



EXECUTIVE DECLARATION NO. 3
UNDER CITY OF WAUSAU PROCLAMATION OF STATE OF EMERGENCY
PURSUANT TO WIS. STAT. §323.14(4)(b)

RELATING TO SUSPENSION OF W.M.C. §5.64.036 DRIVE-UP SALES

WHEREAS, on the 18th day of March, 2020, the undersigned Mayor of Wausau proclaimed a State of Emergency pursuant to Wis. Stat. §§323.11 and 323.14(4)(b) (“Proclamation”); and

WHEREAS, such Proclamation, among other things provides that it is necessary and expedient for the health, safety, and protection of the City to temporarily suspend or modify applicable ordinances or resolutions to allow immediate response to meet the needs of the extraordinary existing conditions for as long as the emergency public health emergency remains in effect in this state; and

WHEREAS, such Proclamation was ratified and affirmed by the Common Council on Tuesday, March 24, 2020; and,

WHEREAS, the State of Wisconsin, Department of Health Services, under the authority of Wis. Stat. §252.02(3) and at the direction of Governor Tony Evers has issued Emergency Order #8 Updated Mass Gathering Ban (“Emergency Order #8”); and,

WHEREAS, Emergency Order #8 provides that breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers, including bars, are closed to the public except “carry-out” sales of alcohol beverages and food are allowed, if permitted by state law and municipal ordinance; and

WHEREAS, the State of Wisconsin, Department Revenue (“DOR”) has issued clarification of permissible sale and distribution activities during the public health emergency through emergency guidance issued at <https://www.revenue.wi.gov/DORNews/NEW-AB-COVID-19-Guidance-Document.pdf> (“DOR Guidance”); and,

WHEREAS, the DOR Guidance provides in part that alcohol beverages may be ordered on a “carry-out” basis, as long as face-to-face sales are made; and

WHEREAS, the DOR has further advised that it “recognizes this is a difficult time for members of the alcohol and beverage industry and the public;” and,

WHEREAS, DOR has made known that it “will not take enforcement action on establishments who are in compliance with COVID-19 related alcohol beverage guidance and choose to offer “carry-out” sales of alcohol beverages directly outside their premises;” and,



WHEREAS, W.M.C. §5.64.036 Drive-up Sales may be interpreted as an impediment to the application and provisions of the DOR Guidance and Emergency Order #8, the undersigned hereby declares:

1. The provisions of W.M.C. §5.64.036 Drive-up Sales are temporarily suspended with respect to bars and taverns to permit the “carry-out” sales of alcohol beverages in original, sealed containers. Breweries and Class “B” license holders may continue to sell growlers of beer for “carry-out” only.
2. Nothing in this Declaration shall permit licensed bars and taverns to make deliveries of alcohol.
3. All sales of alcohol beverages must occur in a face-to-face transaction.
4. Establishments must abide by state and municipal closing hours for “carry- out” sales.
5. This Declaration shall remain in effect for the duration of the public health emergency declared in Governor Evers’ Executive Order #72, or until a superseding order is issued or other action of the Common Council of the City of Wausau.

This declaration will be submitted to the Common Council for ratification at its next meeting.

Dated this 30th day of March, 2020.

Issued and declared by:

Robert B. Mielke
Mayor of Wausau



Office of the Mayor
Robert B. Mielke

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COMMON COUNCIL ACTION:
(Accompanying Resolution)

Dated: _____

Ratified

Declined