



ALCOHOL BEVERAGE LICENSE INFORMATION

OFFICE OF THE CITY CLERK LICENSE DIVISION
200 E. WELLS ST. ROOM 105
MILWAUKEE, WI 53202 (414) 286-2238
EMAIL: LICENSE@MILWAUKEE.GOV

The information provided below outlines the application process for alcohol beverage retail establishment licensing in the City of Milwaukee. Complete rules and regulations governing alcohol beverage licensing are located in chapter 90 of the Milwaukee Code of Ordinances (www.milwaukee.gov/ordinances) and chapter 125 of Wis. Stats. (www.wisconsin.gov).

Before you make a proposal to purchase and/or invest in an establishment, **please be advised that it takes a minimum of 5 to 6 weeks to process an application.** Instructions contained in this information sheet must be followed in a timely manner and the premises may not have been denied in the past 12 months or delays in the processing will occur.

You may contact the alderperson of the district in which the proposed location is located at (414) 286-2221 to discuss your plan of operation and any neighborhood concerns regarding your application.

I. Retail License Classifications and Fees

Class "A" Fermented Malt Beverage (Beer) License

Fee: \$360 (includes a \$10 publication fee payable at the time of application.)

Allows the licensee to sell, or offer for sale, barter or give away fermented malt beverages for consumption away from the licensed premises and in the original packages, containers, bottles in quantities of no more than 4 ½ gallons. No sales may be made between 9:00 P.M. and 8:00 A.M.

"Class A" Intoxicating Liquor License

Fee: \$510 (includes a \$10 publication fee payable at the time of application.)

Allows the licensee to sell, or offer for sale, barter or give away intoxicating liquor for consumption away from the licensed premises in any quantity and in the original packages. No sales may be made between 9:00 P.M. and 8:00 A.M.

Class A Liquor and Malt License

Fee: \$860 (includes a \$10 publication fee payable at the time of application.)

Application may be made for both of the previous 2 licenses for the same premises. Allows for both intoxicating liquor and fermented malt beverages to be sold, bartered or given away in any quantity and in the original packages.

Class B Tavern License

Fee: \$610 (includes a \$10 publication fee payable at the time of application.)

Cannot be open during the hours of: Monday – Friday 2 a.m. – 6 a.m.; Saturday and Sunday 2:30 a.m. – 6:00 a.m.

Class "B" Fermented Malt Beverage License

Fee: \$110 (includes a \$10 publication fee payable at the time of application.)

Allows the licensee to sell, or offer for sale, barter or give away fermented malt beverages to be consumed on the licensed premises. (This license may be applied for in conjunction with the "Class C" Wine License.**)

Class "C" Wine License

Fee: \$110 (includes a \$10 publication fee payable at the time of application.)

Allows the licensee to sell, offer for sale, barter or give away wine by the glass or in an opened original container for consumption on the premises. The license may only be granted to restaurants in which the sale of alcohol beverages is less than 50% of the gross receipts. Foreign Corporations may not hold this type of license. (This license may be applied for in conjunction with the Class "B" Fermented Malt Beverage License.**)

** If applying for the Class "B" Fermented Malt Beverage License and Class "C" Wine License, only one application and publication fee of \$10 is required.

II. Definitions

Fermented Malt Beverage means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

Foreign Corporation means an entity organized under the laws of a state or country other than Wisconsin.

Intoxicating Liquor means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% percent or more of alcohol by volume, which are beverages, but does not include fermented malt beverages.

Wine means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

III. Qualifications of Licensee

Age: License may only be issued to applicants who have attained the age of 21. This applies to the individual, all partners, the agent, all officers of the corporation, and all members of a limited liability company.

Professional Character: The Common Council consistent with ss. 111.321, 111.322, and 111.335, Wis. Stats., may refuse to grant a license to any person who has been convicted of a felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity. This applies to the individual, all partners, agent, members, stockholders and directors.

Residency: The applicant must have been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of application. The residency requirement applies to the individual, all partners, and the agent of the corporation or limited liability company.

Responsible Beverage Server Course: Individual applicants, each partner, or the agent if a corporation or limited liability company must successfully complete an approved responsible beverage server-training course offered by the Milwaukee Area Technical College, or similar approved course (see "Training" on the Wisconsin Department of Revenue's website at www.dor.state.wi.us).

Applicants attending Wisconsin C.A.R.E., T.I.P.S. or N.R. A. must have certificates/diplomas, which indicate that the course complies with 125.04 & 125.17, Wis. Stats.

The server-training course does not need to be completed if one of the following are met:

1. Within the past 2 years, you held a Class "A", or Class "B" Liquor license, or a Class "B" Manager's license in Wisconsin.
2. Within the past 2 years, you held a Bartender's license in Wisconsin.

3. Within the past 2 years, you have already completed the course.

Note: Proof must be submitted to the License Division that a course was completed or if the license held was not issued by the City of Milwaukee.

IV. Forms:

The following forms must be submitted if you wish to apply for a license. The forms must be filled out completely, all questions must be answered and the forms signed. Signatures required are: Two officers for a corporation, a member for an LLC, all partners for a partnership or the individual applicant. Some forms require notarized signatures. (All commissioned notaries public, including attorneys, must impress their notary seal on the notarial certificates they issue. Applications submitted without the required seal will be returned).

The License Division may notarize your documents, provided the person whose signature is going to be notarized is present. There is a \$.50 per page charge for notarizing documents.) Changes to notarized forms can only be made by the person who signed the form.

Proof of Ownership, Lease or Offer to Purchase the Building must be submitted with your application. The Lease or Offer to Purchase may be contingent upon the license being granted.

Incomplete applications or those submitted without Proof of Ownership, Lease or Offer to Purchase will not be accepted. Please have your forms completed prior to bringing them to our office. If you have questions regarding specific portions of the application, we will assist you, but we cannot assist you in completing the entire application.

Required Forms:

- Original Alcohol Beverage License Application AT-106
- Auxiliary Questionnaire AT –103: Must be completed by the individual, all partners, the agent of a corporation or limited liability company, all officers and directors of a corporation, and all members of a limited liability corporation.
- Addendum to the Original License Application ccl-124 – Must be completed by the individual, all partners, or the agent.
- Plan of Operation Supplement for Retail Alcohol Beverage License Application ccl-124d
- Detailed Floor Plan as outlined on ccl –124d – The floor plan must be filed on 8 ½ X 11 inch sized paper. A separate sheet of paper must be filed for each floor included in the premises description.
- Related License applications (if applicable)

In addition to the above forms, those filing as a corporation or limited liability company must also submit:

- Schedule for Appointment of Agent by Corporation/Nonprofit Organization/Limited Liability Company AT-104
- Statement of Stock Ownership

Important Information for all Applicants to remember when filling out the application:

The "PREMISES DESCRIPTION," which you list on the application, will appear on your license. (Class B and C applicants Only -If the premises has been licensed before as a Class "B" establishment, and you wish to expand on what was listed as the premises description, ex: add a sidewalk café, a PERMANENT EXTENSION OF PREMISES must be applied for and approved before this area can be utilized.)

Class B and C applicants Only -If applying for a Tavern Amusement (Cabaret/Nite Club) license, you must describe your plan of operation in specific detail.

The type(s) of entertainment granted will be listed on a certificate that is issued with your license. In order to change this, a Request to Change the Plan of Operation for a Tavern Amusement License must be applied for, approved, and a new certificate issued before you can deviate from the current plan of operation.

ARRESTS AND CONVICTIONS: Applicants are required to provide detailed information regarding all arrests and convictions in their application. Failure to do so may result in prosecution. A detailed arrest and conviction report may be obtained from the Open Records Section of the Milwaukee Police Department at 2333 N. 49th Street - 2nd Floor (49th St. between North & Lisbon), if proper identification is presented.

INCOMPLETE/INCORRECT APPLICATIONS CANNOT BE ACCEPTED.

V. Other Requirements:

State Seller's Permit: A Wisconsin State Seller's Permit (or a clearance slip indicating you have filed for a seller's permit) must be submitted to the License Division. This can be obtained from the Wisconsin State Office Building, 819 N. 6th St., Room 408, or by calling 227-4000, <http://www.dor.state.wi.us/>. Not required for eleemosynary organizations.

THE LEGAL NAME ON THE SELLER'S PERMIT MUST BE THE SAME AS THE LEGAL ENTITY NAME APPLYING FOR THE LICENSE. For example, if the licensee applying for the license is ABC, Inc., the seller's permit must read ABC, Inc. It cannot read ABC Corporation, The ABC Company, A Corporation, etc. If you have questions regarding this requirement, please ask. We cannot issue a license

unless the licensee and seller's permit are exactly the same.

Entity Registration: Corporation or limited liability company applicants must register with the State of Wisconsin Department of Financial Institutions - Division of Corporate & Consumer Services. If your legal entity has not been registered call (608-261-7577), <http://www.wdfi.org/>. The legal name registered must be the same as the legal entity name applying for the license. Proof that your registration has been filed and processed by the Department of Financial Institutions must be submitted to the License Division before your license can be issued.

Retail Liquor Dealer's Stamp: Federal Law also requires purchase of retail liquor dealer's stamp. Call 1-800-937-8864 for details, or visit <http://www.ttb.gov/alcohol/retailers/index.htm>

Federal Bureau of Alcohol, Tobacco and Firearms: A special occupational tax must be paid before beginning business. Call 1-800-937-8864 or go to www.ttb.gov for information.

Occupancy Permit: A permit must be obtained from the City of Milwaukee, Development Center, Permit Desk, 809 N. Broadway, 1st floor, (414) 286-8211. See <http://www.mkedcd.org/build/pdfs/occcert.pdf>.

The License Division will receive written notification directly from this department when all requirements are met. **THE APPLICANT NAME AND SUBJECT ADDRESS ON THE CERTIFICATE OF OCCUPANCY APPLICATION MUST BE THE SAME AS INDICATED ON THE LICENSE APPLICATION. (BRING A COPY OF YOUR APPLICATION TO THE DEVELOPMENT CENTER AT 809 N. BROADWAY WHEN APPLYING FOR YOUR PERMIT.)**

Health Department Inspection/Food License: Health Department inspection of the premises must be made and any deficiencies corrected. Contact the Health Department, 841 N. Broadway, telephone (414) 286-3674, to make an appointment for inspection. The License Division will receive written notification directly from this department when all requirements are met. Food licenses are also issued by the Health Dept.

Fingerprints: All applicants, including the individual, all partners, the agent, all officers of a corporation, all members of a limited liability company, and stockholders owning 20% or more of stock, must be fingerprinted. Only the agent of a non-profit organization is required to be fingerprinted.

Upon filing your application, if your fingerprints are not on file with the City of Milwaukee, you are required to report to the Police Administration Building, 951 N. James Lovell Street (7th St), Room 305, between the hours of 8:00 A.M. - 6:00 P.M., Tuesday through Friday, to be fingerprinted. If you are unsure if your

fingerprints are on file, report to the above address or call (414) 935-7281 for confirmation. If you are an out of town resident, call (414) 935-7430 to find out how to comply with the fingerprint requirement. All fingerprints must be taken or on file prior to the Police Background Investigation.

Police Investigation:

PRIOR TO BEING SCHEDULED FOR A LICENSES COMMITTEE HEARING AND AFTER ALL APPLICANTS HAVE BEEN FINGERPRINTED: The individual, all partners, or the agent of the corporation or limited liability company will receive a written notice by mail to contact the License Investigation Unit of the Milwaukee Police Department for a telephone interview. You will be required to provide proof of residency and a signed lease or accepted offer to purchase for the tavern premises.

NOTE: Failure to comply with the FINGERPRINTING and POLICE INVESTIGATION REQUIREMENTS WITHIN 21 DAYS OF YOUR APPLICATION will cause an incomplete application and will cause a delay in the scheduling of your application and may result in the denial of your application.

VI. Licenses Committee Hearing

Notice: Every new applicant (the individual, all partners, or the agent) will be notified in writing, at the home address(es) provided in the application, when to appear before the committee.

Recommendation: The Licenses Committee makes its recommendation to the Common Council and then the Common Council votes on the recommendation at the next scheduled meeting. (Licenses are not granted by the Licenses Committee.)

Holds: If all requirements for the Health Department and Department of Neighborhood Services are not met, they will place a hold on the issuance of your license at this time.

VII. Common Council

Granting: Licenses are granted by the Common Council at regularly scheduled meetings, which are usually held once a month. Applicants do not appear before the Common Council. Licenses are valid for one year from the Common Council grant date. Please note that no meetings are held during the month of August.

Denial: “Whenever an applicant for a new alcohol beverage premise license has had his or her application denied, no other application by the same applicant for an alcohol beverage premises license at the same premise shall be recommended for approval by the Licenses Committee for a period of 12 months following the date of the original denial . . . “

“Whenever an applicant for a new license has had his or her application denied for a reason relating to the fitness of location (concentration) of the premises to be licensed, no other application for an alcohol beverage license for such location shall be recommended for approval by the Licenses Committee within 3 years of the date of the denial . . . “

VIII. Issuance of License

After the license is granted by the Common Council and all fees are paid, the license will be issued provided that:

1. The Health Department does not have a hold on the license
2. The Department of Neighborhood Services does not have a hold on the license
3. The responsible beverage server course requirement is met
4. The State seller’s permit or clearance slip in the name of the correct legal entity is on file with the License Division
5. The Corporation or Limited Liability Company is registered with the State of Wisconsin, Department of Financial Institutions and proof is on file with the License Division.

IX. Miscellaneous Information

CLASS B TAVERN AGE DISTINCTION

Effective June 7, 2008, an ordinance has been established that permits Class “B” Tavern operators to restrict by age the patrons allowed in their establishments. Complete the “Age Distinction for each day” column on page 2 of the Plan of Operation Supplement to specify a minimum age limit. The Licenses Committee and Common Council must first approve any age limit before it can be enforced.

Licensing of Premises under new ownership:

A new tenant or owner cannot legally operate under the alcohol beverage license issued to the prior lessee or owner for that premises. Only the person named in the license has the right to sell alcohol beverages. The licensee does not have the power to assign or transfer these privileges. State law gives the authority only to the Common Council.

Class D Operators (Bartenders) Exemptions:

The Licensee (Individual, Partners, Agent) does not need a bartender’s license. (Officers and members do need a license.) Members of a Licensee family may be exempt if all of the following requirements are met:

- 1) Premises must be licensed as an individual or partnership
- 2) Person must be an immediate family member (spouse, son, daughter, father, mother, mother-in-law, father-in-law, son-in-law, or daughter-in-law) *A brother or sister are not eligible.*
- 3) Person must be 21 years of age or older. (If over age

18 and they do not have their own operator's license, they must be under the immediate supervision by the licensee, agent, adult member of the licensee's immediate family, or a person with an operator's license.)

4) Person must be living in the same residence as the license

5) Exemption is only applicable at the licensed family premises.

Class B Manager's License Requirement:

A Class "B" Manager's license is required for the person managing the day-to-day operations of the Class B business if that person is not the individual proprietor, partner, or the agent of the corporation or limited liability company.

Proof of Identity Required:

Effective September 1, 2006, all persons submitting applications, amending information or picking up licenses/permits must provide proof of identity.

If you wish someone other than those persons listed on the application to be designated to pick up your licenses/permits, you must complete an Authorized Representative Statement, which is included in this packet.

REFUND OF LICENSE FEE: If an application is withdrawn or denied, you are eligible for a partial refund of your license fee. \$50.00 will be retained for administrative and processing, provided the refund is requested no later than one year from the date of withdrawal or denial of the application. If a license is not issued, the refund must be requested no later than one year from the date of application, unless the license has been granted, in which case no later than one year from the date of granting of the license. The \$10 publication fee is not refundable.

FEDERAL TAX RESPONSIBILITIES

WHAT BUSINESS OWNERS NEED TO KNOW

As a business owner, you need to know your federal tax responsibilities.

In addition to knowing about federal taxes, you need to make some basic business decisions.

Understanding and complying with tax requirements is a necessary aspect of doing business.

IRS WEB RESOURCES

Starting, Operating or Closing a Business

Whether you are a budding entrepreneur, or an established business owner, you will find everything you need to start and manage your business venture.

<http://www.irs.gov/businesses/small/article/0,,id=110417,00.html>

Business Taxes

The form of business you operate determines what taxes you must pay and how you pay them.

<http://www.irs.gov/businesses/small/article/0,,id=98966,00.html>

Checklist for Starting a Business

This checklist provides the basic steps you should follow to start a business.

<http://www.irs.gov/businesses/small/article/0,,id=98810,00.html>

Employer ID Number

An Employer Identification Number, also known as a Federal Tax Identification Number, is used to identify a business entity.

<http://www.irs.gov/businesses/small/article/0,,id=98350,00.html>

Online Application - Form SS-4

Apply online for the Employer Identification Number

<http://www.irs.gov/businesses/small/article/0,,id=102767,00.html>

NON-PROFIT/CHARITABLE ORGANIZATIONS

Non-Profit organizations (tax exempt status) are required to register as (501) (c) (3) Organizations with the Internal Revenue Service, Department of the Treasury. If your legal entity has not been registered call 1 (800) 829-5500, or apply online at

<http://www.irs.gov/charities/index.html> the legal name registered must be the same as the legal entity name applying for the license. A copy of your documentation from the Internal Revenue Service confirming your status as a (501) (c) (3) organization must be submitted to the License Division before your license can be issued.

SMALL BUSINESS RESOURCES

These are just a few of the many government websites with business information.

Small Business Administration The SBA's Small Business Planner includes information and resources that will help you at any stage of the business lifecycle. <http://www.sba.gov/>

Social Security Administration Visit Business Services Online; a suite of applications enabling organizations and authorized individuals to conduct business with the Social Security Administration. This includes filing Forms W-2 electronically for free. <http://www.socialsecurity.gov/>

U.S. Department of Labor The Employers' page provides information on Wages and Work Hours, Workplace Safety and Health, and Retirement and Health Benefits. <http://www.dol.gov/>

State Links This IRS.gov link will allow you to connect to your state's website for small business information.

<http://www.irs.gov/businesses/small/article/0,,id=101082,00.html>

Department of Agriculture - Office of Small & Disadvantaged Business Utilization The Mission of this office is to provide maximum opportunities for small businesses to participate in USDA contracting activities. <http://www.usda.gov/osdbu/>

Business.gov the official business link to the U.S. Government, is managed by the U.S. Small Business Administration (SBA) in a partnership with 21 other federal agencies

FirstGov.gov and FirstGov En Español As the U.S. government's official web portal, FirstGov.gov makes it easy for the public to get U.S. government information and services on the web. FirstGov.gov also serves as the catalyst for a growing electronic government.