CHAPTER 99
PUBLIC WAREHOUSES

99.01 Definitions. For the purpose of this chapter, unless the context otherwise requires:

1. “Food” has the meaning specified in s. 97.01 (6).

2. “Property” means goods as defined in s. 407.102 (1) (g).

3. “Public warehouse” means a warehouse that is operated by a public warehouse keeper for the storage for hire of the property of others. “Public warehouse” includes a food warehouse, as defined in s. 97.27 (1) (b), if the warehouse is operated by a public warehouse keeper on a storage for hire basis. “Public warehouse” does not include a frozen-food locker plant as defined in s. 97.27 (1) (e).

4. “Public warehouse keeper” means any person who is required to be licensed under s. 99.02.

5. “Warehouse” means any building, room, structure or facility used for the storage of property.


99.015 Warehouses classified. For the purposes of this chapter, public warehouses are classified as follows:

1. Class 1 warehouses have less than 10,000 square feet of floor space.

2. Class 2 warehouses have 10,000 square feet or over but less than 50,000.

3. Class 3 warehouses have 50,000 square feet or over but less than 100,000.

4. Class 4 warehouses have 100,000 square feet or over but less than 150,000.

5. Class 5 warehouses have 150,000 square feet or over.


99.02 Public warehouse keepers; licensing. (1) APPLICATION. Except as provided in sub. (2), no person may operate a warehouse, including a cold-storage warehouse, for the storage of property as bailee for hire without a public warehouse keeper’s license. A person desiring a public warehouse keeper’s license shall apply on a form furnished by the department and shall set forth the location, size, character and equipment of the building or premises to be used by the applicant, the kinds of goods intended to be stored, the name of each partner if a partnership or of each member if a limited liability company, the names of the officers if a corporation, and such other facts as the department requires to show that the property proposed to be used is suitable for a warehouse and that the applicant is qualified as a public warehouse keeper. Subject to s. 93.135, if the property proposed to be used is suitable for a public warehouse and the applicant is otherwise qualified, a license shall be issued upon payment of the license fee under sub. (3) and the filing of security or insurance as required under s. 99.03.

(2) LICENSE NOT REQUIRED. No license is required for any of the following:

a. A municipal corporation.

b. A cooperative association or an unincorporated cooperative association storing farm products and merchandise for members.

c. A person who owns and uses warehouses for storage of manufactured dairy products, canned produce or dairy products, manufactured by the person.

d. A common carrier engaged solely in the transit and storage of property for periods not exceeding 30 days.

e. A person who stores property received under a writ of restitution under s. 799.44 (2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.

f. An agricultural society, association, or board that conducts a county or district fair and that receives aid under s. 93.23.

99.03 Public warehouse keepers; licensing. (1) INJUNCTIONS. If the department determines in any inspection that the warehouse keeper is not in compliance with chapter 99 or with any federal or state law that the department determines in any inspection that the warehouse keeper is not in compliance with chapter 99 or with any federal or state law that the department determines, the department shall order the warehouse keeper to cease and desist from operating the warehouse.

(2)cedure. If the warehouse keeper fails to cease and desist from operating the warehouse, the department shall order the license holder for the reinspection as follows:

a. If the department conducts a reinspection of any warehouse, the department shall charge the license holder for the reinspection as follows:

b. If the department conducts a reinspection of any warehouse, the department shall charge the license holder for the reinspection as follows:

(3) Fees. (a) An applicant for a public warehouse keeper’s license shall pay the following annual license fee, unless the fee is otherwise established by department rule:

1. For a Class 1 public warehouse, $50.

2. For a Class 2 public warehouse, $100.

3. For a Class 3 public warehouse, $150.

4. For a Class 4 public warehouse, $200.

5. For a Class 5 public warehouse, $250.

(b) No license shall be issued for part of a year for less than the annual fee, and the license is not transferable. The license period expires June 30.

(c) The department may exempt from the operation of this section a public warehouse or portion thereof if the operator has a license under the federal bonded warehouse act.

(d) If the department conducts a reinspection of any warehouse operated by a person licensed under this section due to any violation of any federal or state law that the department determines in a regularly scheduled inspection of that warehouse, the department shall charge the license holder for the reinspection as follows:

1. The holder of a license under par. (a) 1.: $50.

2. The holder of a license under par. (a) 2.: $100.

3. The holder of a license under par. (a) 3.: $150.

4. The holder of a license under par. (a) 4.: $200.

5. The holder of a license under par. (a) 5.: $250.

(e) An applicant for a public warehouse keeper’s license shall pay a license fee surcharge of $100 if the department determines that, within one year before submitting the license application, the applicant operated the public warehouse without a license in violation of sub. (1). Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability that results from the unlicensed operation of the public warehouse, but does not constitute evidence of any other violation of law.

(f) A person who stores property received under a writ of restitution under s. 799.44 (2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.

99.04 Rule-making authority.
99.02 PUBLIC WAREHOUSES

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(2) A person who willfully violates this chapter or rules promulgated under this chapter shall be fined not less than $200 nor more than $1,000 or imprisoned not more than 6 months or both.

(3) Each day of violation constitutes a separate offense.


99.08 Rule-making authority. The department may promulgate rules that are needed for the administration and enforcement of this chapter.

History: 1983 a. 500; 1987 a. 399 s. 362; Stats. 1987 s. 99.08.

Cross-reference: See also ch. ATCP 97, Wis. adm. code.