

1979 Assembly Bill 998

Date published: **May 7, 1980**

CHAPTER 212, Laws of 1979

AN ACT to renumber and amend 176.05 (4b); to amend 66.054 (19), 176.05 (4b) (title) and 176.32 (1); and to create 176.05 (4b) (a) of the statutes, relating to permitting minors to enter certain premises owned by counties or municipalities on which

beer or liquor is being sold and permitting the secretary of the department of revenue to issue "Class B" liquor licenses for certain county or municipal owned premises.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.054 (19) of the statutes is amended to read:

66.054 (19) PRESENCE IN PLACES OF SALE PROHIBITED; PENALTY. A keeper of any place for the sale of any fermented malt beverage under a Class "B" retailer's license, who directly or indirectly suffers or permits a person under the age of 18 years, unaccompanied by his or her parent, guardian or adult spouse, who is not a resident, employe or a bona fide lodger or boarder on the premises controlled by the proprietor or licensee of the place, and of which the place consists or is a part, to enter or be on the licensed premises for any purpose, excepting the transaction of bona fide business other than amusement, the purchase, receiving or consumption of edibles or beverages for every such offense, may be fined not more than \$250, besides costs, or imprisoned for not more than 60 days. A person under the age of 18 years who enters or remains on the premises without a valid purpose and who is not a resident, employe or a bona fide lodger or boarder on the premises, or who is not accompanied by his or her parent, guardian or adult spouse, may be fined not more than \$100, besides costs. This subsection does not apply to hotels, drug stores, grocery stores, bowling alleys, public facilities as defined by 176.05 (4b) (a) which are owned by a county or municipality, premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 and 28, parks owned or operated by agricultural societies receiving state aid, cars operated on any railroad, regularly established athletic fields or stadiums nor to premises operated under both a Class "B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It is presumed where the premises are operated under both a Class "B" license and a restaurant permit, that the principal business conducted is that of the sale of fermented malt beverage, until the presumption is rebutted by competent evidence. The provisions of sub. (15) providing for punishment of violators of this section by fine and imprisonment do not apply to this subsection. This prohibition does apply to any person who is not a resident, employe or a bona fide lodger or boarder on the premises, after the legal hour for closing.

SECTION 2. 176.05 (4b) (title) of the statutes is amended to read:

176.05 (4b) (title) LICENSES TO COUNTY-OWNED AIRPORTS AND PUBLIC FACILITIES.

SECTION 3. 176.05 (4b) of the statutes is renumbered 176.05 (4b) (b) and amended to read:

176.05 (4b) (b) Any county or municipality which owns an airport or ~~arena~~ public facility which is in actual operation may by resolution of its governing body annually apply to the secretary of revenue on a form to be supplied by the secretary for the issuance of a retail "Class B" intoxicating liquor license for use on such the airport or arena public facility premises. ~~An "arena" means any public building with a capacity of 4,000 or more used principally for the conduct of sports events.~~ Such license shall be issued only to a concessionaire designated by ~~said~~ the governing body to operate on ~~said~~ the airport or ~~arena~~ the public facility, and if such the concessionaire is a corporation such the license shall be issued only to a designated officer or employe of such the corporation. No such county or municipality nor any officer or employe of such the county or municipality shall be issued or granted a "Class B" intoxicating liquor license at any such airport or ~~arena~~ public facility. Upon receipt of such the application and upon payment to such the secretary of an annual license fee equivalent to the amount currently set by the governing body of the municipal subdivision ~~wherein such~~ where the airport or ~~arena~~ public facility is located for like licenses issued by it, the secretary shall issue such the license and ~~thereupon~~ transmit the license fee to the municipal subdivision ~~wherein such~~ where the airport or ~~arena~~ public facility is located. The license year shall commence on July 1 annually.

The provisions of sub. (1a) relating to suspending or revoking permits shall apply to all licenses issued by the secretary ~~hereunder~~ under this subsection and except as provided ~~herein in this subsection~~, retail "Class B" intoxicating liquor licenses shall apply to ~~such licenses as are issued hereunder~~ under this subsection.

SECTION 4. 176.05 (4b) (a) of the statutes is created to read:

176.05 (4b) (a) In this subsection:

1. "Arena" means a public building with a capacity of 4,000 or more used principally for the conduct of sports events.

2. "Coliseum" means a public multipurpose facility designed for activities of the public, which may include but are not limited to sports events, trade shows, conventions, seminars, concerts, banquets and fairs.

3. "Public facility" means an arena, coliseum, related exposition facilities or center for the performing or visual arts.

4. "Related exposition facility" means buildings constructed on the same grounds as a coliseum and used for the same or ancillary functions.

SECTION 5. 176.32 (1) of the statutes is amended to read:

176.32 (1) ~~Every A~~ keeper of any place, ~~of any nature or character whatsoever~~, for the sale of any intoxicating liquor, who either directly or indirectly suffers or permits any person ~~of either sex~~ under the age of 18 years, unaccompanied by his or her parent, guardian or spouse, of whom one ~~shall be~~ is at least 18 years of age, or suffers or permits any person to whom the sale of any such liquors ~~has been~~ is forbidden in the manner provided by law, who is not a resident, employe, or a bona fide lodger or boarder on the premises of ~~such the~~ licensed person, to enter or be on ~~such the~~ licensed premises for any purpose, excepting the transaction of bona fide business other than amusement or the purchase, receiving or consumption of edibles or beverages, shall, for every such offense, be fined not exceeding \$250 or imprisoned not exceeding 60 days; ~~and any such. A~~ person so remaining ~~as aforesaid~~, who is not a resident, employe, or a bona fide lodger or boarder on the premises, or who is not accompanied by his or her parent, guardian or spouse, of whom one ~~shall be~~ is at least 18 years of age, shall be fined not more than \$20 or imprisoned not exceeding 30 days. This section ~~shall~~ does not apply to hotels, drug stores, grocery stores, bowling alleys, ski chalets, golf clubhouses, cars operated on any railroad, public facilities as defined by s. 176.05 (4b) (a) which are owned by a county or municipality, regularly established athletic fields or stadiums nor to premises operated under both a "Class B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It ~~shall be~~ is presumed, however, where ~~such the~~ premises are so operated under both a "Class B" license and a restaurant permit, that the principal business conducted ~~therein~~ is that of the sale of intoxicating liquor, until ~~such the~~ presumption is rebutted by competent evidence.
