

**CITY OF WEST ALLIS
ORDINANCE O-2025-0044**

**ORDINANCE TO CREATE GENERAL PROVISIONS FOR PROCESSING OF
CBD/THC BEVERAGE RETAILER LICENSE APPLICATIONS**

AMENDING SECTIONS 9.47 AND 9.74

WHEREAS, on May 20, 2025, the common council created CBD/THC beverage retailer licenses; and

WHEREAS, Wis. Stat. 66.0433(3) says the common council may by ordinance adopt reasonable and necessary regulations regarding the location of licensed premises, the conduct of the licensed premises, the sale of those beverages; and

WHEREAS, the common council intends to create a period of time where retailers of THC/CBD beverages can come into compliance without facing a penalty;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “9.47 General Provisions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.47 General Provisions

1. Vicarious Liability. Except where preempted by state law, a licensee is liable for any violations of any provision of this chapter committed in the course of conducting the licensed activity by the licensee's employee, agent, or contractor. Each licensee has the affirmative duty to see that every regulation is obeyed by employees, agents, and contractors. The licensee may be convicted for a violation committed by an employee, agent, or contractor only in a civil forfeiture action. None of the following are defenses to the liability imposed under this section:
 - a. The licensee was deceived about or ignorant of the violation.
 - b. The licensee was absent at the time of the violation.
 - c. The licensee had prohibited employees, agents, and contractors from doing the act that resulted in a violation.
2. State Law Applicable. Any duty or authority assigned by state law to a City body, officer, or department shall be in effect unless explicitly declined or rejected in this code. Nothing in this chapter may be construed to implicitly preclude, decline, or reject any authority or duty in state law.
3. License List. The table below indicates by type of license which city officer issues the license, whether the issuing officer may grant the license without council approval,

whether a record check is required, the term of the license, and which city departments receive notification of an application for that license.

Type	Issuing Officer	I.O. may Grant(a)	Expires	Departments Notified
Adult-Oriented Entertainment	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Police
Alcohol Beverages				
Class "B" Beer (provisional)	Clerk	Yes(b)	60 days	Code Enforcement, Clerk, Fire, Health, Police
Class "B" Beer (regular)	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Police
Class "B" Beer (temporary)	Clerk	Yes	As stated on license	Clerk, Police(d)
"Class B" Liquor (provisional)	Clerk	Yes(b)	60 days	Code Enforcement, Clerk, Fire, Health, Police
"Class B" Liquor (regular)	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Police
"Class B" Wine (temporary)	Clerk	Yes	As stated on license	Clerk, Police(d)
"Class C" Wine (provisional)	Clerk	Yes(b)	60 days	Code Enforcement, Clerk, Fire, Health, Police
"Class C" Wine (regular)	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Police
Extension of Premises	Clerk	No	As stated on license	Code Enforcement, Clerk, Fire, Health, Police(d)
Full-Service Retail Outlet (fixed)	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Police
Full-Service Retail				

Outlet (unlimited transfer)	Clerk	Yes(g)	As stated on license	Clerk, Police(d)
Operator's (provisional)	Clerk	Yes(c)	60 days	Clerk, Police
Operator's (regular)	Clerk	Yes(f)	Every other June 30	Clerk, Police
Operator's (temporary)	Clerk	Yes	1-14 days	Clerk, Police
Animal Sales and Service	Health Commissione r	Yes	June 30	Health
Bed and Breakfast Establishment	Health Commissione r	Yes	June 30 (e)	Health
Body Piercing	Health Commissione r	Yes	June 30	Health
Campground and Camping Resort	Health Commissione r	Yes	June 30(e)	Health
Cigarette, Electronic Vaping Devices, and Tobacco Products Retailer	Clerk	Yes	June 30	Clerk, Police
Concrete Contractor	Engineer	Yes	June 30	Clerk, Public Works
Escort Service	Clerk	No	June 30	Clerk, Police
Fitness Center	Health Commissione r	Yes	June 30	Health
Hotel or Motel	Health Commissione r	Yes	June 30(e)	Health
Junk Picker	Clerk	Yes	4 months	Clerk, Police, Public Works
	Health			

Lodging House	Commissioner	Yes	June 30	Health
Manufactured and Mobile Home Community	Clerk	Yes	June 30	Code Enforcement, Clerk, Police
Nicotine Products Retailer	Clerk	Yes	June 30	
<u>Nonintoxicating Beverage Retailer</u>	<u>Clerk</u>	<u>Yes</u>	<u>June 30</u>	<u>Clerk, Police</u>
Pawnbroker	Clerk	No	Dec. 31	Clerk, Police
Public Entertainment				
Regular	Clerk	No	June 30	Code Enforcement, Clerk, Fire, Health, Planning, Police
Temporary	Clerk	No	As stated on license	Clerk, Police(d)
Public Swimming Pool	Health Commissioner	Yes	June 30(e)	Health
Recreational and Educational Camp	Health Commissioner	Yes	June 30(e)	Health
Retail Food Establishment	Health Commissioner	Yes	June 30(e)	Health
Secondhand Article Dealer	Clerk	No	Dec. 31	Clerk, Police
Secondhand Jewelry Dealer	Clerk	No	Dec. 31	Clerk, Police
Tattoo	Health Commissioner	Yes	June 30	Health
Tourist Rooming House	Health Commissioner	Yes	June 30(e)	Code Enforcement, Health

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Transient Merchant	Clerk	Yes	4 months	Clerk, Health, Police

- a. The issuing officer may only grant a license to an applicant who is clearly qualified.
- b. The issuing officer shall grant a provisional retail license under [Wis. Stat. 125.185](#) only to clearly qualified applicants whose applications are pending before the common council and one of the following applies:
 - i. For a pending new application, the Public Safety Committee has recommended granting the license, the ~~applicant~~ applicant has obtained all required licenses and permits, and the applicant has passed all required inspections.
 - ii. For a pending renewal application, the clerk has not received a notice of disapproval from a department head.
- c. The issuing officer shall grant a provisional operator's license to any applicant who meets the qualifications under [Wis. Stat. 125.17\(5\)](#).
- d. No record check is required.
- e. Licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.
- f. The issuing officer may grant and issue a regular operator's license only if the applicant does not have any of the following:
 - i. A pending criminal charge for any offense under [Wis. Stat. 111.335\(4\)\(a\)](#)
 - ii. A conviction for an offense counted under [Wis. Stat. 343.307](#) within two years of the application date
 - iii. A second or subsequent conviction for an offense counted under [Wis. Stat. 343.307](#) within five years of the application date
 - iv. Convictions for three or more violations of [Wis. Stat. 343.44](#) within two years of the application date
 - v. A conviction for any offense under [Wis. Stat. Ch. 125](#) or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of [Wis. Stat. 125.07](#) may be considered unless the applicant has committed two or more violations within one year;
 - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
- g. The issuing officer shall approve an unlimited transfer full-service retail outlet to a brewery under Wis. Stat. 125.29(7)(d)1. or a winery under Wis. Stat. 125.53(3)(d)1. only to clearly qualified applicants if all of the following applies:

- i. The scope of alcohol beverages offered for sale at that full-service retail outlet are limited to the same type of alcohol as that produced by the permittee.
- ii. The full-service retail outlet is one that may be relocated without limitation on frequency in each calendar year.
- iii. Any one of the following applies:
 - (1) The approval dates, times, and premises align with the dates, times, and premises of a special event permit or a city-sponsored event.
 - (2) The approval is for 1 day. The clerk may not approve more than 10 days for each permittee in a calendar year under this provision.
- h. Fees. An applicant for a license shall pay any applicable fees listed in the [Fee Schedule](#).

SECTION 2: AMENDMENT “9.74 Nonintoxicating Beverage” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.74 Nonintoxicating Beverage

1. License Required. Pursuant to [Wis. Stat. 66.0433](#), no person may act as a retailer of any CBD/THC beverage without first obtaining a nonintoxicating beverage license. A license issued under this section authorizes face-to-face retail sales of CBD/THC beverages ~~sales~~ to consumers at the premises described in the retail license to be consumed either on the premises where sold or off the premises.
 - a. No action to enforce this subsection may be taken against a person unless that person has been informed of this law and offered at least 14 days to obtain a license. Upon notifying the person apparently in charge of a retailer, all employees of that retailer shall have been constructively informed. This paragraph (a) shall be repealed on July 1, 2026, and the city clerk shall remove this provision from the code after that date.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person is a pharmacy or physician approved under [Wis. Stat. 961.34\(2\)](#).
 - b. The beverage contains 0.5 percent or more of alcohol by volume
3. Application Process. The application process in [WAMC 9.50](#) is adopted.

4. Regulations. No action to enforce this subsection may be taken against a person unless that person has been informed of this law on a previous date. Upon notifying the person apparently in charge of a retailer, all employees of that retailer shall have been constructively informed. This provision shall be repealed on July 1, 2026, and the city clerk shall remove this provision from the code after that date.
 - a. Underage Persons. No person may procure for, sell, dispense or give away any CBD/THC beverage to any person who has not yet attained the legal drinking age for alcohol beverages.
 - b. Packaging. No person may procure for, sell, dispense or give away any CBD/THC beverage unless in an original closed container and labeled in a manner that clearly indicates:
 - i. The product is for use only by adults aged 21 years or older.
 - ii. The quantity of CBD/THC contained within the product.
5. Discipline Process. The discipline process in [WAMC 9.51](#) is adopted.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL
JULY 15, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kimberlee Grob	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Chad Halvorsen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marissa Nowling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Patty Novak	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Tracey Uttke

Tracey Uttke, City Clerk, City Of West
Allis

Presiding Officer

Dan Devine

Dan Devine, Mayor, City Of West
Allis

