



MIDDLETON POLICE DEPARTMENT

7341 Donna Drive Middleton, WI 53562

Brad Keil - Chief of Police

To the Owner, Operator or Agent of businesses engaged in the sale of intoxicating liquor, fermented malt beverages or wine:

The purpose of this letter is to clarify several restrictions which are applicable to your business which is operated under a beer, liquor or wine license granted by the City of Middleton.

License Types. As you know, there are three types of retail alcoholic beverage licenses. **Class "A"** licenses allow only package sales for off premises consumption. It is a violation for a Class A license to permit the consumption of any alcoholic beverage on the licensed premises. **Class "B" Beer** licenses allow the sale of fermented malt beverages to be consumed either on the premises where sold or off the premises. **"Class B"** licenses allow the sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. In addition, wine may be sold in the original package or container to be consumed off the premises. **"Class C"** license authorizes sale of wine by the glass or in an opened original container for consumption on the premises. Licenses may be issued in combination, although there is a quota on the number of Combination Class "B" Beer and "Class B" Liquor Licenses the City can issue.

Carry Out Ban. Unopened alcohol beverage packages, containers, or bottles may not be sold or carried-out for off premises consumption between the hours of 9:00 PM and 8:00 AM.

Hours of Operation.

Closing Hours		
Establishments with Class A, Class B or "Class C" licenses either are prohibited from selling alcohol or cannot be open for business during the following hours.		
License Type	Off-Premises (Carryouts)	On-Premises Consumption
Class "A" Beer	9:00PM to 8:00AM	Not Permitted
"Class A" Liquor	9:00PM to 8:00AM	Not Permitted
Class "B" Beer	9:00PM to 8:00AM	Mon. – Fri. 2AM to 6AM Sat. – Sun. 2:30AM to 6AM
"Class B" Liquor	9:00PM to 8:00AM	Mon. – Fri. 2AM to 6AM Sat. – Sun. 2:30AM to 6AM
"Class C" Wine	Not Permitted	Mon. – Fri. 2AM to 6AM Sat. – Sun. 2:30AM to 6AM

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Although they may be open for the conduct of business, Class A licensed businesses (convenience, grocery, and liquor stores), and bowling centers, hotels, golf courses, and bona fide restaurants may not sell, serve or allow consumption of alcohol beverages on the licensed premises during prohibited hours.

Other businesses operating under a Class B license must be closed and cease all operations involving the sale or consumption of alcoholic beverages from 2:00 AM to 6:00 AM, Monday through Friday, and 2:30 AM to 6:00 AM, Saturday and Sunday. (The only exception to this law occurs on January 1 of each year when Class B licensed premises are not required to close. The 9:00 PM to 8:00 AM prohibition on the sale of alcohol beverages for off-premises consumption remains in effect.) In order to comply with the hours of operation provision, it is necessary that all persons other than employees actually engaged in work necessary to the business be off the licensed premises. No alcohol beverages may be served or consumed after the legal closing time. The premises shall be well lighted during the clean up. Should special circumstances or emergency situations require employees to be on the premises during prohibited hours, please contact the Police Department and advise the circumstance and names of the employees or contractors who will be on the premises. Remember that licensed premises are subject to inspection at any time people are on the premises. Refusing to permit an inspection is grounds for revocation or suspension of the license.

Bar Closing Time when Daylight Savings Time is Implemented. The Federal Uniform Time Act as amended in 2005 provides that Daylight Savings Time begins at 2:00 AM, the second Sunday in March. At that time clocks are moved forward one hour. State law permits bars to stay open until 3:30 a.m. on the Sunday DST begins. Daylight savings time ends at 2:00 AM on the first Sunday in November. At that time clocks are moved back one hour.

Required Onsite Supervision of Licensed Premises. Except in Class “A” beer premises (for example a convenience store between 9PM and 8AM), one of the following must be present on all licensed premises during all business hours: The licensee, approved agent, a person with a City of Middleton operator’s or manager’s license, or someone with the privilege of a City of Middleton operator’s license. An adult working under the immediate supervision of any of the above does not need an operator’s license. Immediate supervision means that the licensed person must be able to watch and supervise each unlicensed person’s actions. This means that the licensed person must be in the same room or area as the unlicensed person, near enough to see and talk to him or her, and be able to actually supervise the unlicensed person. Licensees may be prosecuted for not having the required supervision on their premises. Operator licenses are issued by the City Clerk and are good in any premises in the City of Middleton. To obtain an Operator’s License, you must be at least 18 years old. (U.S. Citizenship is not required.)

Serving Intoxicated Persons. It is illegal to furnish alcohol beverages to an intoxicated person.

Open Container Restrictions. No licensee, manager or operator shall permit any patron to leave the licensed premises with an open alcoholic beverage container. However, partially consumed bottles of wine purchased as part of a meal at a restaurant holding a



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“Class B” liquor or a “Class C” wine license may be carried out if the purchaser ordered food for consumption on the premises, the cork is fully reinserted before midnight, and a dated receipt identifying both food and wine is provided. Furthermore, the area designated in a Sidewalk Café permit is considered part of the licensed premise.

Wine & Beer Tasting. An establishment holding a “Class A” **Liquor License** (liquor, grocery, or convenience store) may furnish adult customers and visitors with **two wine taste samples** of not more than three fluid ounces each, free of charge, between 11:00 AM and 7:00 PM, for consumption on the premises.

An establishment holding a Class “A” **Beer License** (liquor, grocery or convenience store) may furnish adult customers and visitors with up to **two taste samples per day of beer** of not more than three fluid ounces each, free of charge, between 11:00 AM and 7:00 PM, for consumption on the premises.

Alcohol at a Commercial Non-Licensed Business. A commercial non-licensed business may not serve or possess alcohol beverages on the premises, except for an event that is restricted to personally invited guests which is not open to the general public (a private party). There can be no direct or indirect charge to recover the cost of the alcohol beverages. A grand opening or open house open to the general public is not an invitation only event.

Temporary Beer & Wine Licenses. Temporary Class “B” Beer and Temporary “Class B” Wine (picnic) licensees may sell beer at a picnic, meeting, or similar gathering of limited duration. A picnic license may not be issued to an individual, partnership, or business corporation. Picnic licenses may be issued only to “bona fide clubs, fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months and to posts of veterans’ organizations...” Occasionally a local service club partners with a commercial business where the club obtains a picnic license for a benefit event at a local business or location. The service club is responsible for and reaps the benefits of alcohol sales.

Expanded Premise Permit. A current alcohol licensee may apply for a temporary change in their premise description. It is within the discretion of the City to approve or disapprove the change and the City may impose standard or special conditions. Application forms may be obtained from the City Clerk or on line. Fee \$20.

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Change of Agent. If a licensed establishment changes agents, the City Clerk shall be notified and a change of agent form filed within ten days.

Outdoor Amplified Sound Permit. A permit is required to operate any sound system outdoors, cause amplified music or other sound including music from a live performance to be projected outdoors, to cause amplified sound to be projected outside of any building, or to cause amplified sound to be projected from any vehicle in the City. There are some exceptions for car stereos, private residences, schools, churches and public safety. Commercial enterprises may apply for an annual permit. Application forms may be obtained from the City Clerk or on line. Fee \$20.

Enforcement Policy. State law authorizes revocation, suspension, or nonrenewal proceeding if the licensed premise, licensee, or permittee has been convicted of two or more underage violations within any 12 month period; maintains a disorderly house; is convicted of or allows drug offenses; gives alcohol beverages to known habitual drunkards; or when the licensee does not possess the qualifications required. You can expect particularly strict enforcement of state laws and local ordinances prohibiting the sale of alcohol beverages to minors and intoxicated persons. It is incumbent upon you to take reasonable steps to ensure that underage or intoxicated persons do not procure or consume alcohol beverages at your business.

We have an interest in working with you to ensure compliance with state and local regulations. Officers may take the opportunity to periodically inspect your premise, however should problems arise you should not hesitate to contact us for assistance. We maintain records of police calls and enforcement actions involving your business. These files are reviewed at license renewal time, however, you should know that we distinguish between problems which you allow to get out of hand prior to seeking police assistance and those situations where your actions result in dealing with a problem in a forthright manner.

Should you desire any further information or have additional questions regarding the application and enforcement of alcoholic beverage regulations, please do not hesitate to contact the City Clerk or Police Department.