

**The League of Wisconsin Municipalities**  
*Municipal Licensing and Regulation of Alcohol Beverages*

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**M. Operating Restrictions**

**1. 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: Wis. Stat. ecs. 125.32(3) and 125.68(4). “Wine walk” premises: At premises covered by a temporary (picnic) wine license under the “wine walk” law, sec. 125.51(10)(b), no person may serve wine after 9:00 p.m.

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	<b>Off-Premises (Carryouts)</b>	<b>On-Premises Consumption</b>
“Class A” beer	midnight to 6 a.m.	Not permitted (limited exception for samples)
“Class B” beer	midnight to 6 a.m.	Mon.- Fri. 2 a.m. - 6 a.m., Sat. - Sun. 2:30 a.m. - 6 a.m.
“Class A” liquor	9 p.m. to 6 a.m.	Not permitted (limited exception for samples)
“Class B” liquor* (if allowed by ordinance)	midnight to 6 a.m.	Mon.- Fri. 2 a.m. - 6 a.m., Sat. - Sun. 2:30 a.m. - 6 a.m.
“Class C”	wine not permitted except for opened, purchased bottle, reclosed pursuant to law	Mon. - Fri. 2 a.m. - 6 a.m., Sat. - Sun. 2:30 a.m. - 6 a.m.

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\*These closing times are not applicable to a “Class B” license issued to a winery. Sec. 125.68(4)(c). Closing hours for wineries are 9 p.m. to 8 a.m. Sec. 125.68(4)(c)3m.

[Note: On January 1, Class “B” beer and “Class B” liquor licensed establishments are not required to close, but the midnight to 6 a.m. prohibition on the sale of alcohol beverages for off-premises consumption remains in effect. Sec. 125.68(4)(c)1 and 3. Also, at 1 a.m. on the first Sunday in April daylight savings begins and the standard of time which licensed establishments must operate under is advanced ahead one hour. Daylight savings ends at 2 a.m. on the last Sunday in October. At that time, the clocks are moved back one hour. Sec. 175.095.]

“Wine walk” premises: At premises covered by a temporary “Class B” wine license under sec. 125.51(10)(b) (wine walks), no person may serve wine after 9.p.m.

**2. Municipal authority to enact stricter closing hours**

Municipalities may not impose different hours from those provided in the statutes for on-premises consumption of alcohol beverages in Class B beer and/or liquor licensed establishments or establishments with a “Class C” license. However, municipalities may impose more restrictive hours on sales by Class B beer and/or liquor licensed establishments for off-premises consumption (carryouts). Municipalities may also impose more restrictive hours for Class A beer and/or liquor carryouts. Secs. 125.32(3)(d), 125.68(4)(c)3 and 5.

**3. Liquor store (Class A license) closing time**

Unless prohibited by ordinance, a Class A beer and/or liquor licensed establishment may remain open after 9 p.m. for the sale of beer (until midnight), soda water beverages, snack items, or groceries, but no liquor (including wine) may be sold after 9 p.m. Secs. 125.32(3)(b) and 125.68(4)(b).

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**4. Sunday closing**

The State of Wisconsin does not have a “Blue Law” requiring alcohol beverage licensed establishments to close on Sundays. However, since municipalities may enact stricter carryout hours for both Class A and Class B businesses, Sunday carryout hours may be prohibited or shortened locally. See sub.2 above. Intoxicating Liquors 870 (1987).

**5. Restaurant hours: Sec. 125.68(4)(c)4**

- a. A Class B or “Class C” licensed restaurant may be open after hours for the serving of food, if its principal business is the furnishing of food or non-alcohol beverages to patrons.
- b. No alcohol beverages may be served, sold, or consumed during the closing hours provided by state law.
- c. The term “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 taken into consideration if they are given less weight.” Sec. 125.02(15m).

[Note: The burden is on the alcohol beverage licensee to prove to the municipality that the principal business is that of a restaurant. 36 Op. Att’y Gen. 155 (1947).]

**6. Other operations allowed to remain open after the closing hour**

Bowling centers, movie theaters, painting studios, indoor horseshoe-pitching facilities, hotels, golf clubhouses and courses, and curling clubs may remain open for the conduct of their regular business after the required closing hour but no alcohol beverages may be sold, served, or consumed during prohibited hours. Sec. 125.32(3)(c). In the case of a hotel, as in the case of a restaurant, the “principal business” must be the furnishing of food, non-alcohol beverages, or lodging. Wis. Stat. sec. 125.68(4)(c) 4.

**7. Employees on premises after hours**

Municipalities may not prohibit the permittee, licensee, employees, salespersons, service personnel or employees of wholesalers licensed under secs. 125.28(1) or 125.54(1) from being present on licensed premises during hours when the premises are not open for business if those persons are performing job-related activities. Sec. 125.10(4).

**8. Alcohol product purchasing**

The only alcohol beverages authorized for sale on a licensed premises are those purchased from a licensed wholesaler. See Wis. Stat. secs. 125.33(9) (fermented malt beverages) and 125.69(6) (intoxicating liquor). Fermented malt beverages and intoxicating liquor acquired from any other source cannot be sold on a licensed premises.

**9. Carry-ins**

Carry-ins are prohibited under Wisconsin’s alcohol beverage laws. Wis. Stat. sec 125.32(6)(a) provides:

**LIMITATIONS ON BEVERAGES ON WHOLESALE AND RETAIL PREMISES.**

Except as provided in s. 125.33(2)(o) or 125.70, no person may possess on the premises covered by a retail or wholesale fermented malt beverages license or permit any alcohol beverages not authorized for **sale** on the premises. [Emphasis added].

Accordingly, the only alcohol beverages that may be possessed in a bar, nightclub, restaurant or other establishment covered by a retail or wholesale fermented malt beverage license is the alcohol that has been purchased by the licensee from a licensed wholesaler. “Bring your own” is not allowed for beer or liquor on such premises.