

REVISED Item 5*



414-425-7500

License Committee Agenda*

Franklin City Hall Hearing Room
9229 W. Loomis Rd
Franklin, WI
October 4, 2022 – 5:15 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2022-2023 New 5:20 p.m.	Wallace, Hanna J The Rock Sports Complex			
Operator 2022-2023 New	Johnson, Hadi L M Swiss Street Pub & Grill			
Operator 2022-2023 New	Lesser, Colleen L On The Border			
Operator 2022-2023 New	Morgan, James R Luxe Golf			
Operator 2022-2023 New	Zoromskis, Eric L Swiss Street Pub & Grill			
3. Fireworks Display Process – 5:30 p.m.	Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council (Referred from 9/6/2022 Common Council Meeting)			
4. Milkmen Concession Stands at Franklin Field – 5:45 p.m.	Health Department Review of 2022 Season - Milkmen Concession Stands at Franklin Field			
5. License Procedure Review	*Review and Recommendation Regarding Current Alcohol Beverage Licenses Enforcement Policy Guidelines and License Committee Administrative Rules and Procedures (Alderman Wilhelm)			

Type/ Time	Applicant Information	Approve	Hold	Deny
6.	Adjournment			
		Time		

*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per State ex rel. Badke v. Greendale Village Board, even though the Common Council will not take formal action at this meeting.

Wisconsin Fireworks Law 2021

Wisconsin Department of Justice

This memorandum is intended as an **advisory** to law enforcement to address recurring issues with respect to the possession, sale and use of fireworks in Wisconsin. It summarizes Wisconsin fireworks law, answers common questions and corrects common misunderstandings about the law. The applicable statute is *Wisconsin Statute § 167.10*. <https://docs.legis.wisconsin.gov/statutes/statutes/167#/statutes/statutes/167/5>

The statutes do not give the Department of Justice direct authority to enforce the fireworks law. Enforcement responsibility and authority rest with local law enforcement and district attorneys, or municipal prosecutors in the case of local ordinance violations. **Therefore, law enforcement should consult their local district attorney and municipal prosecutors with respect to specific enforcement questions in their jurisdiction.**

Local ordinances may also regulate fireworks and may be stricter than state law, but cannot be less strict. This advisory discusses only state law, so some devices or materials described as legal in this advisory may be prohibited by a local ordinance.

Legal Without A Permit

State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than $\frac{1}{4}$ grain of explosive mixture, and novelty devices that spin or move on the ground. *Wis. Stat. § 167.10(1)*. There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks. Local ordinances may be more restrictive than state statutes and may prohibit any of these items or limit their sale or use. **These are the only kinds of “fireworks,” as that word is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.**

Illegal Without A Permit

Possessing or using any other fireworks, including, for example, firecrackers, roman candles, bottle rockets and mortars, in Wisconsin without a valid permit is illegal. *Wis. Stat. § 167.10(3)*. A commonly used rule of thumb is that a permit is required if the device explodes or leaves the ground. The sale of these restricted fireworks to a resident of this state without a valid permit is also illegal. *Wis. Stat. § 167.10(2)*.

Conditions For A Valid Permit

The requirements for a valid permit are contained in *Wis. Stat. § 167.10(3)(a), (c) and (f)* and are detailed below.

A permit may be issued by a mayor, village president or town chair or any person designated by the mayor, village president or town chairperson. *Wis. Stat.*

§ 167.10(3)(a). If a city, village, or town requires that a user's permit be signed or stamped, a person who is authorized to issue the permit under par. (a) may sign or stamp the permit before the permit is issued rather than signing or stamping the permit at the time that it is issued. *Wis. Stat. § 167.10(3)(fm)*.

A permit is valid only in the city, village or town of the official who issued it. A mayor, village president, town chair, or a person they have designated can only authorize possession or use of fireworks within their jurisdiction. *Wis. Stat. § 167.10(3)(a)*. For example, a permit issued by the town chair of one town cannot and does not authorize possession or use of the fireworks in another town. **Transportation Exception:** A person who has a valid permit from one municipality may purchase fireworks in another municipality and transport them to the municipality in which the person has a permit. *Wis. Stat. § 167.10(3)(b)7*.

A permit may require a bond or insurance. *Wis. Stat. § 167.10(3)(e)*. An official issuing a permit may require a bond or insurance policy to indemnify the issuing municipality for any damages that may result from the possession or use of the fireworks.

A permit may be issued to an individual or group of individuals. Permits, other than for crop protection, may be issued to a public authority, a fair association, an amusement park, a park board, a civic organization, an individual, or a group of individuals. *Wis. Stat. § 167.10(3)(c)*.

Although individuals may obtain permits, a group may also obtain a permit in the group's name. A group with a permit may authorize an individual to make purchases on its behalf, but the permit must be in the name of the group. A person buying for a group should have both a copy of the group's permit and the authorization of the group. A group may not issue a blanket authorization to all of its members to purchase on behalf of the group. *City of Wisconsin Dells v. Dells Fireworks, Inc.*, 197 Wis. 2d 1, 21, 539 N.W.2d 916 (Ct. App. 1995). <http://www.wicourts.gov/ca/opinions/94/pdf/94-1999.pdf>. *Wis. Stat § 167.10* creates "strict regulations" on the sale and use of fireworks. *Id.* Based on all the circumstances the organization must actually exercise control over the purchase or use of the fireworks by its members. *Id.*

The authorized buyer may only buy the kind of fireworks specified in the group's permits. The total quantity purchased by all authorized buyers on behalf of the group cannot exceed the quantity of fireworks authorized by the permit. The fireworks purchased on

behalf of the group may only be possessed in the municipality which issued the group's permit, except while being transported from the point of sale to that municipality. The fireworks may only be used by the group on the date and location specified on the permit and subject to any other conditions on the permit.

A valid permit must specify the general kind and approximate quantity of fireworks which may be purchased. *Wis. Stat. § 167.10(3)(f)3.*

A permit must specify the location at which the fireworks may be possessed or used. *Wis. Stat. § 167.10(3)(f)4.* As noted above, this location must be within the jurisdiction of the official who issued the permit. It must be a specific location within that jurisdiction, rather than the entire jurisdiction. The statute uses "location" in the singular. A permit that specifies multiple locations is not valid.

The permit must specify the date of the permitted use. *Wis. Stat. § 167.10(3)(f)4.* The word "date" is in the singular in the statute. A permit that specifies multiple dates or a range of dates of permitted use is not valid. This, in combination with the specification of location, means that a separate permit is required for each date and location for which use is permitted.

The permit must specify the date on and after which the fireworks can be purchased. *Wis. Stat. § 167.10(3)(f)2.* Once a permit is issued, the permittee may purchase fireworks up to the date of the permitted use.

A copy of a permit for large fireworks *displays* must be given to a fire or law enforcement official in the municipality which issued the permit at least two days before the date of use. *Wis. Stat. § 167.10(3)(g).* This requirement does not apply to smaller *consumer* fireworks which require a permit, i.e. those classified as Division 1.4 explosives under CFR 173.50, or those items which fall outside the definition of fireworks e.g. those identified in *Wis. Stat. §167.10(1)(a)-(n)*. (Display fireworks are those classified as Division 1.3 explosives under CFR 173.50.)

The permit may contain additional restrictions. *Wis. Stat. § 167.10(3)(f)5.* A municipality may adopt ordinances imposing special restrictions, e.g., times or manner of use, distances from buildings or spectators, etc. and a permit may specify these additional restrictions.

Permits may not be issued to minors. *Wis. Stat. § 167.10(3)(h).* Since minors may not be issued fireworks permits, there are no conditions under which it is legal for a minor to possess or use any fireworks except those allowed without a permit, e.g., sparklers, snakes, fountains, etc.

Fireworks vendors rather than only wholesalers or jobbers are now permitted to sell fireworks to a person who is not a resident of this state. *Wis. Stat. § 167.10(2)(bg).*

However, a nonresident person may not **possess or use fireworks in Wisconsin** without a valid Wisconsin permit. *Wis. Stat. § 167.10(3)(a)*. See also *State v. Victory Fireworks, Inc.*, 230 Wis. 2d 721, 726-27, 602 N.W.2d 128 (Ct. App. 1999). A nonresident who lawfully purchases fireworks under a permit can possess and use those fireworks in Wisconsin pursuant to the terms of the permit or may transport them out of state. A nonresident without a valid Wisconsin permit may order fireworks from a fireworks vendor for shipping out-of-state. *Wis. Stat. § 167.10(4)*, or may transport those fireworks from Wisconsin to another state. (See below)

Persons may transport fireworks from the place they were purchased to the city, town or village where their possession or use is authorized under a permit or ordinance. *Wis. Stat. § 167.10(3)(b)7*. However, persons transporting fireworks may not possess them in a city, town or village without a permit from that jurisdiction if they remain there for more than 12 hours. *Wis. Stat. § 167.10(3)(bm)*.

Penalties

A person who possesses or uses fireworks without a valid permit, or who sells fireworks to a person who does not have a valid permit, is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(b)*. Each firework illegally possessed, used or sold may be a separate violation.

A parent or guardian who allows a minor to possess or use fireworks (not including those for which no permits are required) is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(c)*.

A city, village or town may obtain an injunction prohibiting a person from violating *Wis. Stat. § 167.10(8)(a)*. Violations of such an injunction are criminal misdemeanors, subject to up to 9 months in jail and a \$10,000 fine. *Wis. Stat. § 167.10(9)(a)*.

Enforcement

The statutes do not give the Department of Justice direct authority to enforce the fireworks law. Enforcement responsibility and authority rest with local law enforcement and district attorneys, or municipal prosecutors in the case of local ordinance violations.

Therefore, law enforcement should consult their local district attorney and municipal prosecutors with respect to specific enforcement questions in their jurisdiction.

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Madison, WI 53707
(608) 267-1339
happsv@doj.state.wi.us



W182 S8200 Racine Avenue
Muskego, WI 53150
262-679-4100
www.cityofmuskego.org

INDIVIDUAL FIREWORKS APPLICATION/PERMIT FORM

- An individual user fireworks discharge permit application may be made by any owner and resident of real property in the City of Muskego for intended discharge on such applicant's property.
- Such application may be made pursuant to §167.10(3)(c) of the Wisconsin State Statutes and shall be subject to all requirements contained within §167.10 Wis. Stats.
- ~~Fee: \$35.00~~. Acceptable forms of payment include cash, check (payable to City of Muskego) and credit/debit card which includes a service charge.
- All permit applications must be filed between May 1 and June 30, unless earlier submission is required to allow for Public Works and Safety Committee review pursuant to Section 263-4(C)(4)(h) of the Muskego Municipal Code.
- Such use is restricted to the following dates: July 3, 4, and 5 each year, subject to the following. If the 4th of July falls on a Monday or Tuesday, the Saturday before will be allowed. If the 4th of July falls on a Wednesday or Thursday, the Saturday after will be allowed. ~~2022 Display Dates are July 2, 3, 4, or 5~~
- The application must specify the name and address of the requested permit holder, the date on and after which fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the proposed use, and the name, address and telephone number for the individual responsible for the discharge of fireworks.
- In the interest of neighboring property owners, the applicant must further provide to the City ~~proof of Homeowner's Liability Insurance~~ covering the applicant in the case of personal injury or property damage that occurs as a result of the discharge of fireworks.
- Mail form to Attn: Fireworks Permit, City of Muskego, W182S8200 Racine Avenue, Muskego, WI 53150 or drop-off in drop box in front of City Hall.
- A copy of Section 263-4 of the Municipal Code is provided. Please read for all regulations.

Applicant (Owner & resident of real property in the City of Muskego)

Phone Number

Address of Applicant

Email Address

Location of display, only if different from address of applicant: _____

STATE: State law requires this permit to list the specific date and location of where the fireworks will be used.

~~Please check the date/dates you would like to display fireworks.~~

- July 2, 2022
- July 3, 2022
- July 4, 2022
- July 5, 2022

Note. Fireworks can only be used between 4:00 p.m. and 11:00 p.m.

THE FOLLOWING FIREWORKS WILL BE DISPLAYED: State law requires this permit to specify the general kind and approximate quantity of fireworks. Please list kind and quantity below. (For example, firecrackers – 50, roman candles – 10)

General Kind of Fireworks	Approximate Quantity

I certify that I am familiar with all Federal, State, and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

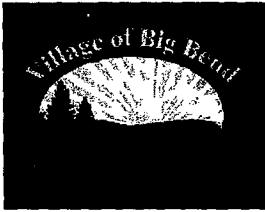
Applicant's signature _____ Date: _____, 2022

OFFICE USE ONLY

 Application approved by: _____ Date: _____, 2022
 Clerk-Treasurer Staff on behalf of Mayor Petfalski \$35 00 Fee (2-216) #100 01 02 00.4265

Receipt # _____ Amount: \$ 35 00 Cash _____ Check # _____ Credit Card _____

Municipal Code Section 263-4 provided _____



Fireworks User Application/Permit

W230 S9185 Nevins Street
Big Bend, WI 53103
Phone: 262.662.2747
Fax: 262.662.3751

Date of Application: _____
Payment & Type: _____

Applicant Name: _____ Date of Birth: _____
Applicant Address: _____
Applicant phone number: (_____) _____

Date of Fireworks Display: _____
Location of Display: _____
Reason for Event: _____

State law requires this permit to specify the date the fireworks will be used. The State Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used.

THE FOLLOWING FIREWORKS WILL BE DISPLAYED: State law requires this permit to specify the kind and quantity of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement. Please list kind and quantity. (For example, firecrackers-50, roman candles-10, bottle rockets-20, etc.)

Location of Display: _____
Public or Private: _____

I certify that I am familiar with all Federal, State, and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

Applicant

Date

Authorizing Agent

Date

Fee: \$35.00

- This permit is for individual use of fireworks at the location listed and on the fireworks display date. A separate application must be completed for each day requested.
- The Village of Big Bend requires an indemnity bond or policy of liability insurance taken in the Village pursuant to Wisconsin State Statute 167.10(3)(e).

Village of Big Bend Municipal Code
Section 10.01 (3)(e)(11)(b)-(h)

- B. Any fireworks use shall be subject to the following requirements:
 - 1. Wind velocity shall not exceed 15 miles per hour as recorded by the National Weather Service at Crites Field, Waukesha, Wisconsin.
 - 2. Wind direction at time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or so as to cause annoyance or danger to other persons or property.
 - 3. Sufficient firefighting implements and personnel shall be available at the scene to control any fire which may be caused by the fireworks in use.
- C. No fireworks may be used between 10:00 p.m. and 8:00 a.m., with the exception of New Year's Eve/New Year's Day when additional hours of use may be established by permit.
- D. Only the permit holder may discharge fireworks.
- E. Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this section, the person's permit to use fireworks within the Village of Big Bend shall be suspended. Upon conviction of any citation issued under this section, a person's permit to use fireworks shall be revoked.
- F. No person shall be in the possession of fireworks pursuant to this section may resell those fireworks in the Village of Big Bend.
- G. The permit the Village issues for the use of fireworks will be printed on bright colored paper stock and must be displayed by people taking out such permit so that it is visible from the street.
- H. The type of indemnity bond or liability insurance that may be required pursuant to Wisconsin Statutes 167.10 (3) (e) is required in the Village of Big Bend.

Limitation of Liability. A party requesting a user permit and/or a seller's permit has the ultimate responsibility for their own safety and for the safety of all persons who may be affected by their activity. The issuance of a user permit or a seller's permit shall not be interpreted as endorsing or condoning the activity or as ensuring that the activity will be safe. An applicant for a user permit and/or a seller's permit individually and on behalf of any entity for which the applicant submits the application, and also on behalf of the property owner where the activity will be conducted, accepts all the risks and agrees to indemnify, defend and hold harmless the Village of Big Bend, its officers, employees and agents, from any and all claims arising out of the use, sale or possession of the fireworks.

Indemnity. The Village may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under any user's permit. The bond or policy, if required, shall be taken in the name of the Village of Big Bend and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk.

CITY OF NEW BERLIN FIRE DEPARTMENT • PERMIT APPLICATION

16300 W National Ave New Berlin, WI 53151 • Phone 262 785-6120 • Fax: 262-785-6130 • www.newberlin.org • skon@newberlin.org

Date _____ / _____ / _____ Permit # M. _____
 Reviewed/Received By _____ Check # _____
 Owner/or Occupancy _____
 Job Site Address _____
 Contractor _____
 Contractor Address _____ Phone # _____
 City _____ State _____ Zip Code _____

Type of Permit	Fee	Amount
Building Permits:		
a) 1 - 4,999 sq. ft.	\$ 60 00	Sq Ft. _____ \$ _____
b) 5,000 - 9,999 sq. ft.	\$ 80 00	Sq Ft. _____ \$ _____
c) 10,000 - 24,999 sq. ft.	\$ 95 00	Sq Ft. _____ \$ _____
d) 25,000 - 49,999 sq. ft.	\$ 110 00	Sq Ft. _____ \$ _____
e) 50,000 - 74,999 sq. ft.	\$ 135 00	Sq Ft. _____ \$ _____
f) 75,000 - 99,999 sq. ft.	\$ 165 00	Sq Ft. _____ \$ _____
g) 100,000 - 149,999 sq. ft.	\$ 250 00	Sq Ft. _____ \$ _____
h) 150,000 _____ sq. ft.	\$ 300 00	Sq Ft. _____ \$ _____
i) Multi Family Buildings	\$ 20.00 / unit	# Units _____ \$ _____
Rough Building Inspection.		
Residential or Commercial	\$ 60.00 / unit / inspection	Units _____ \$ _____
Occupancy Inspection:		
Re-Occupancy/New Occupancy	\$ 60.00 / unit / occupancy	_____ \$ _____
Tents	\$ 60.00	_____ \$ _____
Membrane Structures	\$ 50.00	_____ \$ _____
Portable Seating	\$ 60.00	_____ \$ _____
Other temporary use structures/special events	\$ 60.00	_____ \$ _____
Sprinkler Systems: (Note: 20 or more joints requires hydrostatic test. 20 or less joints does not require hydrostatic test)		
Plan Review (New Construction)	\$ 150.00 (min. 3 days of plan)	_____ \$ _____
Sprinkler Head Fee	\$ 2.25 / head	# Heads _____ \$ _____
Plan Review (Resubmission)	\$ 125.00	_____ \$ _____
Plan Review (Modification)	\$ 150.00	_____ \$ _____
Master Stream Plan Review	\$ 60.00	_____ \$ _____
Rough Construction (Residential)	\$ 107.50	_____ \$ _____
Sprinkler Testing: (Note: All tests must be witnessed by a fire inspector)		
Hydrostatic Test	\$ 100.00	_____ \$ _____
24 Hour All Test	\$ 100.00	_____ \$ _____
Hydrant Flow Test	\$ 100.00	_____ \$ _____
Forward Flow Test	\$ 100.00	_____ \$ _____
Back Flow Test	\$ 100.00	_____ \$ _____
Fire Alarm Systems:		
Plan Review (New or Upgrade to NFPA 72 current standard)	\$ 150.00 (min. 3 days of plan)	_____ \$ _____
Device Fee	\$ 3.25 / device	# Devices _____ \$ _____
Plan Modification or alterations to existing system	\$ 150.00	_____ \$ _____
Rough Inspection (Residential only)	\$ 10.00	_____ \$ _____
Acceptance Test	\$ 125.00	_____ \$ _____
Fire Suppression Plan Review:		
Non-water Based Fire Suppression System	\$ 100.00	_____ \$ _____
Non-water Based Fire Suppression System head fee	\$ 3.00 / head	# Heads _____ \$ _____
Commercial Cooking Hood System (UL300)	\$ 75.00	_____ \$ _____
Other	\$ 75.00	_____ \$ _____
Acceptance Test	\$ 100.00	_____ \$ _____
Non-ATCP 93 Regulated Storage Tanks: (NOTE All ATCP 93 tank permits must use separate permit form)		
Plan Review for Cryogenic/LP/all other tanks	\$ 75 00 / tank	# Tanks _____ \$ _____
Site Inspection of tank systems	\$ 50 00 / tank	# Tanks _____ \$ _____
Fireworks.		
Permits	\$ 75 00	_____ \$ _____
Site Inspections	\$ 50 00	_____ \$ _____
Variance from State or Municipal Code	\$ 75 00	_____ \$ _____
Re-Inspection.	Double Fees	_____ \$ _____
Starting Work Without Permit or Plan Review	Double Fees	_____ \$ _____
Plan Approval Return Fee* (Note If mailed back to contractor)	\$ 20 00	_____ \$ _____

TOTAL FEES \$ _____
 Make checks payable to City of New Berlin

Date Received _____ Approved By _____ Amount Approved \$ _____
 Charge to Account # _____

Village of Rochester

300 W Spring Street, P O Box 65, Rochester, WI 53167
(262) 534-2431 Phone, (262) 534-4084
email vrochstr@wi.rr.com website <http://rochesterwi.us>

Reflections of
the Past...



Visions of
the Future

FIREWORKS APPLICATION/PERMIT FORM

- Individual applicant must be an owner or resident of real property in the Village of Rochester
- Fee- \$15.00, cash or check payable to the Village of Rochester
- All permit applications must be filed between May 1 and June 30
- This permit is for individual use of fireworks at the location listed below and on the fireworks display date (July 3 through July 5 only)
- A separate application must be completed for each day requested.
- Mail form to: Village of Rochester, P.O. Box 65, Rochester WI 53167 or apply in person
- A copy of Section 9-8 of the Municipal Code is provided. Please read all regulations.

Applicant: _____ Telephone: _____
(Owner or resident of real property in the Village of Rochester)

Person(s) Discharging Fireworks _____

Address of Applicant: _____

Location of display only if different from address of applicant: _____

_____, 2016 Note: Fireworks can only be used between 4:00 p.m. and 10:30 p.m.

STATE: State law requires this permit to specify the date the fireworks will be used. The State Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used.

THE FOLLOWING FIREWORKS WILL BE DISPLAYED: State law requires this permit to specify the kind and quality of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement.

Please list kind and quantity below. *(For example, firecrackers - 50, roman candles - 10)*

Specific Kind of Fireworks	Approximate Quantity

(List on a separate sheet if more space is needed)

I certify that I am familiar with all Federal, State and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

I as the applicant, agree to indemnify and hold harmless the Village of Rochester from and against all liabilities, claims, demands, judgements, losses, and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, including both parties hereto and their employees, arising from the ignition and use of fireworks.

Applicant's Signature _____ Date: _____, 2016

Application Approved by: _____ Date: _____, 2016
(Clerk-Treasurer, on behalf of Village President)

\$15.00 Fee _____ Municipal Code Section 9-8 provided to applicant _____

Municipal Code of the Village of Rochester, Racine County, Wisconsin

- H. **Penalty.** Any person who violates any provision of this Section or who shall transport passengers in a horse-drawn carriage within the Village of Rochester without first obtaining a license as required herein shall, upon conviction thereof, be subject to the penalties set forth in s. 9-50. Each day of continued violation of the provisions of this Section shall be considered a separate offense.

9-8. SALE AND DISCHARGE OF FIREWORKS RESTRICTED¹

A. **State Laws Adopted.** The statutory provisions of Wis Stat. s. 167.10, as may be amended from time to time, regulating the sale and use of fireworks, except in so far as this ordinance is more restrictive as to use, are hereby adopted by reference and made part of this Section as though fully set forth herein. This Section is adopted pursuant to Wis. Stat. s. 167.10(5).

B. **Definitions.** As used in this section, the following terms shall have the meanings indicated:

1. **"Novelty Fireworks"** means the following types of fireworks:
 - A cap containing not more than 1/4 grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - A toy snake which contains no mercury.
 - A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
 - A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than ¼ grain of explosive mixture.
 - A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 - A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
2. **"Novelty Fireworks, Commercial"** means the sale and storage of novelty fireworks for commercial purposes, for which a temporary use permit is required under s. 35-21.G.10.
3. **"Statutory Fireworks"** means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, inclusive of pyrotechnics, but not including any of the following:
 - Fuel or a lubricant.
 - A firearm cartridge or shotgun shell.
 - A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - A model rocket engine.
 - Tobacco and a tobacco product.
 - Anything defined herein as "novelty fireworks."

¹ Ordinance #2016-4 Adopted May 9, 2016

Municipal Code of the Village of Rochester, Racine County, Wisconsin

C. Sale and Storage of Fireworks.

1. The sale and storage of statutory fireworks is prohibited within the Village of Rochester unless such sale or storage is part of a permanent use of land duly authorized under Chapter 35, Planning and Zoning.
2. The sale and storage of novelty fireworks for commercial purposes is prohibited within the Village without a Temporary Use Permit under s. 35-21.G.10 unless such sale or storage is part of a permanent use of land duly authorized under Chapter 35, Planning and Zoning..

D. Use of Statutory Fireworks.

1. Use prohibited without a permit. The use of statutory fireworks is prohibited in the Village of Rochester unless the fireworks are used pursuant to a user permit issued by the Village of Rochester, according to the provisions of Wis. Stat. s. 167.10(3) and all of the requirements and limitations of this Section 9-8.
2. User permit. A user permit application for the discharge of statutory fireworks may be made by any owner or resident of real property in the Village of Rochester, for intended discharge on such applicant's property in the Village. Such application may be made pursuant to Wis. Stat. s. 167.10(3)(c), and shall be subject to all applicable terms of this Section 9-8. Such use is restricted to the following dates: July 3, 4 or 5 each year, subject to the following. If the 4th of July falls on a Monday or Tuesday, the Saturday before will be allowed. If the 4th of July falls on a Wednesday or Thursday, the Saturday after will be allowed. The application must specify the name and address of the requested permit holder, the date on and after which fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the proposed use, and the name, address and telephone number for the individual responsible for the discharge of fireworks. All permit applications under this subsection must be filed between May 1 and June 30.
3. Restrictions and limitations. In addition to all other requirements of this Section 9-8 and applicable State laws, any use of statutory fireworks shall be subject to the following requirements:
 - a. Wind velocity. Wind velocity at the time of use shall not be more than 15 miles per hour as recorded or forecast by the National Weather Service Forecast Office, Milwaukee/Sullivan, Wisconsin.
 - b. Wind direction. Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or cause annoyance or danger to other persons or property.
 - c. The storage, use or display of permitted statutory fireworks shall conform to the standards set forth in NFPA 1, Chapter 65, Explosives, Fireworks and Model Rocketry, as may be amended from time to time. Every display shall be handled by a competent adult operator. After the permit is issued, possession, and use of fireworks shall be lawful for that purpose only. No permit granted hereunder is transferable.
 - d. Storage and handling of statutory fireworks.
 - (1) No person may store or handle statutory fireworks on any premises unless the premises are equipped with fire extinguishers.

Municipal Code of the Village of Rochester, Racine County, Wisconsin

- (2) No person may smoke where statutory fireworks are stored or handled.
 - (3) A person who stores or handles statutory fireworks shall immediately notify the Fire Chief or Fire Inspector of the location, description and quantity of the fireworks.
 - (4) No person may store statutory fireworks closer than the separation distances required in NFPA 1 Chapter 65 to a dwelling.
 - (5) No person may store statutory fireworks closer than the separation distances required in NFPA 1 Chapter 65 to public assemblages or places where gasoline or volatile liquid is sold in quantities exceeding one gallon.
 - (6) No person may use statutory fireworks for which a permit was not issued while attending a fireworks display for which a permit has been issued under this section.
- e. Parental liability. A parent, foster, or family-operated group home parent or legal guardian of a minor who consents to the use of any fireworks by the minor who is under the age of 18 years of age is liable for damages caused by the minor's use of the fireworks, and in addition shall be subject to the penalty provided in this Municipal Code.
 - f. Fire prevention. Sufficient firefighting implements and personnel shall be available at the scene to control any fire that may be caused by the statutory fireworks.
 - g. Hours. Statutory fireworks may only be used between 4.00 P.M and 10:30 P.M
 - h. Responsibility on Permitted Property. For property that is subject to a statutory fireworks permit, only the individuals designated on the permit application may discharge fireworks. Such individual is responsible in case of a violation, jointly and severally with the permit holder and property owner, and any or all of these parties may be cited for the violation. Any damage or personal injury as a result of the ignition of fireworks shall be the responsibility of the permit holder.
 - i. Responsibility on non-permitted property. For property that is not permitted for the discharge of statutory fireworks, if fireworks are discharged the actual person that caused the illegal discharge is responsible for the violation if such person is identified to the Village's satisfaction. If the Village cannot determine to its satisfaction the actual person that caused the illegal discharge, the owner or occupant of the property where the discharge occurred will be presumed to have caused the discharge, or to have aided or abetted the discharge, and shall be held responsible for the illegal discharge and may be cited for the violation. Such presumption may be rebutted only by credible evidence to show that the owner or occupant of the property had no knowledge of the fireworks being on the property at any time prior to the discharge, and that the owner or occupant of the property fully cooperated with the Village in trying to identify the actual person who caused the illegal discharge.
 - j. No sale. No person in the possession of statutory fireworks pursuant to this section may resell those fireworks in the Village of Rochester
 - k. Permit availability. The permit issued for the use of fireworks must be made available upon request of a law enforcement officer

Municipal Code of the Village of Rochester, Racine County, Wisconsin

4. Fee. A fee for statutory fireworks permits shall be established by the Village Board and placed on the Fee Schedule, and must be submitted at the time of application and shall be non-refundable.
 5. Acceptance of risk. All fireworks discharge permits issued in the Village are issued subject to the possibility that discharge may be prohibited, even if the permit is issued, due to the restrictions and limitations of this Section. All applicants accept this risk and shall be solely responsible for all consequences of the same, by their submittal of the application.
 6. Statutory fireworks may be possessed and used by the Village without a permit, but Village fire and law enforcement officials must be notified of the proposed use of fireworks at least two days in advance.
- E. Possession of statutory fireworks.
1. Statutory fireworks may be possessed while transporting the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance, but the person doing the transporting may not remain in the Village for more than 12 hours.
 2. Statutory fireworks may be sold or possessed by persons delivering the fireworks to a person granted a permit under this Section.
- F. Use of Novelty Fireworks. Individuals may possess and use novelty fireworks on private property with the permission of the owner or person in charge thereof. Novelty fireworks may be used in Village rights-of-way, but not in the paved portion of streets. Novelty fireworks may not be used in Village parks or in or on other Village property.
- G. Temporary ban on all fireworks. The Village President, upon recommendation of the Fire Chief because of extreme dryness or drought, may in the President's discretion declare a temporary ban on fireworks, whether statutory or novelty. No fireworks of any kind may be discharged during a declared ban. Any permit which would otherwise allow discharge on a date during such ban is automatically revoked, subject to the following. Such permittee may apply for a new discharge date after the ban is lifted without incurring a new fee. If any of the possible discharge dates of Section 9-8.D.2. are during the ban, the Village Board shall have the authority, but not the obligation, to establish additional discharge dates which would apply only to those permittees who were not able to discharge fireworks on their permitted dates due to the ban.
- H. Seizure and destruction of fireworks; Revocation of permit.
1. In addition to, and not to the prejudice or exclusion of such other penalties and remedies as may apply, any fireworks stored, handled, sold, possessed or used by a person who violates the terms of this Section may be seized and held as evidence of the violation. In the event a person is convicted of violating this section all fireworks seized shall be destroyed pursuant to the provisions of Wis. Stat. s. 167.10(8)(b), provided that, if storage after seizure but prior to resolution of the charges is deemed too dangerous, the seized fireworks may be destroyed pursuant to statute. Fireworks seized as evidence of a violation for which no conviction results shall be returned to the owner if they have not been destroyed pursuant to statute.
 2. Any permit issued to the person under this Section shall be revoked upon conviction for a violation of this Section.

Municipal Code of the Village of Rochester, Racine County, Wisconsin

- I. Application for and issuance of permit.
1. Application. The application for a permit hereunder for statutory fireworks be submitted to the Village Clerk and shall include the date of the display, and shall specify the name and address of the permit holder, the kind and quantity of fireworks that will be displayed, and the date and location of the display. The owner or person in authority of the site of the display shall consent in writing to the use of the site.
 2. Review and issuance. The application shall be reviewed by the Village Clerk, who may seek the advice of the Fire Chief. The Clerk, under the authority of the Village President, shall issue the permit only if the requirements of this Section are met.
 - (a) No permits shall be issued to minors.
 - (b) No permit shall be issued unless the applicant acknowledges in writing that he or she understands and accepts that he or she is fully liable for all bodily injury and property damage that may result from the issuance of the permit, and the applicant indemnifies the Village for the same.
 - (c) No permit shall be issued for the storage of statutory fireworks, except as that storage may be necessary in preparation for a display permitted hereunder, and then only for the period set forth in this Section.
 - (d) No permit shall be issued for the indoor display or use of statutory fireworks.
 3. In accordance with state statute, the Village Clerk shall provide copies of the permits issued to the municipal fire and law enforcement officials at least 2 days before the date of authorized use.
- J. Penalties. See Wis. Stat. s. 167.10(9)(b), which provides that a penalty for violation of an ordinance adopted pursuant to Wis. Stat. s. 167.10(5) may not exceed \$1,000. The penalties for violation of this Section shall be set forth in the Village Deposit Schedule and shall not exceed \$1000 per violation.

9-50 PENALTIES.

In addition to any penalty specifically set forth in this chapter, any person who violates any provision of this chapter or any regulation or rule, or order made hereunder shall be subject to a penalty as provided in Chapter 50 of this Municipal Code. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter by injunction or other equitable relief.

City of Medford

Fireworks Display Permit

639 S Second Street • Medford, WI 54451 • Phone (715) 748-4321

This application, and \$100 fee must be received by the City no less than 45 days prior to the requested date of fireworks display.

Permit Applicant: _____ Phone Number: _____

Applicant Address: _____ Email: _____

Time of day at which display is to be held: _____ (No later than 11:00 PM)

The exact address/ location planned for display: _____

Date fireworks purchased: _____ Date of actual display: _____

Fireworks Contractor/Operator: _____

Address: _____

Event Pyrotechnics/Operator Name: _____

Event Pyrotechnics Assistant Name(s): _____

Address and location fireworks will be stored at: _____

Please Include:

- Certificate of Liability Insurance (\$1,000,000 bodily injury to one person; \$2,000,000 for injury to more than one person; and \$1,000,000 for damage to property) naming City of Medford as additional insured.
- Map of display area and spectator area

I HERBY AGREE AND CERTIFY the above information is correct, and I am 18 years of age or older. I understand this permit is valid only for the date(s) of display and the requirement to comply with all Wisconsin Statutes and the City of Medford Municipal Code now in effect. A violation of any of the above shall be cause for permit to be immediately revoked by the Medford Area Fire Department or the Medford Police Department/Taylor County Sherriff Department.

Signature of Permit Applicant

Date Signed

The permit applicant agrees to indemnify and hold the City of Medford harmless for any lawsuit or liability which may result in the applicant's use or possession of fireworks. The City is not liable for damage caused by fireworks for the sole reason of issuing a fireworks permit.

**** Medford Area Fire Department reserves the right to rescind this permit should weather conditions prove unfavorable. ****

FOR OFFICE USE ONLY

- Applicant qualifies for receiving permit, must not be a minor.
- \$100.00 License Fee paid.
- Certificate of Insurance. Attach copy.
- Map of Area. Attach copy.
- Fire Chief has reviewed and approved the application.
- Police Chief has reviewed and approved the application.

This permit is valid for the following dates:

Approved by Fire Chief/Police Chief
or Designee

Signature

Date Signed

Title

A copy of this permit shall be given to Medford Area Fire Department and the Medford Police Department at least 2 days before the date of authorized use.

PYROTECHNIC DISPLAY PERMIT APPLICATION

To: City of Council
City of Fond du Lac

Authority: s.347-21 FDL Municipal Code

I. APPLICANT

- Public Authority
- Fair Association
- Park Board
- Civic Organization
- Resident Individuals Group
- Nonresident Individuals Group

Name: _____
Agents Name: _____
Address: _____
Date of Birth: _____
Social Security No. _____

II. DISPLAY

Date: _____	Time: From _____ to _____
Location: _____	

Persons Igniting Fireworks:

Name	Address	DOB
_____	_____	_____
_____	_____	_____

Inventory: Attach list (including range of individual items)

Delivery Date: _____

Storage location address: _____ (Note Wisconsin Law prohibits storage in a dwelling or within 50 feet of a dwelling):

Fire Fighting Apparatus: _____

III. SITE

Attach scale site plan showing perimeter lines of location, house and out buildings on site and within range of rockets, area of ignition, location of mortars, location of display area storage, fire fighting apparatus, viewer seating.

Type of fire fighting apparatus: _____

IV. INSURANCE - (Attach Certificate of Insurance or Indemnity Bond)

Company Name: _____ Policy Number: _____
Agent Name: _____ Phone Number: _____
Agent Address: _____
Coverage Limits: Liability - \$ _____ Medical - \$ _____

I understand that the application must be filed a minimum of (15) fifteen days prior to the display. I hereby swear or affirm that the information is true and correct. That fireworks may not be purchased or delivered prior to granting of the permit.

Subscribed & sworn to before me
this ____ day of _____, 2 ____.

Applicants Signature _____

(Clerk/Notary Public)

My commission expires _____

PYROTECHNIC DISPLAY PERMIT APPLICATION

Permit No.: _____

Date: _____

Granted To: _____

Granted pursuant to Section 347-21, Fond du Lac Municipal Code of Ordinances for the storage and display of fireworks. This permit may be revoked at any time for non compliance with any conditions to its approval listed below:

1.) **Date after which fireworks may be purchased** _____, 2 _____ .

2.) **Type and quantity of fireworks which may be purchased:**

See attached list.

Delivery: Fireworks may not be delivered prior to _____, 2 _____ .

Storage: Fireworks may not be stored in a dwelling or structure located within fifty (50) feet of dwelling.

3.) **Storage location must be locked.**

Fire extinguishers must be located adjacent to storage location door:

Class _____ Number _____ Size _____

4.) **Smoking prohibited in and signs posted.**

- Display:
- 1.) Agent must personally ignite fireworks or be on site during display.
 - 2.) The agent may designate one (1) or two (2) ignites over eighteen (18) years of age.
 - 3.) The fire extinguishers from the storage site must be in the ignition display area at time of display.
 - 4.) Location, date, time: _____

Other: Clean up deposit: \$100.00

**CITY OF KALAMAZOO, MICHIGAN
FIREWORKS DISPLAY APPLICATION**

The undersigned organization or group of individuals (from two or more families) hereby apply to the City Commission of Kalamazoo for a permit to publicly display fireworks. We guarantee that the display will be conducted by a qualified person under our immediate supervision in adequate open space. A certificate of comprehensive general or personal liability insurance for a least \$1,000,000, protecting the applicant against property or personal injury damages during the display and naming the City of Kalamazoo, its agents, officials, and employees as additionally insured parties accompanies the application. Preliminary approval of the application has been given by the Fire Marshal.

Location of the display:* _____
(*Location of display may not be changed after approved by Fire Marshal)

Date of Display: _____

Name of Qualified Operator _____

Name, Address and Phone of applicants:

Signature of Applicant

I endorse this application

Approved by the City Commission

Fire Marshal

City Clerk

Date: _____

Date: _____

***PERMIT ISSUED SUBJECT TO COMPLIANCE WITH THE CONDITIONS AND SAFETY GUIDELINES SPECIFIED BY THE FIRE CODE. Change in location or safety guidelines automatically voids this permit.**

Date of Notification
to FAA: _____

Fire Marshal

Date: _____



FIREWORKS PERMIT

PERMIT ISSUED TO: _____

*Permits only issued to the following:

- | | |
|-----------------------|---|
| 1. A public authority | 5. A civic organization |
| 2. A fair association | 6. Any individual or group of individuals |
| 3. An amusement park | 7. An agricultural producer for protection of crops |
| 4. A park board | |

PERMIT ISSUED FOR THE PURPOSE OF: (check all that apply)

- _____ Possess and use display fireworks within the City of Chippewa Falls
(Proof of current federal permit required)
- _____ Possess, sell, and/or use consumer fireworks within the City of Chippewa Falls
- _____ Other (specify) _____

PERMIT IS VALID FOR THE FOLLOWING:

Date: _____

Time of Day: _____ am/pm to _____ am/pm

Location: _____

LIST THE TYPES (CLASS/DIVISION) AND QUANTITY (APPROXIMATE WEIGHT OR NUMBER) IN POSSESSION OR ATTACH A LIST OF SUCH TO PERMIT APPLICATION:

CONTACT INFORMATION:

Applicant Name, Business Name or Company Authorized to Conduct Fireworks Display/Stand:

Permit Holder Address: _____

Permit Holder Telephone: _____

Permit Holder Email: _____

This permit is used pursuant to s. 167.10 Wisconsin State Statutes, and on the condition that the City of Chippewa Falls shall not be held liable for accident or injury occasioned during the transportation, handling, storage, or use of the fireworks or pyrotechnic devices. **A copy of this permit must be submitted to the Chippewa Falls Fire and Emergency services Department at least two days prior to the date of authorized use. Applications for the sale of fireworks will also be referred to the City of Chippewa Falls Zoning Inspector for consideration.**

Permit Holder Signature _____ Date _____

Mayor Signature _____ Date _____

City of Chippewa Falls Fireworks Permit # _____

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STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2010- 6636

A RESOLUTION ESTABLISHING ALCOHOL BEVERAGE LICENSES
ENFORCEMENT POLICY GUIDELINES

WHEREAS, the Common Council having directed the License Committee, upon the Committee's recommendation, to prepare policy guidelines for use by the Committee and the Common Council in reviewing alcohol license matters which may involve the consideration of a denial, non-renewal or revocation of a license, to assist the Committee and the Common Council in those deliberations; and

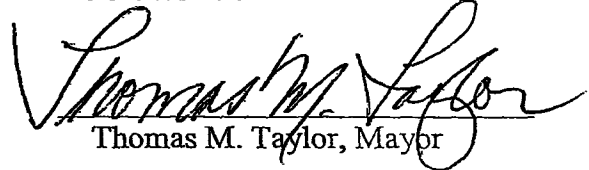
WHEREAS, the License Committee having reviewed other municipal and state alcohol beverage license enforcement policy guidelines and having prepared a policy thereafter and having recommended its adoption at its special meeting on March 15, 2010 and the Common Council having considered such recommendation and having determined that the proposed policy guidelines will serve to protect the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin Alcohol Beverage Licenses Enforcement Policy Guidelines, in the content as annexed hereto, be and the same are hereby approved.


Introduced at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 5 NOES 1 ABSENT 0
(Ald. Sohns)

CITY OF FRANKLIN
ALCOHOL BEVERAGE LICENSES
ENFORCEMENT POLICY GUIDELINES

Intent. As it is the responsibility of the License Committee (“Committee”) of the Franklin Common Council to screen applications for alcohol beverage licenses within the City of Franklin and to make recommendations thereupon to the Common Council for its decision under the licensing authority granted by Chapter 125 of the Wisconsin Statutes and Chapters 158 and 169 of the Municipal Code of the City of Franklin, the Committee recommends and the Common Council adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an alcohol beverage license. If a decision is made to deny, revoke, suspend or non-renew a license, the Council is required to provide that person with a written reason for the denial. These guidelines are adopted to assist the Committee in its reviews and recommendations and the Common Council in its decision-making, to meet that requirement.

The following guidelines are established by the Common Council to provide a framework for which persons are eligible for issuance of an alcohol beverage license (*i.e.* grounds for denial) and a framework for suspension, revocation or non-renewal. **There is broad discretion retained on behalf of the Committee and the Common Council to consider each case on an individual basis. Deviation from the guidelines may be allowed if unusual, exaggerated or mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.**

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the Committee and the Common Council shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stat. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity. It is with these goals in mind, as well, that these guidelines are adopted.

For purposes of these guidelines, an “alcohol beverage license,” “license” or “permit” constitutes a retail license or an operators license. Additionally, the definition of “person” shall be as defined in Wis. Stat. § 125.02(14) of the Wisconsin Statutes and §158-1. of the Municipal Code of the City of Franklin. Therefore, these guidelines also apply to corporations, limited liability companies, agents, and partnerships. A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction [§ 125.04(5)(C) and §158-1.]. **Furthermore, to the extent Wis. Stat. Ch. 125 or Franklin Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Committee may also rely on such provisions.**

The Common Council will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which suspension or revocation is sought, unless the Police Chief demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for non-renewal, suspension or revocation as the result of such an offense, the Committee and Common Council shall consider all offenses, regardless of when they occurred, to determine application of these guidelines.

Additionally, with respect to a non-natural person, such person's license may be revoked, suspended or non-renewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stat. § 125.04(6).

Notwithstanding the above, the following violations may not be used as grounds for suspension, revocation or non-renewal of an existing license:

1. furnishing alcohol beverages to underage persons (unless the licensee has committed two (2) violations within a one (1) year period), or
2. Violations punishable under Wis. Stat. § 945.03(2m), 945.04(2m) or 945.05(1m) (relating to commercial gambling and gambling devices).

A copy of these guidelines shall be provided to each person who applies for a license.

GUIDELINES

Guideline 1. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

Guideline 2. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last ten (10) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Violent crimes against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but

not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.

- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

Guideline 3. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last seven (7) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Franklin Ordinance Chs. 158 or 169 - excluding administrative violations such as "failure to post license under glass") (furnishing alcohol beverages to underage persons shall not be used as grounds for suspension, revocation, or non-renewal of an existing license unless the licensee has committed two (2) violations within a one (1) year period).
- (c) Perjury or false swearing, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (d) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Operating a motor vehicle with a BAC in excess of .08% by weight.
- (g) Open intoxicants in public places or in a motor vehicle.

Guideline 4. Provided the offenses are **substantially related to the circumstances of the licensed activity**, any person who is an habitual law offender does not qualify for an alcohol beverage license. To constitute an habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. *See Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987). For purposes of these guidelines, an habitual offender includes, but is not limited to a person who has committed two (2) or more offenses, each a separate incident, within the immediately preceding five (5) years.

Guideline 5. In addition to the other provisions under these guidelines, pursuant to Wis. Stat § 125.12, a person's alcohol beverage license may be denied, non-renewed, suspended or revoked if the person:

- (a) Keeps or maintains a disorderly or riotous, indecent or improper house.
- (b) Sold or has given away alcohol beverages to known habitual drunkards.
- (c) Does not possess the qualifications under Chapter 125 of the Wisconsin Statutes and Chapters 158 and 169 of the Municipal Code of the City of Franklin to hold a license.
- (d) Was issued a license in conjunction with a warning letter as to any future law violations, regardless of whether the basis for the warning letter was conduct occurring earlier or outside of any of the time limits set forth in Guidelines 2., 3. and 4. above, and has committed a law violation subsequent to the issuance of the warning letter.

Guideline 6. Any person who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of six (6) months from the **date of denial** of such application. The Committee within its review and recommendation process

and the Common Council may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the Common Council that any falsifications on the application were the result of inadvertence, excusable neglect or mistake.

Severability. If any section, subsection, sentence or phrase of this Policy is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase.

Conflict. Any impermissible conflict between Wis. Stat. Ch. 125, Chs. 158 and 169 of the Municipal Code of the City of Franklin and this policy shall be decided on the order of precedence which shall be the order listed in this sentence.

This policy will go into effect on the 1st day of May, 2010.

Notice to All Licensees:

Be sure you read and understand this publication. You are held responsible for obeying Wisconsin's Alcohol Beverage and Tobacco Laws. Failure to follow these laws may result in criminal prosecution, with penalties resulting in fines, imprisonment and/or loss of license.

City of Franklin Restrictions – Hours of Sale for Intoxicating Liquor

Excerpt from **Franklin's City Municipal Code Book:**

(Chapter 158 Section 8-C)

- C. Class A Retail and Class A Combination Licenses; sale for consumption away from Class B premises. Class A premises and premises operating under a Class A Combination License may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Between 9:00 p.m. and 6:00 a.m., no person may sell fermented malt beverages on Class B premises in an original unopened package, container or bottle or for consumption away from the premises.

Wisconsin Department of

Revenue

Information for Wisconsin Alcohol Beverage and Tobacco Retailers

Includes information on:

- **Licenses and permits**
- **Prohibited activities**
- **Underage persons and minors**
- **Cigarette and tobacco products**
- **Vapor products**
- **Video gambling**

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IMPORTANT CHANGES

- **Publication Reorganization.** The publication has been revised to group similar topics into sections. Substantive changes to the publication follow.
- **Liquor Sales Limits.** Effective June 26, 2019, the sale of intoxicating liquor for off-premises consumption by "Class B" licensees is no longer limited to four liters at one time. Municipalities may enact ordinances allowing retail "Class B" (liquor) license holders to sell intoxicating liquor in the original package or container in any quantity for consumption off the licensed premises. Pages 8 and 9.
- **Vapor Products.** Effective October 1, 2019, an excise tax is imposed on the sale of liquid, gel, or other substances used in e-cigarettes at the rate of 5 cents per milliliter of the liquid or other substance producing vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid contains nicotine.

Vapor product retailers without a tobacco products distributor permit purchasing untaxed vapor products must obtain a vapor products distributor's permit and file tax returns. For additional information see [Fact Sheet 3501](#). Pages 20 and 21.
- **Music Festivals.** Effective May 26, 2017, unaccompanied underage persons are allowed on the alcohol licensed premises of a music festival venue during an event with a projected attendance of at least 2,500 persons. Page 12.
- **Permit Listings.** The Department of Revenue (DOR) now publishes on its website lists of permittees from whom retailers may purchase beer, cigarettes, and tobacco. Go to www.revenue.wi.gov, click on Reports and then search "permit". Page 22.
- **False Information Penalty.** Effective July 1, 2018, a penalty of not more than \$1,000 may be imposed on any person who knowingly provides materially false information in an alcohol beverage, cigarette or tobacco product license or permit application. Page 8.

Applicable Laws and Rules

This document provides statements or interpretations of Wisconsin and federal laws and regulations enacted as of November 1, 2021. Laws enacted and in effect after this date, new administrative rules, and court decisions may differ from the interpretations in this document. Guidance issued prior to this date, that is contrary to the information in this document is superseded by this document, according to sec. 73.16(2)(a), Wis. Stats.

1. INTRODUCTION

This publication provides information about Wisconsin's alcohol beverage, tobacco, and vapor products laws that affect retailers. The information summarizes laws in chs. 125, 134, 139, and 945 Wis. Stats.

Municipal ordinances may also affect retailers. Contact your municipal clerk if you have questions about local ordinances.

2. DEFINITIONS

The following terms are used for purposes of this publication.

Adult – A person 18 years of age or older.

Alcohol Beverages – A statutory term which includes beer, wine, and liquor.

Beer – A fermented malt beverage under chapter 125, Wis. Stats.



Cider – An alcohol beverage obtained by fermentation of the juice of apples or pears that contains 0.5 to 7.0 percent alcohol by volume. "Cider" may be flavored, sparkling, and/or carbonated.

Class "A" Beer License – Authorizes the retail sale of beer in the original sealed containers for consumption off the licensed premises.

"Class A" Liquor License – Authorizes the retail sale of liquor, including wine and cider, in the original containers for consumption off the licensed premises.

"Class A" (Cider Only) License – Authorizes the retail sale of cider, but no other intoxicating liquor, in the original containers for consumption off the licensed premises

Class "B" Beer License – Authorizes the retail sale of beer for consumption on and off the licensed premises.

"Class B" Liquor License – Authorizes the retail sale of liquor by the glass for consumption on or off the licensed premises and, if allowed by municipal ordinance, in the original sealed container for off-premises consumption.

"Class C" Wine License – Authorizes the retail sale of wine by the glass for consumption on the licensed premises.

Intoxicating Liquor (or Liquor) – Alcohol beverages, except beer, containing 0.5% or more alcohol by volume, including wine.

Legal Drinking Age – 21 years of age.

Minor – A person under 18 years of age.

Painting Studio – An establishment primarily engaged in the business of providing to customers instruction in the art of painting that offers customers the opportunity to purchase food and beverage for consumption while they paint.

Provisional Retail License – Authorizes activities of a regular retail licenses for 60 days or until a regular license is issued, whichever is sooner.

Underage Person – A person who is not of legal drinking age.

3. MUNICIPAL RETAIL LICENSES

A. General

A license is a privilege granted by a municipality (city, village, or town) to a person (e.g., natural person, partnership, limited liability company, or corporation) that authorizes the sale of alcohol beverages for a specified time period. The governing body of the municipality may, but is not required to, issue retail liquor and beer licenses. The municipality may refuse to issue retail licenses if it uses good judgment and does not discriminate between applicants.

B. License Requirements

License requirements and who may issue them are provided by Wisconsin statute and established by ordinance. License requirements for all retail licenses and specific licenses follow.

(1) All Licenses

- **Face-to-Face Sales at Licensed Premises** – With limited exceptions, alcohol beverages may only be sold to consumers who are physically at the licensed premises (secs. 125.272 and 125.51(6), Wis. Stats.)

Example: The following sales of alcohol beverages are prohibited because they were not made face-to-face with the consumer on the licensed premises:

- Customer phones Pizza Parlor, which holds a Class "B" beer license. Customer orders a pizza and a six-pack of beer for delivery to their home.
- A person calls Liquor Store and requests two half-barrels of beer delivered to their home.
- A home-delivery grocery service takes an internet order for the sale and delivery of wine and beer for a holiday party, receiving payment electronically.
- **Closing Hours** – Customers must leave the premises by the closing hour noted under the specific licenses below. Internal business operations, such as counting cash, cleaning, repairs, etc., may be done after hours, but licensees must prove that anyone on the premises after hours is there for these purposes.

Exceptions:

- Class "A" premises may remain open for the conduct of regular business but may not sell beer between 12 midnight and 6 a.m., or at any other time during which the sale of beer is prohibited by a municipal ordinance.
- The following businesses holding "Class B" and Class "B" licenses may remain open after closing hours noted below to conduct their regular business, although they may not permit consumption of, or sell, alcohol beverages after those closing hours:
 - ✓ Hotels and restaurants whose "principal business" is furnishing lodging and food to customers
 "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention, and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance, and advertising of the entity may also be considered if given less weight.
 - ✓ Bowling centers
 - ✓ Movie theaters
 - ✓ Painting studios
 - ✓ Indoor horseshoe-pitching facilities
 - ✓ Indoor golf and baseball facilities
 - ✓ Golf courses and clubhouses
 - ✓ Curling clubs
 - ✓ Racetrack grounds as defined in sec. 125.27(5)(a), Wis. Stats.

For determining closing hours, Daylight Saving Time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November. Therefore:

- Clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Taverns must close at 3:30 a.m. Central Daylight Time on this date.
- On the first Sunday in November, the clocks are set back an hour at 2:00 a.m. Taverns must close at 2:30 a.m. Central Standard Time.
- **Licensed Premises Supervision** – Except in Class "A" beer premises between midnight and 6:00 a.m. (or any time when the sale of beer is prohibited by municipal ordinance), one of the following must be present on licensed premises during business hours:
 - Licensee
 - Person with an operator's or manager's license



- Adult member of licensee's immediate family (living in the licensee's household)
- Corporation's or limited liability company's agent
- Provisional operator's license holder

The holder must be enrolled in the responsible beverage server training course pending approval of the operator's license.

Note: "Immediate supervision" means the licensed person must be able to watch and supervise each unlicensed person's actions. The licensed person must be in the same room or area as the unlicensed person or near enough to see and talk to him or her.

An adult working under the immediate supervision of any of the above does not need an operator's license.

An operator's license is only valid in the municipality where it has been issued. It does not apply in other municipalities.

Licensees may be prosecuted for not having the required supervision on their premises.

- **Alcohol Beverage Seller/Server Training Course** – As a condition of licensing, applicants must successfully complete an approved alcohol beverage seller/server training course, unless the person:
 - Is renewing a retail or an operator's (bartender's) license
 - Was an agent within the last two years for a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class A" (cider only), "Class B" liquor, or "Class C" wine license
 - Held a retail license or an operator's or manager's license during the past two years
 - Completed an approved course within the past two years

Approved classroom and online courses are listed on the DOR's website at revenue.wi.gov; search "Alcohol Seller/Server."

- **Display Framed License** – All alcohol beverage licenses must be framed and displayed in the room where the licensed activity occurs. Anyone visiting the business should easily see the licenses. Any related permits and licenses (e.g., seller's permit) should be displayed with the alcohol beverage license.

(2) Provisional Retail License

- Issued by a designated municipal official only to a person applying for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine licenses.
- Fee determined locally not to exceed \$15.
- Expires 60 days after issuance or when the person is issued a license, whichever occurs first.
- May be revoked and/or penalty imposed of not more than \$1,000 if issuing official discovers the holder knowingly provided false information in the application.
- "Class B" liquor license may not be issued if it would exceed the municipality's quota.
- Not more than one provisional retail license may be issued for each type of license applied for by the holder per year.

(3) Class "A" Beer License

- Authorizes the retail sale of beer in the original sealed containers for consumption off the licensed premises in any quantity.

- Beer sales are prohibited between 12 midnight and 6:00 a.m.
- Municipalities may further restrict sales hours by local ordinance.
- May give customers two free 3-ounce taste samples between 11:00 a.m. and 7:00 p.m.

(4) "Class A" Liquor License

- Authorizes the retail sale of liquor, including wine and cider, in the original containers for consumption off the licensed premises in any quantity.
- Intoxicating liquor sales are prohibited between 9:00 p.m. – 6:00 a.m.
- Municipalities may further restrict sales hours by local ordinance.
- Unless prohibited by municipal ordinance, may give customers two free 3-ounce taste samples of wine between 11:00 a.m. and 7:00 p.m.
- May give customers one free 0.5-ounce taste sample of intoxicating liquor, except wine, between 11:00 a.m. – 7:00 p.m.

(5) "Class A" (Cider Only) Liquor License

- Authorizes the retail sale of cider in the original containers for consumption off the licensed premises in any quantity.
- Issued only to persons holding a Class "A" beer license for the same premises.
- Unless prohibited by municipal ordinance, may give customers two free 3-ounce taste samples of cider between 11:00 a.m. and 7:00 p.m.

(6) Class "B" Beer License

- Authorizes the retail sale of beer for consumption on and off the licensed premises in any quantity. The premises must be closed between the following hours:
 - Monday through Friday – 2:00 a.m. to 6:00 a.m.
 - Saturday and Sunday – 2:30 a.m. to 6:00 a.m.
 - Second Sunday in March – 3:30 a.m. to 6:00 a.m.Closing is not required on New Year's Eve.
Municipalities may **not** further restrict the closing hours.
- Beer sales for off-premises consumption are prohibited between 12:00 midnight and 6:00 a.m.
Municipalities may further restrict these sales hours by local ordinance.

(7) "Class B" Liquor License

- Authorizes the retail sale of liquor by the glass for consumption on or off the licensed premises.
- A single, open bottle of wine may be taken off the licensed premises if ordered with a meal, accompanied by a dated receipt, and re-corked prior to taking off the licensed premises.
- Wine may be sold in its original container, in any quantity, for on and off-premises consumption.
- Closing hours are the same as Class "B" beer license.

Exception: A winery that has a "Class B" (wine only) license issued under sec. 125.51(3)(am), Wis. Stats., must close between 9:00 p.m. and 8:00 a.m.

- A municipality may allow "Class B" licensees to make retail sales of intoxicating liquor for off-premises consumption. Check with your municipality to see if this is allowed.

(8) "Class C" Wine License

- Authorizes the retail sale of wine by the glass for consumption on the licensed premises.
- A single, open bottle of wine may be taken off the licensed premises if ordered with a meal, accompanied by a dated receipt, and re-corked prior to taking off the licensed premises.
- Closing hours are generally the same as Class "B" beer license.

4. OTHER LICENSES, PERMITS AND REGISTRATIONS

A. Seller's Permit

Every individual, partnership, corporation, or other organization that sells, leases, rents, or licenses tangible personal property (e.g., alcohol beverages), taxable services and other taxable products in Wisconsin must have a seller's permit, unless all sales are exempt from Wisconsin sales or use tax.

Example: A nonprofit organization's sales of tangible personal property, including alcohol beverages, taxable services, and other taxable products are exempt from Wisconsin sales or use tax as occasional sales if (1) its sales of taxable products do not occur on more than 75 days during the calendar year or taxable sales do not exceed \$50,000 for the calendar year, (2) entertainment at an admission event is not paid more than \$10,000, and (3) it does not hold a seller's permit. For more information about the occasional sales exemption for nonprofit organizations, see [Wisconsin Publication 206](#), Sales Tax Exemptions for Nonprofit Organizations,

The alcohol beverage license and seller's permit must be issued in the same legal name (see exception below). If the alcohol beverage license is issued to a partnership or corporation, the seller's permit must be also. A limited liability company's (LLC) alcohol beverage license must be in the LLC's legal name, not the trade name or owner's name.

Exception: If an alcohol beverage license is issued to an LLC, disregarded for income tax purposes, with a single member (owner), the LLC's seller's permit may be issued in the name of the single owner. 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, the municipality should call DOR at (608) 266-2776 or email DORSalesandUse@wisconsin.gov to verify whether the seller's permit is valid for the LLC.

B. Federal Alcohol Dealer Registration

Before beginning business, every retail licensee must register as an alcohol dealer with the federal Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB), using [Form 5630.5d](#). Once registered, any change to legal name, trade name, address, premises location, telephone number, business type, or FEIN should be reported before the subsequent July 1 using the same form.

5. PROHIBITED ACTIVITIES

A. Unlicensed Premises Sales

The sale of alcohol beverages at an unlicensed premises is prohibited (see sec. 125.06, Wis. Stats., for a list of exceptions).

"Sale," "sold," or "sell" includes the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or other transaction to obtain alcohol beverages.

B. Sale to Other Licensees

Sales of alcohol beverages by an alcohol beverage licensee to another retail licensees for resale are prohibited.

Exception: If a licensed business is sold, it may transfer its sealed liquor, wine, and beer (alcohol beverage) inventory to another retail licensee in Wisconsin. Cigarettes and tobacco products may not be similarly transferred.

In place of invoices, list the entire sealed inventory of the stock transferred using Form AT 900, Alcohol Beverage Stock Transfer, available at revenue.wi.gov. Make a copy for the buyer and keep the original for your records. The buyer must keep the copy on its licensed premises for two years.

C. Sales to Intoxicated Persons

It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is a fine of \$100 to \$500, imprisonment for not more than 60 days, or both.

D. Refilled Liquor Bottles

It is illegal to refill liquor bottles with any substance, even the same brand of liquor.

When a bottle is empty, deface its label. Break the bottle unless placed in a container marked "For Recycling Only."

E. Corkage Fees

If the restaurant has an alcohol beverage license, the only alcohol beverages allowed on the premises are those purchased by the restaurant from a permitted Wisconsin wholesaler. The retailer must have invoices from the wholesaler showing which products were purchased from the wholesaler.

Wisconsin alcohol beverage law does not permit "corkage fees." These fees, charged by restaurants, allow patrons to carry in their own alcohol beverages for consumption on the restaurant premises.

If the restaurant does not have an alcohol beverage license, consumption of alcohol beverages is prohibited. The restaurant owner can be criminally charged for allowing illegal consumption on the premises.

F. Giveaways

Giving away alcohol beverages or using any other device to evade the law relating to its sale is illegal. Examples of these illegal transactions at unlicensed premises include:

- A "free" drink with a meal
- A cover charge where mix is furnished at a price with "no charge" for liquor
- A "free" bottle of liquor tied to the sale of some other item

Violators may be fined not more than \$10,000 or imprisoned for not more than nine months, or both.

G. Minimum Markup



Alcohol beverages may not be sold at less than cost. Cost includes a presumptive 3% markup by wholesalers and 6% by retailers.

For questions on cigarette and tobacco products pricing and markup, contact the Wisconsin Department of Agriculture, Trade & Consumer Protection, Trade Practices, at (608) 224-4925 or (608) 224-4989.

6. UNDERAGE PERSONS AND MINORS

A. Entering Licensed Premises

No retail licensee may allow an underage person to enter any part of the licensed premises for any purpose unless an exception applies.

Retailers should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Customers may prove age with one of the following, if valid:

- Driver's license
- State ID card
- Military ID card
- U.S. passport
- ID card issued by a federally recognized American Indian tribe or band in Wisconsin
- Any other form of identification or proof of age acceptable to the licensee

DOR recommends anyone who has shown proof of legal drinking age to sign an ID register book if the person's age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (sec. 125.07(7), Wis. Stats.)

Exceptions: An underage person may enter a licensed premises if the underage person is:

- Accompanied by their parent, guardian, or spouse of legal drinking age.
- Entering a Class "A" or "Class A" licensed premises to buy items other than alcohol beverages. The underage person may not stay on the premises after the purchase.
- An employee, resident, lodger, or boarder on the premises.
- Entering to do business other than amusement or the purchase or consumption of food and beverages.
- Entering to buy food in a restaurant whose "principal business" is serving food.
- Entering and remaining in a dance hall or banquet or hospitality room attached to a Class B licensed premises to attend a banquet, reception, dance, or similar event.
- Entering the following premises:

○ bowling center	○ movie theater
○ car operated by a railroad	○ painting studio
○ center for visual or performing art	○ private tennis or soccer club
○ curling club	○ racetrack licensed under ch. 562, Wis. Stats.
○ drug store	○ regularly established athletic field

- golf course or clubhouse
 - grocery store
 - hotel
 - indoor golf simulator facility
 - billiards center having 12 or more billiards tables (not coin-operated) eight feet or longer
 - county or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats.
 - indoor golf and baseball facility on premises holding a Class "B" license
 - indoor (at least 9 by 18 meters) or outdoor volleyball court
 - service station
 - ski chalet
 - stadiums
 - vessel
 - music festival venues with projected attendance of at least 2,500 persons
 - privately owned fish farm that provides recreational fishing opportunities to the public for a fee and is registered under sec. 95.60(3m) (alcohol sales less than 30%)
 - State Fair Park and concessions in state park or forest, or park owned by an agricultural society
- Entering a Class "B" beer or "Class B" liquor licensed premises:
 - to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished, or possessed
 - room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present

This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (sec. 125.07(3)(a)(8), Wis. Stats.)

 - On a date specified by the license when no alcohol beverages are consumed, sold, or given away

The licensee, the agent named on the license (if a corporation), or a person with an operator's license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, when underage persons are on the premises. (sec. 125.07(3)(a)(10), Wis. Stats.)
 - At least 18 years old and working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.
 - Acting as a designated driver on the premises of a temporary Class "B" (picnic) beer or "Class B" (wine only) licensee authorized to permit underage persons on the premises by the official or body of the municipality that issued the license.
- The licensee must identify the underage person using a wristband or similar item while on the premises.

B. Verifying Identification and Age

(1) Reviewing ID Cards and Driver's Licenses

- Ask pertinent questions about the ID presented. For example, if an ID card is presented as proof of age, ask how the driving was on the way to the establishment. If the person was driving, ask to see his or her driver's license.
- Check the card's expiration date. Only valid proof of age should be accepted.
- Look for "Under 18" or "Under 21" feature on the card.



- Look for "duplicate" stamp on the card. If a duplicate, ask what happened to the original.
- If the card is a Real ID-compliant card, look for a star in the top right corner.
- Ask for additional documentation verifying his or her identity (e.g., credit, debit, or insurance card with their name). People with false IDs rarely carry backup documentation, but most people have several forms.
- Look for laser engraved personal information, signature, and other features unique to Wisconsin ID cards.
- Ask questions about information on the card, such as address, birth date, middle initial, or spelling of last name. If the person doesn't answer to your satisfaction, you may refuse service and ask that person to leave.
- Compare presented driver's license to yours. See (2) below for characteristics of a false ID card or driver's license.
- Use an ID Checking Guide, especially in areas with a heavy out-of-state population (colleges, tourist communities). Several commercial companies publish guides that picture all states' driver's licenses.

(2) False ID Card and Driver's License Characteristics

- Glue lines.
- Bumpy surfaces by the picture or birth date. Any surface area inconsistent with the rest of the ID usually indicates tampering.
- Overlay of reprinted numbers (and a shadowy or cloudy image). The ID card may have been opened to alter numbers.
- Missing spots on the state logo. A person who alters an ID may not pay attention to one of the most obvious clues on the card.
- Letters and numbers font type, color, and size; line spacing, or word and image placement may differ from valid ID cards and driver's licenses. How many digits for expiration and birth date? Are numbers consistent?
- Lack of security features (ultraviolet or micro printing). Use a blacklight and magnifying glass to check for security features.
- Reverse side is unfinished. Often a person altering an ID will spend significant time on reproducing an authentic-looking photo board but merely photocopy the reverse side. These are often blurred, a sure sign of photocopying.
- Weight or size is different. Bend the card, feel it. How does it feel compared to an authentic card? Does it measure the same?
- Colors vary from an authentic ID or license.
- Corners of the card are uneven and jagged rather than well-rounded and smooth. This is one of the best methods for detecting counterfeit cards.
- Shadows or glare on the picture or eye redness. Most driver licensing station cameras are set to avoid these problems.
- Laminate differs from authentic card or license. Is it clear or cloudy?

(3) Retaining Proof of Age

No person who holds a license or permit, and no employee of such a person, is civilly liable for retaining a document presented as proof of age. The document may be retained for a reasonable length of time in a good faith effort to (a) determine whether the person who presented the document is underage or (2) notify law enforcement of a suspected violation for carrying a false ID. (sec. 125.039, Wis. Stats.)

C. Possession by Underage Persons

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or spouse of legal drinking age. This does not apply to underage persons employed by the following types of licensees or permittees, in the course of their employment:

- Brewers and brewpubs
- Beer wholesalers
- Liquor wholesalers
- Facilities producing alcohol fuel
- Retail licensees or permittees, under the provisions of secs. 125.32(2) and 125.68(2), Wis. Stats. (laws covering operator's licenses), or for delivery of unopened containers to the home or vehicle of a customer
- Campuses, if the underage person is at least 18 years of age and is under the immediate supervision of a person of legal drinking age

(sec. 125.07(4)(b) and (bm), Wis. Stats.)

D. Sales and Service to Underage Persons

An underage person accompanied by their parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises, if allowed by the establishment. (sec. 125.07(1), Wis. Stats.)

E. Employing Minors

- Minors under 14 years old may not be employed where alcohol beverages are sold.
Exception: Minors 12 years or older may be employed at a business owned by their parent, even though beverages are sold.
- Minors 14 years or older (including minors that are 12 or 13 years old under the exception above) may be employed where alcohol beverages are stored, sold, or served if they are not serving, selling, dispensing, or giving away alcohol beverages, or acting as bouncers, crowd controllers, or identification checkers. This applies to all places licensed to sell alcohol beverages, including stores, service stations, bars, and restaurants.
- Minors may not be employed or appear as musicians, singers, performers, or dancers at roadhouses, dance halls, night clubs, taverns, or similar places, except:
 - Minors 16 or 17 years old may be employed or appear as musicians in a hall on Friday, Saturday, or any other day not followed by a school day, or before midnight on Sunday, if the hall was rented to celebrate a special event such as a wedding, holiday, birthday, or anniversary.
 - Minors may be employed or appear at dances held solely for minors that are conducted by private clubs or civic organizations where admission is limited to the club membership or by club invitation and the general public is excluded.

(sec. 103.78, Wis. Stats., and sec. DWD 270, Wis. Adm. Code)



F. Other

- No one may falsely represent that they are of legal drinking age to ask for or obtain alcohol beverages in any licensed premises. (sec. 125.07(4), Wis. Stats.)
- No one may possess or consume alcohol beverages in a public, parochial, or private school, through 12th grade, or in a vehicle owned by, rented, or consigned to a school or while participating in a school activity, without the express, written permission of the school administrator (sec. 125.09(2), Wis. Stats.). Permission may not be given to underage persons.
- A licensed alcohol beverage retailer may bring a civil action against a person who violates the state's underage drinking law, if the following conditions are met:
 - The conduct must occur on the retailer's premises
 - The retailer must mail notice of the intent to bring action to the underage person or the underage person's parent, as applicable, at least 15 days prior to filing the action
 - The retailer must not have been convicted of, received a citation for, or been charged with a violation of the underage drinking law
 - The retailer must have reported the suspected conduct to law enforcement at or near the time when the conduct was first discovered

This provision does not apply if the underage person was employed by or assisting a law enforcement agency in carrying out enforcement to determine compliance with or investigating potential violations of the prohibition on underage persons in licensed premises. A retailer prevailing in the civil action shall be awarded \$1,000 in damages and the costs of bringing the civil action. (sec. 125.07(4)(f), Wis. Stats.)

G. Penalties

- **Entry** – Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500. (sec. 125.07(3), Wis. Stats.)
- **Age Misrepresentation** – An unaccompanied underage person unlawfully entering a licensed premises or misrepresenting their age to obtain alcohol beverages is subject to a \$250 to \$500 forfeiture, suspension of motor vehicle operating privileges under sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program, or a combination of these penalties.
- **Sale** – A person selling or furnishing alcohol beverages to an unaccompanied underage person is:
 - Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation
 - Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation
 - Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation
 - Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation (sec. 125.07(1), Wis. Stats.)

If a violation occurs on a licensed premises and is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

- **School Possession** – Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.)

Exception: A disposition in the proceedings against an underage person is provided by secs. 125.07(4)(c) and (d) and 938.344, Wis. Stats.

- **License Holder Violations** – The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats., must be suspended for:
 - Not more than 3 days if a second violation is committed within 12 months of a previous violation.
 - Not less than 3 days nor more than 10 days if a third violation is committed within 12 months of two previous violations.
 - Not less than 15 days nor more than 30 days if a fourth violation is committed within 12 months after committing three other violations.
- **False Identification Provided to Underage Person** – Anyone other than a person authorized by secs. 125.085 or 343.50, Wis. Stats., who makes, alters, or duplicates an official identification ("ID") card, provides an official ID card to an underage person, or knowingly provides other documentation to an underage person claiming that the underage person is of legal drinking age may be fined not less than \$300 nor more than \$1,250 or imprisoned not less than ten days nor more than thirty days, or both.
If violated for money or other consideration, the person is guilty of a Class I felony.
- **False Identification by Underage Persons** – Any underage person who does any of the following may be penalized. For a first violation, a \$300 to \$1,250 forfeiture, suspension of the person's driving privileges, participation in a supervised work program, or any combination of these penalties.
 - Intentionally carries an official ID card not legally issued to him or her, an official ID card obtained under false pretenses, or an official ID card which has been altered or duplicated to give false information.
 - Makes, alters, or duplicates an official ID card.
 - Gives false information in applying for an official ID card.
 - Intentionally carries an ID card or other documentation showing that he or she is of legal drinking age, knowing that the documentation is false.
 - Provides to another underage person an official ID card or other documentation claiming that the other underage person is of legal drinking age, knowing that the documentation is false.

7. RECORDKEEPING

A. Invoices

Every licensed retailer must keep paper or electronic copies of all purchase invoices for alcohol beverages on the licensed premises for two years from the date of the invoice. Invoices should be kept in chronological order and be available for inspection during all reasonable hours. (sec. 139.11(1), Wis. Stats.)

B. Identification Register

DOR recommends that every licensee keep an identification (ID) register. Record the identity of a person who alleges they are:

- Legal drinking age.
- Underage person's parent, guardian, or spouse and of legal drinking age.

Include the date of purchase, type of identification used, address, and signature of the person. Verify the signatures in the book and on the person's ID match.

(sec. 125.07(7), Wis. Stats.)



A "Proof of Age Register" or "Identification Register Book" may be purchased from:

- Tavern League of Wisconsin, 2817 Fish Hatchery Road, Fitchburg, WI, 53713-5005, phone: (608) 270-8591, website: tlw.org.
- Wisconsin Grocers Association, 10 West Mifflin, Ste. 205, Madison, WI, 53703, phone: (608) 244-7150, website: wisconsingrocers.com.

8. OTHER ALCOHOL BEVERAGE INFORMATION

A. Payment for Alcohol Beverages

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed:

- Beer - 15 days
- Liquor - 30 days

A licensee in debt to a wholesaler beyond the above time periods may not purchase alcohol beverages from the wholesaler. A person may not be issued a license if he or she exceeds these limits.

B. Nonalcohol Beverages

Beverages that contain less than 0.5% alcohol by volume are not alcohol beverages regulated by ch. 125, Wis. Stats. Therefore, nonalcohol (NA) "beer," and mocktails may be sold in the same manner as water and sodas (e.g., regardless of age).

These beverages should not be confused with those labeled "low alcohol" (LA), which generally contain 3.2% alcohol, and are regulated by ch. 125, Wis. Stats.

C. Temporary Class "B" and "Class B" Licenses

Temporary Class "B" beer and "Class B" wine only licenses (picnic licenses) are short-term authorizations that allow the following organizations to make retail sales of alcohol beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair:

- bona fide clubs and chambers of commerce
- county or local fair associations or agricultural societies
- churches, lodges, or societies that have been in existence for at least 6 months before the date of application
- posts of veterans' organizations

Temporary licenses may also be issued to authorize a "wine walk" or "beer walk." This 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 shopping visits.

(1) Requirements

Requirements that apply to other alcohol beverage licensees also apply to Temporary "Class B" wine and Temporary Class "B" beer licensees, including:

- Licensed operators (person's holding an operator's license, also known as a "bartender's license") serving the wine or beer and/or supervising serving wine or beer.

- 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's licenses per year.
- Licensees must purchase all wine and beer from liquor or beer wholesalers and breweries/brewpubs authorized to self-distribute to retail licensees.

Form AT-315, Application for Temporary Class "B" / "Class B" Retailer's License, is submitted by the qualifying organization to the municipality to apply for a Temporary Class "B" beer or Temporary "Class B" wine license. Applicants for a wine walk or beer walk should attach to the application a list of participating locations and premises descriptions or submit a separate application for each location participating in the event.

(2) Wine Walk

A municipality may issue to the same qualified organization up to 20 Temporary "Class B" wine licenses for the same date and time. The qualified organization is the licensee and sponsor of the single-day, multiple-location event. The following requirements apply:

- Admission fees must be charged for participation in the event and no additional fees may be charged for service of alcohol beverages at the event
- Municipalities may authorize the licensee to permit unaccompanied underage persons on the licensed premises if the underage person is a designated driver and is identified by the licensee (e.g., wristband)
- No person may serve wine after 9:00 p.m. on the licensed premises
- Qualified organizations may receive Temporary "Class B" (wine) licenses for up to two events during a 12-month period
- Municipalities are limited to 2 wine walks within any 12-month period.

(3) Beer Walk

A municipality may issue to the same qualified organization an unlimited number of Temporary Class "B" beer licenses for the same date and time. The qualified organization is the licensee and sponsor of the single-day, multiple-location event. The following requirements apply:

- Admission fees must be charged for participation in the event and no additional fees may be charged for service of alcohol beverages at the event
- Municipalities may authorize the licensee to permit underage persons on the licensed premises
- Sales for off-premises consumption must end by midnight, or earlier if required by municipal ordinance
- Municipalities may charge up to \$10 for each Temporary Class "B" beer or Temporary "Class B" wine license issued for the single-day, multiple-location event.

D. Inspection of Licensed Premises

Licensed premises may be inspected by law enforcement officers during all reasonable hours, including business hours. All rooms connected to the barroom, sales room, or storage area may be inspected as part of the licensed premises. Refusing to permit an inspection is grounds for revocation or suspension of the license. (sec. 139.08(4), Wis. Stats.)

Alcohol beverages, cigarettes, tobacco products, and personal property identified in violation of the statutes may be seized.

9. CIGARETTE AND TOBACCO PRODUCTS

A. Definitions

- Cigarette – any roll of tobacco wrapped in paper or any substance other than tobacco.
- Nicotine Product – a product that contains nicotine and is not any of the following:
 - tobacco product
 - cigarette
 - product approved by the U.S. Food and Drug Administration for sale as a smoking cessation product or for another medical purpose that is marketed and sold solely for the approved purpose.
- Tobacco products – include:
 - cavendish
 - cheroots
 - cigars
 - fine cut and other chewing tobaccos
 - granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco
 - periques
 - plug and twist tobacco
 - refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking
 - shorts
 - snuff flour
 - snuff, including moist snuff
 - stogies

"Tobacco products" does not include cigarettes, as defined under sec. 139.30 (1m).

B. Licenses

A license from a municipality is required to directly or indirectly sell, expose for sale, possess with intent to sell, or give away any cigarettes or tobacco products in any manner or upon any pretense or by any device.

The following provisions apply:

- **Training** – Retailers are required to provide training to employees whose duties include the sale of cigarettes, tobacco products, or nicotine products. The training must be an approved program by the Department of Health Services.
- **Inspection / Confiscation** – Licensed premises may be inspected by law enforcement officers during all reasonable hours, including business hours. Refusal to permit inspection is punishable by fine, imprisonment, or both.

All cigarettes or tobacco products kept in violation of the laws and all personal property used in connection is subject to seizure.

- **Recordkeeping** – Every licensed retailer must keep purchase invoices for cigarettes and tobacco products on the licensed premises for two years from the date of the invoice. Invoices should be kept in chronological order and be available for inspection during all reasonable hours. (sec. 134.65(4), Wis. Stats.)

C. Purchases

Retailers must purchase cigarettes and tobacco products from a manufacturer, distributor or jobber who holds a valid permit from DOR. If a retailer purchases tobacco products from an out-of-state company that does not have a permit from DOR, the retailer must obtain a distributor permit from DOR.

D. Sales

- **Certified Manufacturers and Brands** – Only cigarettes and Roll-Your-Own (RYO) tobacco products in Directory of Certified Tobacco Manufacturers and Brands on the Wisconsin Department of Justice's website (www.doj.state.wi.us) may be sold to Wisconsin consumers. Products not listed cannot be sold or possessed for sale after the date shown on the directory. Wholesalers and retailers that possess for sale, or sell, products in violation are subject to confiscation of that product and/or fines, forfeitures and revocation of their permits.
- **Minimum Markup** – The unfair Sales Act, commonly referred to as the Minimum Markup Law" (sec. 100.30), provides that tobacco products, including cigarettes, may not be sold at less than cost. Cost includes a presumptive 3% markup by wholesalers and presumptive 6% markup by retailers. The Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP) administers the Unfair Sales Act. For questions on cigarette and tobacco products pricing or markup, contact DATCP Trade Practices staff at (608) 224-4925 or (608) 224-4989.
- **Single Cigarettes** – Federal law prohibits sales of cigarette packages containing fewer than 20 cigarettes, including single cigarettes, known as "loosies." No retailer may sell individual cigarettes.

E. Underage Persons

- **Sales to Underage Persons** – According to federal law (21 USC 387f(d)(5)), no retailer may sell or give away cigarettes, tobacco products, or nicotine products (including electronic cigarettes containing nicotine) to someone under 21 years of age.
- **Possession of Cigarettes/Tobacco Products/Nicotine Products by Minors** – A person under 18 years of age may possess cigarettes/tobacco products/nicotine products for the sole purpose of resale in the course of employment during their working hours if employed by a licensed retailer. (sec. 254.92(2), Wis. Stats.)

10. VAPOR PRODUCTS

A. Definitions

- Vapor product – a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid or substance contains nicotine.
- Distributor – any person:
 - engaged in the business of selling vapor products in Wisconsin who brings, or causes to be brought, into Wisconsin from outside Wisconsin any vapor products for sale
 - who makes, manufactures or fabricates vapor products in Wisconsin for sale in Wisconsin
 - located and selling vapor products in another state who ships or transports vapor products to Wisconsin retailers for sale by those retailers



Note: A distributor includes a retailer that makes sales of untaxed vapor products in Wisconsin which are brought into Wisconsin from another state.

B. Permit

Distributors of vapor products that do not currently hold a tobacco distributor permit must apply for a permit by completing Form CTP-129, Cigarette-Tobacco/Vapor Products Permits Application. (sec. 139.79, Wis. Stats.)

Retailers that bring untaxed vapor products into Wisconsin for sale to consumers must obtain a tobacco distributor permit.

Wisconsin retailers should review the Wisconsin Tobacco Products Permit Listing at revenue.wi.gov for purchasing vapor products from businesses that hold a Wisconsin tobacco and vapor products distributor's permit.

C. Taxes

An excise tax is imposed on vapor products received by distributors in Wisconsin

The tax is imposed on the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or other disposition for any purpose of vapor products. The tax rate is 5 cents per milliliter of the liquid or other substance based on the volume listed by the manufacturer and at a proportionate rate for any other quantity or fractional part.

The vapor products tax is reported electronically using Form TT-100, Wisconsin Distributor's Tobacco and Vapor Products Tax Return, and supporting schedules.

11. VIDEO GAMBLING

The operation of video gambling machines is a violation of Wisconsin law.

A gambling machine is a contrivance which, for a consideration, affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether the prize is automatically paid by the machine. (sec. 945.01(3), Wis. Stats.)

A "gambling machine" does not include any of the following:

- A device used in conducting a bingo occasion or raffle event under ch. 563, Wis. Stats., used in conducting a lottery under ch. 565 or used in conducting a race under ch. 562.
- Any amusement device if it rewards the player exclusively with one or more non-redeemable free replays for achieving certain scores and does not change the ratio or record the number of the free plays so awarded.
- An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than seven times the cost charged to play the amusement device once or \$5, whichever is less.

"Skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dexterous or knowledgeable player.

A. Enforcement

- **DOR** – Only a DOR special agent certified as a law enforcement officer may investigate or enforce video gambling violations on premises of persons holding "Class B" liquor and/or Class "B" beer licenses with **five or fewer** video gambling machines.
- **Municipalities** – Cities, towns, and villages have the authority to prohibit by ordinance all forms of gambling and to seize anything devised solely for gambling or used for gambling. Local law enforcement investigates and enforces these ordinance violations.

(sec. 175.38, Wis. Stats.)

B. Violations

- Having five or fewer video gambling machines on a Class B premises may result in the following:
 - Seizure of the machines
 - Seizure of money in the machines
 - Forfeiture of \$500 per machine per incident
- Having more than five video gambling machines on a Class B premises, or any number of video gambling machines on any other licensed or unlicensed premises, is a felony.

The licensee may be arrested by a DOR special agent or a law enforcement officer of the jurisdiction where the arrest is made.

(sec. 945.03(2m), Wis. Stats.)

C. Taxes

The sales price from admissions for access to illegal video gambling machines are subject to Wisconsin sales tax and the net income is subject to Wisconsin income or franchise tax. The sales, lease, or rental of the machines is subject to Wisconsin sales and use tax.

DOR conducts audits of both machine operators and Class B establishments for income or franchise and sales and use tax compliance.

For more information about Wisconsin taxes on video gaming receipts, see [Wisconsin Tax Bulletin 209](#), page 5.

12. RESOURCES

A. Wholesale Permit Holders List

Alcohol beverage, cigarette, and tobacco and vapor products retailers must purchase alcohol beverages, cigarettes, and tobacco, and vapor products only from permitted Wisconsin wholesalers. Alcohol beverage retailers may also purchase from permitted self-distributing brewers or brewpubs.

The following lists of wholesalers holding permits issued by DOR can be found at revenue.wi.gov:

- [Wisconsin Liquor Permit Listing](#)
- [Wisconsin Fermented Malt Beverage Permit Listing](#)
- [Wisconsin Cigarette Permit Listing](#)
- [Wisconsin Tobacco/Vapor Products Permit Listing](#)



B. Published Guidance

DOR has publications, fact sheets, newsletters, and answers to common questions that provide additional information about alcohol beverages, cigarette, tobacco, and vapor products. These resources can be found at:

- Alcohol Beverage: <https://www.revenue.wi.gov/Pages/AlcoholBeverage/home.aspx>
- Cigarette, Tobacco, and Vapor Products: <https://www.revenue.wi.gov/Pages/Businesses/Tobacco.aspx>

C. Alcohol Beverage News

Sign up to receive email updates from DOR. Go to revenue.wi.gov, search for "subscribe" and sign up for Alcohol Beverage News.

D. DOR Assistance

If you are unable to find an answer to your questions about the Wisconsin alcohol beverage, cigarette, or tobacco and vapor products laws, visit the DOR's website, email, write, or call:

Visit our website . . . revenue.wi.gov

Email . . . DORAlcoholTobaccoEnforcement@wisconsin.gov

Write . . . Wisconsin DOR
P.O. Box 8933
Madison, WI 53708-8933

Telephone . . . (608) 264-4573

License Committee

Administrative Rules and Procedures

Article I. Name of Committee

The name of this Committee shall be the “License Committee” of the City of Franklin, Wisconsin, hereinafter referred to as the “Committee”.

Article II. Authorization

The authorization for the establishment of the Committee is set forth in §10-22. of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as “§10-22.”, which is incorporated herein by this reference and is presented in Exhibit A.

Article III. Membership

Section 1. The composition of the Committee shall be as established in §10-22. and as may otherwise be specified by the Common Council.

Section 2. The terms of the members shall be as established in §10-22. and as may otherwise be specified by the Common Council.

Section 3. Each member shall have one (1) vote. The Chairman votes according to Common Council policy, which follows Roberts Rules of Order. Voting by proxy is not permitted. On a tie vote, the motion is lost. In the event the Committee is comprised of co-chair status for each member, each member shall have a vote on all matters, absent any conflict of interest or any other reason for abstention.

Section 4. All members shall serve without compensation.

Section 5. A quorum shall be two (2) members.

Section 6. Actions, communications, etc. of Committee members shall be subject to the provisions of the Wisconsin Statutes, including but not limited to the Open Meetings Act, and the Municipal Code and policies of the City of Franklin, including but not limited to the Code of Ethics.

Article IV. Duties

Section 1. The duties of the Committee shall be as established in §10-22. of the Municipal Code of the City of Franklin, and as may otherwise be specified by the Common Council.

Section 2. The City of Franklin’s City Clerk or designee shall provide administrative staff support to the Committee.

Article V. Officers

- Section 1. The officers of the Committee shall be the Chair, Vice-Chair and Secretary. In the event the Committee is comprised of Co-Chair status for each member, one member shall additionally be elected Secretary and no Vic-Chair shall be elected during such status.
- Section 2. The Chair and Vice-Chair shall be elected by and from the Committee members.
- Section 3. The term of Chair and Vice-Chair shall be from election to the next election. Elections to fill these offices shall be held at the first Committee meeting and the first Committee meeting on or after May 1 of each subsequent year. Elections to fill vacancies will be held at the first Committee meeting after the vacancy occurs.
- Section 4. The Chair shall preside at all meetings and hearings of the Committee and shall have the duties normally conferred by parliamentary usage to such office. The Chair, with the assistance of the City Clerk, shall:
- a) Call meetings of the Committee as needed to fulfill the duties of the Committee and determine the time and place of such meetings.
 - b) Prepare agendas for meetings.
 - c) Prepare reports of Committee actions.
 - d) Provide notice to all Committee members.
 - e) Attend to correspondence of the Committee as approved by the Committee.
 - f) Determine that the Secretary keeps the official records of the Committee.
 - g) Determine that all Committee members have these Administrative Rules and Procedures and such other records as may be necessary for the satisfactory conduct of the duties of Committee members.
 - h) Have other duties as may from time to time be assigned by the Committee.
- Section 5. When the Chair is unable to preside or fulfill the duties of the Chair, the Vice-Chair (or Co-Chair) shall preside and assume the duties of the Chair until the Chair is able to preside.

Article VI. Committees, Subcommittees

- Section 1. The Committee may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Committee.
- Section 2. The Chair shall appoint committee and subcommittee members and officers.

Article VII. Meetings

- Section 1. The Committee, its committees and subcommittees shall meet as needed to fulfill the duties of the Committee.
- Section 2. The Committee shall meet at the call of the Chairman as needed to fulfill the duties of the Committee.
- Section 3. All meetings of the Committee shall be open to the general public, subject to the provisions of the Wisconsin Statutes (Open Meetings Act).
- Section 4. Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Committee shall be as provided in Robert's Rules of Order Newly Revised, as approved by the Common Council.
- Section 5. A record of all Committee actions shall be kept as part of its minutes.
- Section 6. Any member of the Committee may place on a Committee agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Committee, by notice to the Chair and the Secretary.
- Section 7. All materials and information related to matters to be considered by the Committee shall be delivered to the City Clerk not later than seven (7) working days preceding the meeting at which the matter is to be considered. Matters submitted for consideration by the Committee may be rescheduled to a subsequent Committee meeting when the Committee has determined that any required materials and information have not been received by the specified time.
- Section 8. Agendas and other materials for each meeting shall, whenever possible, be mailed to the members of the Committee not later than three (3) working days preceding the meeting.
- Section 9. Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a majority of all the members of the Committee and approval by the Common Council. All other actions shall require approval of a majority of all the members of the Committee.

Article VIII. Order of Business

- Section 1. Each Committee agenda shall provide for the following order of business:
- I. Call to order and roll call
 - II. Approval of minutes of previous meeting(s)
 - III. Old business (listed)
 - IV. New business (listed)
 - V. Other business (e.g., items for future agendas, Committee rules and procedures, etc.)
 - VI. Schedule next meeting
 - VII. Adjournment
- Section 2. In general, the order of business shall follow the printed agenda. The order of business may vary from the printed agenda by consensus of the Committee members present.

Article IX. Non-member Participation

- Section 1. Letters, documents and other records relevant to matters before the Committee or within Committee duties are welcome at any time by submission to the Secretary, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Committee will be considered when the specific matter is considered. Submissions related to other matters within the Committee duties will be considered in the Other Business section of the agenda or as otherwise deemed applicable by the Committee.
- Section 2. Except for properly noticed and scheduled public hearings, non-member testimony during Committee meetings shall be limited to a) applicants with matters before the Committee, b) persons with knowledge or expertise relevant to matters before the Committee or within Committee duties and c) the Mayor and Aldermen of the City of Franklin. Such non-member testimony shall be permitted at the discretion of and upon recognition by the Chair or on consensus of the Committee members present, and upon statement of name, address and basis for testimony.
- Section 3. At a properly noticed and scheduled public hearing of the Committee, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address.

Article X. Reconsideration

- Section 1. The Committee may reconsider any action taken by it during the same meeting at which the action was taken and at the next succeeding meeting.

License Committee

Administrative Rules and Procedures

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Exhibit

- A. §10-22. Of the Municipal Code of the City of Franklin, Wisconsin.

EXHIBIT A.

§10-22. License Committee. [Added 3-6-2001 by Ordinance No. 2001-1639]

The License Committee shall consist of three Alderpersons appointed by the Mayor and confirmed by the Common Council, each to serve a one-year term commencing May 1. (See §19-4. of this Code.)