

TOWN OF MILLTOWN

Retail Alcohol Beverage and Operator Licensing

Ordinance 18-5

Liquor License is required if at least one of the following things is true then a business will need to have a retail alcohol beverage license: alcoholic beverages are served for any direct or indirect charge; and/or alcoholic beverages will be consumed in a venue open to the public.

Terminology

“Beer” is defined in Wisconsin law to mean a beverage with a fermented malt base, which includes beer and also wine coolers. Wis. Stat. § 125.02(6). The word “liquor” often refers to both liquor and wine although those are really two different things. §§ 125.02(8) & 125.02(22).

Types of retail alcohol licenses

Class “A” licenses may sell beer for off-premises consumption only. § 125.25. “Class A” licenses may sell liquor and wine for off-premises consumption only. § 125.51(2). A business may have just one or the other of these licenses or both of them but cannot have any other type of retail license (the one exception being hotels). §§ 125.02(7) & 125.51(8). These license holders are typically over-the-counter convenience, liquor and grocery stores.

Class “B” licenses may sell beer for on-premises consumption; they may also sell beer for off-premises consumption. § 125.26. “Class B” licenses may sell liquor and wine for on-premises consumption; they may also sell wine for off-premises consumption. § 125.51(3).

The “Class B” liquor license is the only type of retail license with a state-imposed quota. § 125.51(4). The “Class B” liquor license is also the only type split into “regular,” which requires only the regular license fee, and “reserve,” which requires the regular license fee plus an additional \$10,000 or more for new applications.

The “Class C” license only permits on-site sale and consumption of wine and can only be issued to a restaurant where less than 50% of the gross receipts are for alcohol. § 125.51(3m). Many restaurants that can get a Class “B” license for beer, but not a “Class B” license for liquor and wine because the local quota has already been reached seek the “Class C” license to also have wine available for patrons.

The “Provisional License” is applied for when one of the retail licenses applicant wants to open for business immediately, the potential licensee may be issued a provisional retail license for the same type of license as is being applied for. This license expires after 60 days or when the regular license is issued, whichever is sooner. An applicant may receive only one provisional license per type of retail license applied for per year. § 125.185.

Six-month Class “B” and “Class B” licenses can be issued for any consecutive six-month period within one calendar year for one half of the annual license fee. Therefore, these licenses may not necessarily expire on June 30th. An applicant may only receive one six-month license per calendar year. §§ 125.26(5) & 125.51(9)(b).

Application process

Retail alcohol licenses expire every June 30th and the new licensing year begins the next day, July 1st. § 125.04(11)(b)2. Retail licenses can be issued to an individual owner; all partners in ownership; a Limited Liability Company (LLC); or a corporation. Whenever there is a change in the ownership a new application is needed. Otherwise, when the legal entity being licensed has not changed, a renewal application is used. Transfers of license only occur in the very limited circumstances of a licensee's death, bankruptcy or a specific court order.

An application for a retail liquor license and Operator license are filed with the Clerk and must include a completed Liquor License Application; fee for license publication; and fees for each operator license submitted. § 125.04(3)(e). There is a mandatory 15 day waiting period from when the application is made until a license can be granted by the town board. § 125.04(3)(f). All applications must be kept for at least four years. § 125.04(3)(i). Applications received by April 15th must be decided upon by June 15th at the latest. § 125.51(1)(c).

Information about all retail liquor license applicants must be published in a newspaper prior to board action on the application. § 125.04(3)(g). Required information is the applicant's name and address, the type of license applied for and the location of the premises that is hoped to be licensed. This must appear in three successive issues if a daily newspaper is used but only once if a weekly newspaper is used. The applicant is also required to pay the publication costs.

Operator Licenses should be submitted with fees along with Liquor License Application, but Operator License may be request for new hires after the application time period and issued after all requirements are met and receives Board approval. The board may deny any license based on background check information.

The Clerk may assist in helping complete applications but is not responsible for their content and timely filling.

The Clerk will cause the publication of notices and will report to the board that all fee and background checks are completed prior to board action.

Qualifications

The applicant having submitted application(s) for the appropriate retail license(s) and the procedures having been followed, the board shall act on whether to grant a license at a properly noticed board meeting.

Applicants must satisfactorily meet several qualifications: pass a criminal history background check; at least 90 days of continuous Wisconsin residency by the date of application for an individual owner, all partners in ownership, the agent of an LLC or the agent of a corporation; and the application must particularly describe both all indoor and/or outdoor areas of the premises where alcoholic beverages will be sold and consumed. §§ 125.04(5)(b), 125.04(5)(a)2, 125.25(3), 125.26(3), 125.28(3), 125.51(2)(c) & 125.51(3)(d). Finally, the application fee must be paid before the license can be issued. § 125.04(8). A license issued mid-year has a prorated fee amount because it still expires on June 30th. §

125.51(9)(a). The municipality is immune from liability arising from the issuance of an alcohol beverage license. § 125.037.

Wisconsin law prohibits the granting of an “Operators License” to a person who has as arrest or conviction record is the circumstances of the charge or conviction substantially related to the circumstances of the job for which the license is required.

Fee Schedule

Class “A” License fees are set by the Town Board. As of July 1, 2018, no Class “A” licenses are issued.

Class “B” License fee for For-Profit \$100.00. for fermented Malt Beverages and \$400.00 for Intoxication Liquor.

Class “B” License fee for Not-For-Profit \$50.00. for fermented Malt Beverages and \$200.00 for Intoxication Liquor.

Class “C” License fees are set by the Town Board. As of July 1, 2018, no Class “C” Licenses are issued.

Provisional License fees are set by the Town Board. As of July 1, 2018, no Provisional License are issued.

Renew “Operators” License fee \$10.00 annually and must have on file with the clerk Photocopy of Identification (Example Driver’s License) and Alcohol Awareness Training.

New “Operators” License fee \$20.00 and must have on file with the clerk Photocopy of Identification (Example Driver’s License) and Responsible Beverage Service

“Provisional Operators License” fee \$20.00 and valid for 60 days and will convert to an “Operators” License (fee additional \$10.00) when all requirements are met.

Publication Fee \$30.00 per Class “A”, “B”, “C”: \$75.00 for Provisional and Six-Month Class “B” License.

Effective date:

This Ordinance shall take effect from and after its passage and legal publication.

Adopted this 15day of October, 2018.

By the Town Board of the Town of Milltown.

Chairperson, Harlan Hegdal

Attested by: Town Clerk, J. Gary Lilyquist