

	<h2 style="text-align: center;">Council Agenda Item</h2>
Meeting Date:	05/07/2024
Agenda Item:	WW Ordinance 5.20.030 Overview
Staff Contact (name, email, phone):	Dan Meyer dmeyer@whitewater-wi.gov 262-473-1371

BACKGROUND

(Enter the who, what when, where, why)

An overview of WW ordinance 5.20.030 is being provided at the request of the Common Council. This ordinance lists conditions that apply to businesses granted Class “A” and “B” liquor licenses. A change was made to the ordinance in January 2024 regarding the window visibility section of the ordinance.

The police department is tasked with checking all establishments applying for a Class A or Class B liquor license annually. From a law enforcement perspective, window visibility is important as it is critical that officers are able to see into businesses clearly during an emergency. In 2023, it was apparent that the language in ordinance 5.20.030 related to window visibility (5.20.030(a)(3)) was problematic as it was worded in a way that was unreasonably strict and difficult to enforce objectively. Subsequently, the change to the current verbiage was made in January 2024.

During the 2024 inspections thus far, it has been apparent that a number of business owners find the ordinance language related to window visibility problematic for a variety of reasons. Examples will be shown.

The updated language has precedent as the “clear vision zone” language was taken from City of Milwaukee ordinance impacting all retail businesses. In fact, Milwaukee’s ordinance requires a clear vision zone from 3’-7’, which is more restrictive than our ordinance requiring a clear vision zone from 4’-7’. Window visibility is addressed in other City ordinances as well and the language from Watertown and Elkhorn are included as an attachment for review.

Staff’s opinion is that the current ordinance verbiage is more lenient than it was previously, and the strength of it is that it provides an objective standard that can be enforced more fairly. Staff recommended this change because no better language was found in researching the issue previously. However, staff is open to other options if a better solution exists.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

First reading – 12/19/2023

Second reading – 1/16/2024

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

ATTACHMENT(S) INCLUDED

(If none, state N/A)

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| <ol style="list-style-type: none">1. WW Ordinance 5.20.0302. WW Ordinance 5.20.030 showing redlined changes3. Milwaukee Guide to Storefront Signs4. Elkhorn Visibility Ordinance5. Watertown Visibility Ordinance |
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