

Wisconsin Department of



**Revenue**

# **Retail Alcohol Beverage Licensing Information**

# Table of Contents

Page

<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. AUTHORITY.....</b>	<b>3</b>
A. Municipalities .....	3
B. Department of Revenue.....	6
<b>3. QUALIFICATIONS.....</b>	<b>7</b>
A. Training Course .....	7
B. Individual Applicants .....	7
C. Partnerships .....	7
D. Wisconsin or Foreign Corporations, Nonprofit Organizations, and Limited Liability Companies.....	8
<b>4. FORMS .....</b>	<b>8</b>
A. Original Alcohol Beverage License Application (AT-106) .....	8
B. Renewal Alcohol Beverage License Application (AT-115) .....	8
C. Auxiliary Questionnaire (AT-103) .....	8
D. Schedule for Appointment of Agent by Corporation or Nonprofit Organization (AT-104).....	8
E. Temporary (Picnic) License Application (AT-315) .....	8
<b>5. INFORMATION REQUIRED OF APPLICANT .....</b>	<b>9</b>
A. Applicants for Retail Beer and/or Liquor Licenses .....	9
B. Auxiliary Questionnaire .....	9
C. Appointment of Agent.....	9
<b>6. RESPONSIBILITY .....</b>	<b>10</b>
A. Municipalities .....	10
B. Department of Revenue.....	10
C. Licensees .....	11
<b>7. TRANSFERS.....</b>	<b>11</b>
<b>8. SIX-MONTH LICENSES.....</b>	<b>11</b>
<b>9. FEES.....</b>	<b>12</b>
<b>10. RESTRICTIONS.....</b>	<b>13</b>
<b>11. QUESTIONS OR ADDITIONAL INFORMATION.....</b>	<b>15</b>

This publication replaces the former guidance document AT-109.

## 1. INTRODUCTION

This publication provides information about licenses for the retail sale of alcohol beverages in Wisconsin. Chapter 125 of the Wisconsin statutes prohibits retail sales of alcohol beverages without an approved license granted and issued by a municipality (cities, villages, or towns). Alcohol beverages means fermented malt beverages (beer) and intoxicating liquor (distilled spirits and wine).

Retail licenses are categorized by the type of alcohol beverages sold and whether the alcohol beverages are consumed on or off premises.

- "Class A" license authorizes the retail sale of liquor and wine for consumption off the premises
- "Class B" license authorizes the retail sale of liquor and wine for consumption on or off the premises
- Class "A" license authorizes the retail sale of beer for consumption off the premises
- Class "B" license authorizes the retail sale of beer for consumption on or off the premises
- "Class C" license authorizes the retail sale of wine for consumption on the premises

## 2. AUTHORITY

### A. Municipalities

Municipalities may grant or issue licenses for the sale of alcohol beverages subject to limitations and restrictions imposed by law as follows:

- (1) Class "A" (beer) retailers** may sell beer to consumers in any quantity in original packages for off-premises consumption only. They may offer taste samples of beer on premises. (sec. 125.25)
- (2) Class "B" (beer) retailers** may sell beer to consumers for on-premises or off-premises consumption. (sec. 125.26(1), (2), (3), (4), and (5))
- (3) Temporary Class "B" (beer) retailers** may sell beer to consumers at a picnic or similar gathering of limited duration, or a single-day, multiple-location event such as a "beer walk." Such licenses may only be issued to:
  - Bona fide clubs
  - State, county, or local fair associations or agricultural societies
  - Churches, lodges, or societies that have been in existence for at least six months prior to the date of application
  - Posts of veterans organizations
  - Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

A municipality may issue temporary Class "B" licenses for a single-day, multiple-location event if all of the following apply:

- each license is issued for the same date and times and the licensee is the sponsor of the event held at multiple locations within the municipality on this date and at these times

- an admission fee is charged for participation in the event and no additional fee is charged for service of beer at the event

(sec. 125.26(6))

**(4) Temporary "Class B" (wine) retailers** may sell wine to consumers at a picnic or similar gathering of limited duration, or a single-day, multiple-location event such as a "wine walk". Such licenses may only be issued to:

- Bona fide clubs
- State, county, or local fair associations, or agricultural societies
- Churches, lodges, or societies that have been in existence for at least six months prior to the date of application
- Posts of veterans organizations
- Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

A municipality may issue up to 20 temporary "Class B" licenses for a single-day, multiple-location event if all of the following apply:

- each license is issued for the same date and times and the licensee is the sponsor of the event held at multiple locations within the municipality on this date and at these times
- an admission fee is charged for participation in the event and no additional fee is charged for service of wine at the event

(sec. 125.51(10))

**(5) "Class A" (liquor) retailers** may sell intoxicating liquor to consumers only in original packages for off-premises consumption. They may offer taste samples of wine or intoxicating liquor on premises.

**Exception:** "Class A" cider only retailers may not make retail sales or offer taste samples of any intoxicating liquor other than cider.

**Note:** A municipality **must** issue a "Class A" license to an applicant if all of the following apply:

- the application is made for a "Class A" license containing the condition that retail sales of intoxicating liquor are limited to cider
- the applicant holds a Class "A" license issued for the same premises for which the "Class A" license application is made

(sec. 125.51(2)(a), (b), (c), (d), and (e))

**(6) "Class B" (liquor) retailers** may sell intoxicating liquor to consumers for on-premises consumption. If the municipality enacts a specific ordinance under sec. 125.51(3)(b), sales may be made for off-premises consumption in quantities not exceeding four liters at any one time. (sec. 125.51(3)(a), (c), (d), (e), and (f))

**(7) "Class C" (wine) retailers** may sell wine by the glass or in an opened original container for consumption on the premises where sold. Such licenses may only be issued for restaurants if the sale of alcohol beverages accounts for less than 50% of the gross receipts. It may not be issued to foreign corporations or foreign LLC's. (sec. 125.51(3m))

**Note:** Issuing a "Class C" (wine) license to businesses that are not "restaurants," as defined in sec. 125.02(18), Wis. Stats., is prohibited. Effective June 23, 2017, "restaurant" means any building, room or place where meals are prepared, served, or sold to transients or the general public.

**(8) Provisional retail licenses** are issued by municipalities. The governing body may, by ordinance, establish standards under which provisional licenses are issued and designate the municipal official having authority to issue the retail licenses. The following conditions apply:

- May be issued only to persons applying for Class "A" (beer), Class "B" (beer), "Class A" (intoxicating liquor), "Class B" (intoxicating liquor), or "Class C" (wine), authorizing only the activities allowed under that type of license.
- Fees are established by ordinance not to exceed \$15.
- Provisional license expires 60 days after issuance or when the person is issued a retail license, whichever is sooner. The license may be revoked by the municipal official if he or she discovers the holder made false statements in the application.
- Municipal official may not issue a provisional "Class B" license if the quota prohibits the issuance of the license.
- No person may hold more than one provisional retail license for each type of license applied for per year.

(sec. 125.185)

**(9) Operator's licenses**, temporary operator's licenses, and provisional operator's licenses (beer and liquor) are issued to individuals 18 years of age or over who do not have an arrest or conviction record subject to secs. 111.321, 111.322 and 111.335, Wis. Stats. (Wisconsin Fair Employment Act). License holders are responsible for supervising activities on Class "A" (beer), Class "B" (beer), "Class B" (intoxicating liquor), and "Class A" (intoxicating liquor) and "Class C" (wine) premises during required hours in absence of the licensee or approved agent of the corporation or limited liability company.

New applicants must successfully complete a beverage server training course prior to issuance of an operator's license. Licensed operators (bartenders) are also required on the premises of Temporary Class "B" or "Class B" licenses.

Temporary operator's licenses, which are valid for one to 14 days may be issued to persons employed by or donating their services to nonprofit corporations. No person may hold more than two temporary operator's licenses per year.

Applicants for temporary operator's licenses are not required to complete a beverage server training course prior to issuance of the temporary operator's license.

The municipal governing body may by ordinance establish standards for issuance of provisional operators' licenses and designate the municipal official having authority to issue them. Provisional operator's licenses are issued to persons enrolled in the course who have applied for a regular operator's license. They may also be issued to an applicant of an operator's license who held an operator's license in another municipality.

(secs. 125.17(1), (2), (3), (4), (5) and (6), 125.32(2), and 125.68(2))

**(10) "Class B" winery license** may be issued to a winery capable of producing 5,000 gallons per year that may sell wine only for on or off premise consumption. A "Class B" winery license does not count against a municipalities' quota and is not subject to "reserve" fee. A winery may have either one "Class A" or one "Class B" license, but not both. The license may be issued at the winery or to real estate owned or leased to the winery. (secs. 125.51(3)(am), 125.51(1), 125.51(4)(a)1., 125.51(3)(f), and 125.53)

**Note:** Any license issued in violation of state law is void license under sec. 125.04(2), Wis. Stats.

## B. Department of Revenue

The Department of Revenue may issue alcohol beverage permits as follows:

**(1) Fermented malt beverage wholesalers** may sell fermented malt beverages (beer) only in original packages to retailers or wholesalers. (secs. 125.28(1), 125.29 and 139.09)

**(2) Sports clubs "Class B" retailers** may sell intoxicating liquor if the facilities are:

- not open to the general public, and
- a municipality does not issue such licenses, or
- if a municipality issues "Class B" licenses, the club is not issued a license under sec. 176.05 (4a), Wis. Stats. (1979), and does not currently hold a "Class B" license

(sec. 125.51(5)(a))

**(3) Sports club Class "B" retailers** may sell beer if the facilities are not open to the general public and the municipality does not issue such licenses. (sec. 125.27(1))

**(4) County or municipally-owned airport or public facilities "Class B" retailers** may sell intoxicating liquor. The permit may only be issued to a designated concessionaire. A Class "B" (beer) license must be obtained from the municipality in which the airport or public facility is located. (sec. 125.51(5)(b))

**(5) Vessel Class "B" and "Class B" retailers** may sell fermented malt beverages and intoxicating liquor for consumption on any vessel having a regular place of mooring located in any Wisconsin waters if any of the following applies:

- The vessel serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of all of the food and beverages served on the vessel.
- The vessel has an approved passenger capacity of not less than 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of the vessel.

The permit also authorizes the permittee to store fermented malt beverages or liquor purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring.

The vessel must be certified by the U.S. Coast Guard, classed by the American Bureau of Shipping or covered by liability insurance.

(secs. 125.27(2) and 125.51(5)(c))

**(6) Other** permits issued by the department include brewery, brewpub, winery, direct wine shipper, wholesale liquor/beer, manufacturer and rectifier permits. (secs. 125.29, 125.295, 125.53, 125.535, 125.54, 125.28, and 125.52).

### 3. QUALIFICATIONS

#### A. Training Course

Individuals, partners, and agents of corporations, organizations and limited liability companies must have successfully completed a Wisconsin approved responsible beverage server training course (see "Training" on the Department of Revenue's website at [revenue.wi.gov](http://revenue.wi.gov)) or a Wisconsin technical college course, unless:

- The person is renewing a license
- Within the past two years, the applicant held a manager's or operator's license, or held or was the agent of a corporation or limited liability company that held a Class "A" (beer), Class "B" (beer), "Class A" (intoxicating liquor), "Class B" (intoxicating liquor), or "Class C" (wine) license in Wisconsin
- Within the past two years, the person successfully completed a Wisconsin authorized beverage server training course

#### B. Individual Applicants

Individual applicants for retail alcohol beverage licenses must meet the following qualifications:

- (1) Be 21 years of age or older
- (2) Not have an arrest or conviction record subject to secs. 111.321, 111.322, and 111.335, Wis. Stats. (Wisconsin Fair Employment Act)
- (3) Be a continuous Wisconsin resident for at least 90 days
- (4) Submit proof of a seller's permit under sec. 77.61(11), Wis. Stats.

**Exception:** No seller's permit is required if:

- Temporary "Class B" and temporary Class "B" licenses are issued to organizations that are not required to hold a seller's permit. (secs. 125.04(5)(d)3.c., and 125.04(5)(d)3.d.,)
- "Class A", Class "A", "Class B", Class "B", and "Class C" licenses are issued to applicants that are not required to hold a seller's permit because they meet the occasional sales exemption in secs. 77.54(7) and 77.54(7m). For-profit retailers generally must hold a seller's permit if their sales are \$2,000 or more in a calendar year.

Contact the department at 608-266-2776 if you have questions about Wisconsin sales tax and the requirements to hold a seller's permit.

- (5) Must not be convicted of a felony, subject to secs. 111.311, 111.322, and 111.335, Wis. Stats., unless pardoned

**Note:** Applicants for operators' licenses are not subject to 1, 3 and 4 above. See Part 2.A.(9).

(sec. 125.04(5))

#### C. Partnerships

- (1) Each partner must meet all of the qualifications listed in Parts 3.A. and 3.B.
- (2) Each partner must be listed on the application.

**D. Wisconsin or Foreign Corporations, Nonprofit Organizations, and Limited Liability Companies**

- (1) All officers and directors of a corporation and members or managers of a limited liability company must meet the qualifications listed under paragraphs 1 and 2 of Part 3.B. if applying for alcohol beverage licenses. One officer of a corporation is required under ch. 180, Wis. Stats. Limited liability companies may have one or more members.
- (2) An agent who is responsible for all activities must be appointed. The agent must meet the qualifications listed in Parts 3.A. and 3.B. The license is not valid until the agent has been approved by the municipal licensing authority.
- (3) Foreign corporations may not hold "Class C" wine licenses.  
(secs. 125.04(5)(c) and 6 and 125.51(3m)(c))

**4. FORMS**

Each license application is available to municipalities at [revenue.wi.gov](http://revenue.wi.gov). It is the municipality's responsibility to copy the forms and use the copies for license applications. **Note:** The department does not prepare managers' and operators' license applications.

**A. Original Alcohol Beverage License Application (AT-106)**

Use for all new applicants. (Always include Form AT-103 Auxiliary Questionnaire with Form AT-106.)

**B. Renewal Alcohol Beverage License Application (AT-115)**

Use only for those applying for renewal of a license, including six-month licenses. If there is any change in the business entity, including a sole proprietorship to a partnership, corporation, limited liability company, if a partner is added or dropped, or if a partnership is incorporated or limited liability company is formed, an original application must be submitted using Form AT-106.

**C. Auxiliary Questionnaire (AT-103)**

Must be completed by all individuals, partners, officers and directors, the agent of corporations and members or managers and agent of limited liability companies applying for a license and attached to Form AT-106. The questionnaire must also be completed for any successor agent appointed by a corporation or limited liability company, and by all new officers and directors of corporations or new members or managers of limited liability companies applying for renewal and attached to Form AT-115.

**D. Schedule for Appointment of Agent by Corporation or Nonprofit Organization (AT-104)**

Must be used by all corporations, nonprofit organizations or limited liability companies when applying for an original license or a new agent is appointed.

**E. Temporary (Picnic) License Application (AT-315)**

Must be used by bona fide clubs, chambers of commerce, churches, or organizations wanting to sell beer, and/or wine at a picnic or similar gathering.



## 5. INFORMATION REQUIRED OF APPLICANT

The applicant must furnish all information requested and respond to all questions asked so the licensing board/council can determine if the applicant is qualified.

### A. Applicants for Retail Beer and/or Liquor Licenses

- (1) Beginning and ending dates of the licensing period must be entered.
- (2) If a seller's permit is required, the seller's permit number must be indicated in the upper right hand corner. New applicants should apply online at [revenue.wi.gov](http://revenue.wi.gov) or obtain an application form from the nearest Department of Revenue office.
- (3) The type of license applied for and appropriate fees must be entered in the box in the upper right corner.
- (4) The name of the municipality and county must be entered.
- (5) The type of applicant, with complete name and mailing address, must be furnished. If a trade name is used, it also must be furnished. **The name on the seller's permit must be the same name on the license** (see exception below). A license must not be issued in a trade name. If the alcohol beverage license is issued to a partnership or corporation, the seller's permit must be too; not to the agent, officer, or individual. If the applicant is a limited liability company (LLC) always issue the alcohol beverage license in the legal name of the LLC (not trade name or owner's name). The license must include the following for a:
  - Partnership - the names of all partners
  - Corporation - the name of the agent
  - Limited Liability Company - the name of the agent

**Exception:** Some alcohol beverage licenses are issued to an LLC where the business operates as a sole proprietor or single member for sales tax purposes. In such cases, the LLC's seller's permit may be issued in the name of the sole proprietor or single member of the LLC. If an LLC applies for an alcohol beverage license and furnishes a seller's permit that is not in the legal name of the LLC, call the department at (608) 266-2776 to verify whether the seller's permit is valid for the LLC.

- (6) A complete and accurate description of the building or buildings where alcohol beverages are to be stored, sold, or served must be furnished. The physical description on the application must be entered on the license when the application is approved.
- (7) All questions must be answered by the applicant and the answers evaluated by the licensing board/council to determine if the applicant is fully qualified.
- (8) All applications must be signed. (Only one signature is required.)

### B. Auxiliary Questionnaire

A completed form must be attached to each original application for each individual, partner, officer, director, member, and agent.

### C. Appointment of Agent

- (1) Must meet qualifications listed in Parts 3.A. and B. The agent must be located near enough so he or she can actively supervise the licensed premises.

- (2) The completed form for any newly-appointed agent must be approved by local licensing and enforcement officials.

(sec. 125.04(6))

## 6. RESPONSIBILITY

### A. Municipalities

- (1) Must ensure that required applicants have completed the responsible beverage server training course.
- (2) Must obtain completed application from each applicant and record the date the application was filed.
- (3) Must obtain completed auxiliary questionnaires as described above.
- (4) Must obtain completed appointment of agent schedule for each new corporation, nonprofit organization or limited liability company and obtain local enforcement approval. This completed form must also be obtained for all changes of agent and approved by local enforcement officials. A \$10 fee must be paid to the licensing authority by the corporation or limited liability company for any change of agent. (sec. 125.04(6)(e))
- (5) Must publish all applications (including renewal applications) as provided under sec. 125.04(3)(g), Wis. Stats. Publication is not required for temporary Class "B" and temporary "Class B" license applications. The license applicant is required to pay the costs of publication as determined by the Wisconsin Department of Administration (DOA) for publication of legal notices, pursuant to sec. 985.08, Wis. Stats.
- (6) Must require applications for all alcohol beverage licenses to be filed with the clerk at least 15 days prior to action by the licensing authority. (sec. 125.04(3)(f))

**Exception:** This requirement does not apply to:

- Municipalities in Milwaukee County
  - Applications for temporary licenses under sec. 125.26(6), Wis. Stats., lasting less than four days
- (7) Must enter the date the application was submitted to the licensing authority who will determine that each applicant is qualified before granting the license.
  - (8) Must enter the dates the license was granted and issued. The license must be prepared in the exact name of the applicant with the complete physical description of the licensed premises.
  - (9) By July 15<sup>th</sup> each year, must send a list of licenses issued as of July 1 (excluding managers, operators and picnic beer/wine licensees) to the Department of Revenue. The list must include the name, address and trade name of each licensee, including provisional retail licenses, type of license held. If the licensee is a corporation or limited liability company, the list must include the name of the agent.

### B. Department of Revenue

The department may issue permits to sports clubs, airports/public facilities, vessels, breweries, brewpubs, wineries, liquor wholesalers, beer wholesalers, manufacturers, rectifiers, and wine direct shippers. Permit fees are payable to the Department of Revenue.

### C. Licensees

- (1) Must hold a separate license or permit for each location or premises.
- (2) Must frame and post alcohol beverage licenses and seller's permits, allowing the licenses or permits to be clearly read.
- (3) Must purchase fermented malt beverages from permitted fermented malt beverage wholesalers or brewers/brewpubs authorized to make direct sales to retailers, and must purchase intoxicating liquor from permitted liquor wholesalers. (secs. 125.33(9), and 125.69(6)).
- (4) May find lists of permitted beer and liquor wholesalers and brewers/brewpubs on the Department of Revenue's website at [revenue.wi.gov](http://revenue.wi.gov):
  - [Wisconsin Fermented Malt Beverage Listing](#)
  - [Wisconsin Liquor Permit Listing](#)
- (5) Must keep invoices for all purchases of alcohol beverages and cigarette and tobacco products on the licensed premises for two years from the date of invoice. Alcohol beverage records may be kept on the licensed premises in electronic form (paper copies are not required).

## 7. TRANSFERS

Transfers of licenses are allowed only in the following situations:

- Licenses, except for reserve "Class B" liquor and licenses issued under sec. 125.51(4)(v), Wis. Stats., may be transferred from one premises to another within a municipality no more than once in a license year for \$10. A licensee who moves must file Form AT-112 (Retail License Transfer) with the clerk of the municipality. (sec. 125.04(12)(a))
- Licenses may be transferred using Form AT-108, at no charge during the license year, from:
  - one person to a court-appointed receiver as a result of foreclosure or proceedings to avoid bankruptcy
  - a trustee when the licensee enters bankruptcy to the personal representative or surviving spouse upon the death of the licensee

If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse complies with all of the requirements applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place (sec. 125.04(12)(b)).

- Licenses may be transferred using Form AT-108, at no charge, from one partner to another if a partner dies during the license year and the decedent's equity is assigned to a surviving or new partner.
- Reserve "Class B" licenses may be transferred by a municipality that has issued at least one "Class B" license to a neighboring municipality (contiguous or within two miles of the receiving municipality). The transferring municipality may transfer no more than a total of three reserve "Class B" licenses. The transferring municipality establishes the fee for the transferred license in an amount not less than \$10,000. The receiving municipality must remit the fee to the transferring municipality.

## 8. SIX-MONTH LICENSES

- A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year. (sec. 125.26(5))

- Six-month "Class A" or "Class B" intoxicating liquor and "Class C" wine licenses may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year. (sec. 125.51(9)(b))

## 9. FEES

Annual fees are determined by the municipality up to the maximum amount listed below.

- Provisional retail license – \$15 (sec. 125.185)
- Beer Class "A" retailer licenses – any amount set by the licensing authority, prorated on the basis of the number of months remaining in license year (sec. 125.25(4))
- Beer Class "B" retailer licenses – \$100 maximum per year, prorated on the basis of the number of months remaining in the license year (sec. 125.26(4) and (5))
- Temporary Class "B" (beer) licenses – \$10 (sec. 125.26(6))
- Temporary "Class B" (wine) licenses – may not exceed \$10, except no fee may be charged if the applicant is also applying for a temporary Class "B" license for beer (sec. 125.51(10)(a))
- Wine "Class C" retailer licenses – \$100 maximum, prorated on the basis of the number of months remaining in license year (sec. 125.51(3m)(e))
- "Class A" intoxicating liquor – minimum \$50 and maximum \$500, prorated on the basis of the number of months remaining in the licensing period (sec. 125.51(2)(d) and (9)(a))
- "Class B" intoxicating liquor – minimum \$50 and maximum \$500 (sec. 125.51(3)(e)1.)
  - RESERVE "Class B" intoxicating liquor – minimum \$10,000 initial fee plus a fee between \$50 and \$500 (sec. 125.51(3)(e) 2.)
  - RENEWAL FEE – between \$50 and \$500
  - PREMIER ECONOMIC DEVELOPMENT DISTRICT RESERVE "Class B" intoxicating liquor – minimum \$30,000 initial fee plus a fee between \$50 and \$500 (sec. 125.51(3)(e)6.)
  - ABOVE-QUOTA- (RESTAURANT/HOTEL/THEATER) annual initial and renewal fees established locally and prorated on the basis of the number of months remaining in the licensing period. Minimum fee does not apply to licenses issued to bona fide clubs and lodges situated and incorporated in Wisconsin for at least six years. (sec. 125.51(4)(v) and (9)(a))
- Operator's licenses – any amount set by the licensing authority (sec. 125.17(3))
- Cigarette and tobacco products license – \$5-\$100 (clerks approve and issue) (sec. 134.65)
- Agent change – \$10 (sec. 125.04(6)(e))

Licensees must file an Alcohol Dealer Registration with the Alcohol and Tobacco Tax and Trade Bureau (TTB), file Form TTB 5630.5d or contact the National Revenue Center (1-877-882-3277). Temporary Class "B"/"Class B" licenses are exempt.

Beer and liquor statutes contain no provisions about refunds of license fees.

A municipality may not refund or rebate to a "Class B" licensee or a person affiliated with the "Class B" licensee, the fee paid for initial issuance of a reserve "Class B" license.

## 10. RESTRICTIONS

- A "Class B" intoxicating liquor license cannot be issued unless the applicant holds or has applied for a Class "B" fermented malt beverage license, except to a winery. (sec. 125.51(3)(f))
- No retail fermented malt beverage license may be issued to any applicant indebted for the purchase of beer in excess of 15 days. (sec. 125.33(7)(b))
- No retail intoxicating liquor license may be issued to any applicant indebted for the purchase of intoxicating liquor in excess of 30 days. (sec. 125.69(4)(b))
- A "Class A" intoxicating liquor license cannot be issued for the same or connecting premises as a Class "B" beer, "Class B" intoxicating liquor or "Class C" wine license unless it qualifies as a hotel. There is no provision for the issuance of a Class "A" beer and a Class "B" beer license for the same premises. (sec. 125.51(8))
- No retail "Class B" intoxicating liquor license may be issued in excess of a municipality's quota, except to:
  - A full-service restaurant with interior, permanent seating capacity of 300 or more persons
  - A hotel with at least 50 rooms and either a 150-seat restaurant or a 400-person banquet room
  - An opera house or theater for the performing arts operated by a non-profit organization
  - A location specifically listed in sec. 125.51(4)(w), Wis. Stats.(sec. 125.51(4))
- No retail "Class B" liquor license or permit may be issued for a premises which does not meet the standards of the Department of Agriculture Trade and Consumer Protection (DATCP) governing sanitation in restaurants. (sec. 125.68(5))

**Note:** Effective July 1, 2016, the regulation and inspection of restaurants and lodging facilities is transferred from the Department of Health Services (DHS) to the Department of Agriculture Trade and Consumer Protection (DATCP).

- No retail liquor licensee may have any interest in a wholesale liquor establishment. No liquor wholesaler may have any interest in any retail liquor establishment. ("Class A" liquor and "Class B" liquor sec. 125.69(1)(a) and (b))
- Class "B" licenses may not be issued to brewers or beer wholesalers. Wholesale beer permits may not be issued to persons holding a Class "B" license or permit or to persons who have any ownership interest in a premises operating under a Class "B" license or permit. (secs. 125.26(2) and 125.28(2))
- No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This restriction does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in sec. 16.99(3g), Wis. Stats., at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. (sec. 125.09(1))

The restriction does not apply to the consumption of fermented malt beverages on commercial quadricycles, except in municipalities that have adopted ordinances prohibiting consumption of fermented malt beverages on commercial quadricycles.

"Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

**Wine or Beer Walks:**

- A "wine or beer walk" is a single-day event at which customers are served a glass of beer or wine at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores, etc.) during their shopping visits
- Effective October 23, 2015, 2015 Wisconsin Act 62 authorizes a municipality to issue Temporary Class "B" (beer) licenses and Temporary "Class B" (wine only) licenses to a qualified organization, including a chamber of commerce or similar civic or trade organization organized under ch. 181, Wis. Stats., to promote economic growth and opportunity within a local geographical area.
- Single-day, multiple-location event
  - WINE EVENT: A municipality may issue to a qualified organization up to 20 Temporary "Class B" (wine only) licenses for a single-day, multiple-location event (commonly referred to as a "wine walk") on a specific date and time.
    - The Temporary "Class B" (wine only) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
    - The Temporary "Class B" (wine only) licenses must be issued for the same date and time
    - An admission fee must be charged for participation in the event and no additional fee can be charged for the wine
    - A municipality may authorize the licensee to permit unaccompanied underage persons to be on the licensee's premise only if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee
    - No person may serve wine after 9:00 p.m. on premises for which Temporary "Class B" (wine only) licenses are issued for a single-day, multiple-location event
    - A qualified organization may receive Temporary "Class B" (wine only) licenses for up to two events during a 12-month period, and a municipality may issue Temporary "Class B" (wine only) licenses for a total of up to two events during a 12-month period
  - BEER EVENT: A municipality may issue to a qualified organization Temporary Class "B" (beer) licenses for a single-day, multiple-location event (commonly referred to as a "beer walk") on a specific date and time.
    - The Temporary Class "B" (beer) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event.
    - The Temporary Class "B" (beer) licenses must be issued for the same date and time.
    - An admission fee must be charged for participation in the event and no additional fee can be charged for service of the beer.
    - Municipalities may authorize a Temporary Class "B" (beer) licensee to permit underage persons on the premises for which a beer license is issued.
    - There is no limit to the number of Temporary Class "B" (beer) licenses a municipality may issue to a qualified organization.
    - No person may serve beer after 12:00 a.m. (midnight) on premises for which Temporary Class "B" (beer) licenses are issued for a single-day, multiple-location event.

A municipality is authorized to charge a fee not exceeding \$10 for each Temporary Class "B" (beer) or Temporary "Class B" (wine only) license issued for the single-day, multiple-location event.

Requirements applying to other alcohol beverage licensees also apply to Temporary "Class B" (wine only) and Temporary Class "B" (beer) licensees. Some of these requirements include:

- The presence of licensed operators to serve the wine or beer and/or supervise the service of wine or beer. Licensed operators are persons holding an "operator's license", often called a "bartender's license." Temporary operator's licenses may be issued to persons employed by or donating services to the qualified organization for the event. A person may hold two temporary operator licenses per year.
- Licensees must purchase all wine or beer from liquor or beer wholesalers or breweries/brewpubs authorized to self-distribute to retail licensees.

Applications for Temporary Class "B" (beer) or Temporary "Class B" (wine only) licenses to hold a single-day, multiple-location event should be submitted to the municipality by the qualified organization using the *Application for Temporary Class "B" or "Class B" Retailer's License* (Form AT-315). The qualified organization should list each of the participating locations, describing the premises, or submit a separate application for each of the multiple locations participating in the single-day, multiple-location event. Either method of submitting license applications is acceptable.

- **Premier Economic Development District:**

- A municipality may by ordinance enacted by at least a two-thirds vote of the governing body designate a geographic area within the municipality as a Premier Economic Development District (PEDD) if all of the following apply:
  - The geographic area does not exceed 40 acres and the boundaries of the geographic area are precisely identified in the ordinance
  - No part of the geographic area is physically separated from the rest of the geographic area. (Except for public streets, similar community infrastructure, and waterways, each portion of the geographic area must be contiguous with some other portion of the geographic area)
  - The geographic area does not include any land zoned exclusively for industrial use or zoned exclusively for single-family or two-family residence
  - The PEDD must have an estimated comprehensive new construction assessed valuation increase of at least \$20,000,000 certified by an independent third-party appraiser or marketing research firm
- A municipality designating a PEDD may issue up to two reserve "Class B" licenses, with an initial issuance fee of at least \$30,000 per license
- A municipality may not designate more than one PEDD

## 11. QUESTIONS OR ADDITIONAL INFORMATION

If you have a question about licensing for retail sales of alcohol beverages, call, write, or email the department.

Write . . .	Wisconsin Department of Revenue Alcohol Beverage and Tobacco Enforcement Unit PO Box 8933 Madison, WI 53708-8933
Telephone . . .	(608) 266-2776
Email . . .	DORAlcoholTobaccoEnforcement@wisconsin.gov
Visit our website . . .	revenue.wi.gov