and operated by the licensee as one premises.

b. A secured area located in the same building or structure as the licensed premises, or in a building or structure adjacent to the licensed premises, is used by the licensed premises only for storage of alcohol beverages.

3.5. RESIDENTIAL PREMISES. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

3.6. PUBLIC PLACE CONSUMPTION. No owner, lessee, or person in charge of a public place shall permit the possession or consumption of alcohol beverages on the premises without holding either a Class "B", Class "C", or "Class B" tavern license, or a Wisconsin department of revenue no-sale event venue permit.

4. DRIVE-IN AND DRIVE-THROUGH WINDOW SALES PROHIBITED. No fermented malt beverages or intoxicating liquor shall be sold to any person who has not entered that portion of the premises licensed under s. 90-4-1, 2, 3, 5 and 6 in which fermented malt beverages or intoxicating liquor is kept for sale.

5. WINE SAMPLING ON "CLASS A" PREMISES. a. Free Taste Samples Permitted. No license or permit is required under this chapter for the provision of wine taste samples of not more than 3 fluid ounces each, free of charge, by a "Class A" retail intoxicating liquor licensee to customers and visitors for consumption on the premises.

b. Number of Samples Limited. No "Class A" retail intoxicating liquor licensee may provide more than 2 taste samples per day to any one person.

c. Hours for Free Samples. This subsection applies only between the hours of 11 a.m. and 7 p.m.

d. Underage Persons. No "Class A" retail intoxicating liquor licensee may provide taste samples under this subsection to any underage person.

e. Wine to Come from Wholesaler. No "Class A" retail intoxicating liquor licensee may provide as taste samples under this subsection wine that the licensee did not purchase from a wholesaler.

f. Removal of Leftover Taste Sample Alcohol. A producer may provide taste samples produced by the producer if brought to the retail premises and if leftover alcohol beverages are removed from the premises.

g. Exception. Leftover taste sample alcohol purchased from the retailer on the premises may remain on the premises.

6. FERMENTED MALT BEVERAGE SAMPLING ON CLASS "A" PREMISES. a. Free Taste Samples Permitted. No license or permit is required under this chapter for the provision of fermented malt beverage taste samples of not more than 3 fluid ounces each, free of charge, by a Class "A" fermented malt beverage retailer licensee to customers and visitors for consumption on the premises.

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of occupancy of the premises for which the license is sought.

c-4. Exemptions. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application pursuant to this paragraph, the licensee may file a written statement to that effect with the city clerk and, having done so, shall not be required to file a new floor plan and plan of operation with the renewal application.

d. Number of Licenses. In any application for an alcohol beverage retail establishment license, the applicant shall state whether the applicant currently holds any alcohol beverage retail establishment license in any other location in the state.

1.5. POLICE REVIEW OF FLOOR PLAN, PLAN OF OPERATION AND CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN SURVEY. Following submission of the floor plan and plan of operation required by s. 90-5-1-c, but prior to the scheduling of a licensing committee hearing under s. 90-5-8-a-2, the applicant for a new Class "A," Class "B" or "Class C" retail license shall meet in person with a police department community liaison officer or other designee of the chief of police to review the floor plan and plan of operation and to conduct a crime prevention through environmental design (CPTED) survey.

2. TRUTH OF STATEMENTS AND AFFIDAVITS; PENALTY. a. All matters submitted in writing to the city or the state by any applicant or licensee pertaining to an intoxicating liquor or fermented malt beverage license shall be true. Any person who submits in writing any untrue statement or affidavit to the city or the state in connection with any such license or application shall be fined not to exceed \$500 or in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 90 days; and that license, if granted, shall be subject to revocation and no intoxicating liquor or fermented malt beverage license of any kind or nature whatsoever shall thereafter be granted to such a person for a period of one year from the date of such revocation.

b. There shall be contained on each individual application for an intoxicating liquor or fermented malt beverage license of any kind information to the effect that a penalty is provided for any false statement or false affidavit supplied by any such applicant or licensee.

3. TIME OF FILING; LEGAL NOTICE AND FEE. a. Filing Time. Application shall be filed for all liquor and beer licenses at least 30 days prior to the date of granting by the common council. When an application has been on file at least 14 days prior to the date of granting, and the police investigation has been completed with no police objection, and there are no other objections to the granting of the license, the common council may grant such licenses prior to the passage of the full 30 days.

b. Legal Notice and Fee. A notice of the application for an alcohol beverage retail establishment license containing the name and address of the applicant and the kind of license applied for and the location of the premises to be licensed shall, prior to the granting of such license be published in a daily paper which shall have been regularly and continuously published daily in the city for a period of at least 3 times successively. At the time of filing an application the applicant shall pay to the city clerk such sum as computed by the rate per folio for legal notices or publications as created, established, and applied in the counties of this state by provisions of Wisconsin statutes, would be required to pay for such publication.

4. DEPOSIT OF FEE; REFUND.

a. Prior to issuance of a license, each applicant shall deposit with the city treasurer the full amount of the fee required in ch. 81 for the specific license or licenses applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.

e. Non-payment of all applicable fees, late fees and processing charges within 15 days from the date of the letter advising of the insufficiency shall render the license null and void as prescribed in s.125.04(1) and (8), Wis. Stats. If the license is required for the operation of an establishment, the establishment shall be closed until all fees, late fees and processing charges are paid in full.

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5. MONEY TO BE PART OF GENERAL CITY FUND. All moneys received by the treasurer for licenses issued under this chapter shall be appropriated to and become part of the general city fund.

6. FINGERPRINTING. All applicants for a "Class A" retailer's intoxicating liquor license, a "Class B" tavern license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer's license, a "Class C" wine retailer license, a Class "D" operator's license or a Class "D" provisional operator's license shall be fingerprinted as provided in s. 85-21-1.

7. INVESTIGATION. a. All applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the licensing committee of the common council. The commissioner of neighborhood services may not complete an investigation until the applicant has applied for a certificate of occupancy. For an application for a "Class A" or "Class B" license for the sale of intoxicating liquor, the report of the commissioner of neighborhood services shall include a statement as to whether the main entrance of the premises is less than 300 feet from the main entrance of any church, school, day care center or hospital.

b. The chief of police shall investigate each applicant as provided in s. 85-21-2. The chief of police shall also provide copies of any licensed premise synopsis reports relating to licensed premises previously located at the premises proposed for licensing as a Class "A," "Class A," Class "B," "Class B" or "Class C" retail establishment during the 5-year period prior to the date of application.

8. COMMITTEE ACTION. a. Notice.

a-1. Applications for Class "D" operator's licenses shall be referred to the chief of police for review. If the police chief files no written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the city clerk shall issue the license. If the chief or police files a written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the application, except as provided in subd. 3, shall be forwarded to the licensing committee of the common council for its recommendation as to whether or not each license should be issued.

a-2. Applications for all new Class "A," "Class A," Class "B," "Class B" and "Class C" retail licenses and Class "B" manager's licenses shall, except as provided in subd. 3, be referred

to the licensing committee for its recommendation as to whether or not each license should be issued. Applications shall be referred without delay upon certification by the city clerk that the application is complete. Upon referral, the application shall be scheduled and heard by the licensing committee before the expiration of the period beginning on the date of referral and ending not later than 3 complete periods between regularly scheduled meetings of the common council.

a-2-a. Certification shall not be made prior to completion of all application paperwork and prior to receipt by the city clerk of the required police report required in subpar. a-2.

a-2-b. Certification shall not be made within 10 days following the provision of written notice of the application by the city clerk to all addresses located within 250 feet of the premises proposed for licensing with information about submitting comments related to the application, including objections to the proposed license, if any. The city clerk may receive comments and objections electronically, by telephone, by mail or through the direct filing of a written document. Communications relating to the license application shall be placed in the file containing application materials.

a-2-c. Certification shall not be made within 10 days following written and signed assurance to the city clerk by the applicant that notice of the application, on a form prescribed by the city clerk and approved by the licensing committee, has been conspicuously posted on the outside of the premises at applicant's expense providing notice to members of the public that an application has been made and that objections to the application may be filed with the city clerk, and that a survey form may be submitted electronically, through the city Internet site, by phone or in writing. The written and signed assurance shall include a statement of applicant's intent to maintain the posting, or replace any missing posting, until the date scheduled for hearing by the licensing committee.

a-2-d. Certification shall not be made prior to submission of a copy of a map displaying concentration in the neighborhood of licensed alcohol beverage retail establishments.

a-2-e. Except for a Class "B" manager's license application, certification shall not be made prior to the city clerk's receipt from the chief of police of written confirmation that the applicant has, as required by s. 90-5-1.5, met