

## **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 (~~conducted by a law enforcement agency~~); at least 90 days of continuous Wisconsin residency by the date of application for an individual owner, all partners in ownership, the agent of a 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.

# RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: (MM DD YYYY) ending: (MM DD YYYY)

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☐ City of

County of Aldermanic Dist. No. (if required by ordinance)

CHECK ONE ☐ Individual ☐ Partnership ☐ Limited Liability Company ☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

Applicant's WI Seller's Permit No.: FEIN Number:	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company ▶

Address of Corporation/Limited Liability Company (if different from licensed premises) ▶

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title

Name (Inc. Middle Name)

Home Address

Post Office & Zip Code

President/Member

Vice President/Member

Secretary/Member

Treasurer/Member

Agent ▶

Directors/Managers

C. 1. Trade Name ▶

Business Phone Number

2. Address of Premises ▶

Post Office & Zip Code ▶

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☐ Yes ☐ No

4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

5. Legal description (omit if street address is given above):

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☐ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☐ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☐ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☐ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☐ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☐ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

## SUBSCRIBED AND SWORN TO BEFORE ME

this day of , 20

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Clerk/Notary Public)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

My commission expires

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

## TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk



# INSTRUCTIONS FOR RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-115)

## THIS RENEWAL FORM CANNOT BE USED IF:

1. There is a change in business entity (i.e., individual has changed to partnership or corporation/limited liability company; partnership changed to individual or corporation/limited liability company; corporation changed to individual, partnership or limited liability company) and if limited liability company has been dissolved.
2. Partners are added or dropped.
3. Application is made in a different municipality.

## PARTNERSHIPS:

Indicate full name and home address of each partner. Each partner must sign application. **Reminder:** If partners have been added or dropped since your last application, you must use Form AT-106 (Original Beverage License Application).

## CORPORATIONS:

The Officer(s) must sign application. Be sure to answer Question No. 7 by indicating any change of officers, directors, and/or changes in home address. If there are any changes in officers and/or directors each must complete Form AT-103 (Auxiliary Questionnaire). If there has been a change in agent since your last approved agent, he/she must complete Forms AT-104 (Schedule for Appointment of Agent) **AND** AT-103 (Auxiliary Questionnaire) in addition to this (AT-115) form.

## LIMITED LIABILITY COMPANY:

Members/managers must sign application. Follow procedure under Corporations for any change of members or agent.

**NOTE:** Application must be signed where indicated on all copies in the presence of a notary public. Use ink or typewriter when filling in applications. Be sure to answer all questions fully and accurately. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

## DISCRIMINATION CLAUSE – (City of Milwaukee only)

The applicant shall not willfully refuse to provide those services offered under this license or refuse to employ or discharge any person otherwise qualified because of race, color, creed, sex, national origin or ancestry, the applicant shall not seek information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion solely on the basis of such information. The applicant also shall not discriminate against any member of the military service dressed in uniform by willfully refusing services offered under this license.

Complete, sign and return this form to the clerk.

If answer to Questions No. 6a and/or 6b on reverse side are "YES," outline details below:

## CONVICTIONS

1. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY
2. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY
3. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY

## PENDING CHARGE

1. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
PENDING CHARGE \_\_\_\_\_ DATE \_\_\_\_\_

# TOWN OF MILLTOWN

## Application for an "Operator's License" for the Town of Milltown, WI To Serve Fermented Malt Beverages and Intoxicating Liquor

Operators Fee: New Applications: \$20.00 Renewal \$10.00

Application is for \_\_\_\_\_ New Application \$20.00 \_\_\_\_\_ Renewal Application \$10.00

I, the undersigned, do hereby respectfully make Application to the Local governing body of the Town of Milltown, Polk County, Wisconsin for a License to serve, from date here to **June 30, 20\_\_**, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to the Limitations imposed by Section 125.32 (2) and 125.68 (2) of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State or Local, affecting the sale of such beverages and liquor if a license be granted to me.

Application is also being made for a provisional operator's license and proof of enrollment in a "Responsible Beverage Server" training course that conforms to the requirements of section 125.17(6). Provisional license expires in 60 days after its issuance and is not renewable.

Name (print) \_\_\_\_\_ Maiden Name \_\_\_\_\_  
Last First Middle

Driver's License Number \_\_\_\_\_

(If new application, attach a copy of License or ID) (Renewal, a current Driver's license must be on file with the Clerk.)

Home Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ City & State of Birth \_\_\_\_\_

Business name where license is to be used: \_\_\_\_\_

### Answer the following questions fully and completely:

If renewal (within the past 2 years held a Class "A", "Class A", "Class B" or "Class B" License of manager's or **Operator's License**), where was the privilege obtained? ( City, Town of, Village of Town of Milltown) \_\_\_\_\_

As required by WI Statue. Sec 125.17(6), have you completed the alcohol awareness course? \_\_\_\_Yes \_\_\_\_No  
(If new application, attach original or copy of certificate of completion) (Renewal the certificate must be on file with the Clerk)

Have you ever been convicted of any felony or violating any license or ordinance regulating the sale of Fermented malt beverages or intoxicating liquors \_\_\_\_Yes \_\_\_\_No  
(If yes, on the back of this form list the dates of conviction, name of the court and nature of offence.)

\_\_\_\_Yes \_\_\_\_No

X \_\_\_\_\_  
(Signature of Applicant)

Police Record Check Done By: \_\_\_\_\_ Date \_\_\_\_\_ Approved \_\_\_\_\_ Denied. \_\_\_\_\_

If denied, provide reason for denial:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF MILLTOWN

Clerk, [tomclerk@lakeland.wi](mailto:tomclerk@lakeland.wi)  
P.O. Box 475, Milltown, WI 5485  
Telephone: 715-808-5216

April 8, 2018

[Address]

RE: Liquor License Renewal

The Town of Milltown is in the process of reviewing and issuing Liquor License Expire June 30, 2019. The board will take action at its next regular meeting (June XX, 2019) and will require the following prior to considering applications for "Class B Retail License" and "Operator License" (commonly called bar tender license).

1. A completed AT-115 (RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION).
2. All applications (new and renewals) for operator's license and have on file with the Town Clerk copy of Drive license (ID) and certificate of Responsible Beverage Service.
3. A check payable to the Town of Milltown Treasure for \$500.00 the "Class B Retail License" and Class "B" License fee for For-Profit \$100.00. for fermented Malt Beverages and \$400.00 for Intoxication Liquor, \$10.00 each renewal, \$20.00 for new application for an "Operator License" submitted.

After the board acts on "Class B Retail License" and "Operator License" the Town Clerk will complete and deliver licenses.

The Town Clerk can provide assistance, but is not responsible for completing any application task.

Sincerely,

[Clerks Name], Clerk  
Town of Milltown