

CHAPTER 99

WAREHOUSES AND LOCKER PLANTS

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SUBCHAPTER I

GENERAL PROVISIONS

Cross Reference: See definitions in 93.01.

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

(1) "Branch locker plant" means any location or establishment used only for the rental of space or individual lockers for the storage, at or below a temperature of 5 degrees above zero Fahrenheit, of food which has been sharp frozen.

(2) "Chill room" means a room or compartment for the chilling of food and perishable products which is capable of maintaining temperatures within 2 degrees Fahrenheit plus or minus of 35 degrees above zero Fahrenheit, with a tolerance of 10 degrees Fahrenheit for 6 hours after fresh food or perishable products are put in for chilling.

(3) "Cold storage" means the storage or keeping of food or perishable products at temperatures between zero and 50 degrees Fahrenheit in a cold storage warehouse.

(4) "Cold storage warehouse" means any warehouse artificially cooled to temperatures between zero and 50 degrees Fahrenheit, in which food is placed and held.

(5) "Food" has the meaning specified in s. 97.01 (6).

(6) "Locker" means an individual section or compartment of a capacity not to exceed 20 cubic feet, located in a locker room of a locker plant or branch locker plant, in which food is stored for more than 24 hours.

(7) "Locker plant" means a location or establishment in which food is chilled and sharp frozen and in which space or individual lockers are rented for the storage of food at or below a temperature of 5 degrees above zero Fahrenheit.

(8) "Locker room" means a room located in a locker plant or branch locker plant in which lockers are located, capable of maintaining temperatures of not to exceed 5 degrees above zero Fahrenheit.

(9) "Perishable products" means nonfood commodities that must be kept at temperatures below 50 degrees Fahrenheit to maintain their quality or prevent decomposition.

(10) "Processor" means any person who directly or indirectly, for compensation, wraps and freezes meat, poultry or fish products for frozen storage by the ultimate consumer.

(11) "Property" means goods as defined in s. 407.102 (1) (f) and includes, without limitation because of enumeration, agricultural and commercial products, commodities or equipment; household furnishings; automobiles, boats,

snowmobiles or other vehicles and conveyances; and all other items of a personal, family, household, agricultural, business or commercial nature which may be the subject of a contract of storage.

(12) "Public warehouse" means a warehouse that is operated by a public warehouse keeper for the storage for hire of the property of others.

(13) "Public warehouse keeper" means any person who is required to be licensed under s. 99.02.

(14) "Received in cold storage" means when food and perishable products are delivered to and come into possession or custody of the licensee of a cold storage warehouse.

(15) "Sharp freeze facility" means a facility capable of maintaining temperatures of 10 degrees below zero Fahrenheit or lower on still air and temperatures of zero degrees Fahrenheit or lower where forced air circulation is employed; with a tolerance of 10 degrees Fahrenheit for either type of cooling for 12 hours after fresh food or perishable products are put in the facility for freezing.

(16) "Sharp frozen" means the complete and thorough freezing of foods or perishable products with sharp freeze facilities.

(17) "Warehouse" means any building, room, structure or facility used for the storage of property.

History: 1983 a. 189; 1983 a. 500 ss. 2 to 6, 30; 1983 a. 538; 1985 a. 332 s. 253.

99.015 Warehouses classified. For the purposes of this chapter, public and cold storage warehouses are classified as follows: Class 1 warehouses have less than 10,000 square feet of floor space; Class 2 warehouses have 10,000 square feet or over but less than 50,000; Class 3 warehouses have 50,000 square feet or over but less than 100,000; Class 4 warehouses have 100,000 square feet or over but less than 150,000; and Class 5 warehouses have 150,000 square feet or over.

History: 1983 a. 500 s. 34.

SUBCHAPTER II

PUBLIC WAREHOUSE KEEPERS

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, 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. 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 a bond 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 person licensed under s. 126.07 as to business covered by the license.
- (c) A person who operates a warehouse storing only grain, as defined under s. 127.01 (18).
- (d) A cooperative association storing farm products and merchandise for members.

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

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

(3) FEES. (a) Every applicant for a public warehouse keeper's license shall pay an annual fee to the department, as follows:

- 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.

(4) SIGN POSTED. Every public warehouse keeper shall keep a conspicuous sign posted on the outside of each public warehouse, at its main entrance, which sign shall state clearly the name of the public warehouse keeper and that the warehouse is a public warehouse.

History: 1983 a. 500 ss. 7 to 10, 31, 33, 35, 37; 1985 a. 29 s. 3202 (3).

99.03 Public warehouse keeper; bond. (1) FILING AND APPROVAL OF A BOND REQUIRED. Every applicant for a public warehouse keeper's license shall file with the department a bond payable to the state, for the benefit of owners of stored property or their assignees, with one or more sureties licensed to do business in this state, who shall justify in double the amount of the bond. The bond must be acceptable to the department and shall be conditioned upon the applicant's faithful performance of all duties and obligations of a public warehouse keeper. Any person whose property is stored in any public warehouse may apply to the department to determine the sufficiency of the bond. When the department determines that a bond is insufficient, or if the bond or insurance policy lapses or is canceled without approval of the department, the public warehouse keeper shall correct the defect within 30 days after written notice from the department and, if the defect is not corrected within that period, the public warehouse keeper's license shall be considered automatically revoked without further action as of the expiration of the 30-day period. Any public warehouse keeper may, in lieu of a bond, file with the department an original or certified

copy of a legal liability insurance policy of like amount which is acceptable to the department and payable to the state for the benefit of owners of stored property or their assignees, and which provides that the policy shall not be canceled during the license period except upon 30 days' written notice to the department.

(2) AMOUNT OF BOND REQUIRED. The amount of the bond or insurance policy required under sub. (1) shall be not less than the following:

- (a) For a Class 1 public warehouse, \$10,000.
- (b) For a Class 2 public warehouse, \$20,000.
- (c) For a Class 3 public warehouse, \$30,000.
- (d) For a Class 4 public warehouse, \$40,000.
- (e) For a Class 5 public warehouse, \$50,000.

(3) INSURANCE IN LIEU OF BOND. In the case of public warehouse keepers engaged exclusively in storing wearing apparel the department may accept, in lieu of bond, a certified copy of insurance policies protecting the owners of all stored goods against loss or damage by fire, wind, water or theft provided that the state is named as an additional insured in the policies for the benefit of the owners of stored property.

(4) USE OF A DEDUCTIBLE CLAUSE. Nothing in this section prohibits the use of a deductible clause in any insurance policy by agreement between the public warehouse keeper and the insurer if the insurer remains liable to owners of stored property or their assignees for the deductible portion of any loss or damage to stored property.

(5) NOTICE OF LIABILITY LIMITS. At the time a contract to store property is entered into with individuals for the storage of noncommercial personal, family or household goods, the public warehouse keeper shall notify the property owner of any limit on the public warehouse keeper's liability for loss or damage to the property while in storage and of the property owner's responsibility to provide additional coverage if desired.

History: 1983 a. 500 ss. 11, 12, 36.

99.04 Suitable facilities and inspection. (1) FACILITIES. All public warehouse facilities shall be suitable for the type of storage operations to be conducted and shall be maintained and operated in a manner which will reasonably protect property to be stored against loss or damage. No public warehouse keeper license may be issued or continued in effect if facilities used are unsuitable for the type of storage operation to be conducted or adequate safeguards are not taken for the protection of property against loss or damage while in storage.

(2) INSPECTION. The department shall inspect all public warehouses as necessary to secure compliance with this subchapter or any rules of the department prescribing standards for the suitability of storage facilities, the maintenance of storage records and the safeguarding of property while in storage. For purposes of inspection and enforcement, the department shall have access to all public warehouses regulated under this subchapter at all reasonable times.

History: 1983 a. 500.

99.05 Receipts; records; standards. (1) RECEIPTS. Public warehouse keepers, at the time goods are received for storage, shall issue warehouse or storage receipts identifying goods placed in storage and inform storers of all terms and conditions of storage and may, for this purpose, use standard forms which are accepted in the warehousing industry and comply with the requirements of chs. 401 to 409 and this subchapter.

(2) RECORDS. Every public warehouse keeper shall maintain a record of all property received for storage and of all warehouse or storage receipts issued. Such records shall be

open at all reasonable times to inspection by the department. Persons holding an interest in stored property may inspect records relating to the property at reasonable times.

(3) **STANDARDS.** Public warehouse keepers shall be subject to standards and duties of care as prescribed in s. 407.204 (1) and this chapter, and other provisions of law relating to the storage of goods for hire, including the issuance of warehouse receipts, maintenance of warehouse receipt registers and enforcement of warehouse keepers' liens.

History: 1983 a. 500.

SUBCHAPTER III

COLD STORAGE WAREHOUSES

99.20 Cold storage warehouses; licensing. (1) Except as provided under sub. (2), no person may maintain or operate a cold storage warehouse without a license from the department.

(2) No license is required for the following:

(a) Any person licensed as a public warehouse keeper under s. 99.02.

(b) Persons licensed under ch. 97 for the manufacturing or processing of foods, who store only food products manufactured, processed or distributed by them in warehouses located on the licensed premises.

(c) Agricultural producers storing their own products.

(d) Consumers storing products for their own use.

(3) Any person desiring a cold storage warehouse license shall apply in writing to the department, stating the location of the warehouse. The department shall examine the warehouse and, if the department finds the warehouse to be in a proper sanitary condition and properly equipped for its intended use, the department shall issue a license. The license shall expire annually on October 31. The license authorizes the applicant to operate the warehouse as a cold storage warehouse upon payment of the appropriate following fee:

(a) For a Class 1 cold storage warehouse license, \$10.

(b) For a Class 2 cold storage warehouse license, \$15.

(c) For a Class 3 cold storage warehouse license, \$25.

(d) For a Class 4 cold storage warehouse license, \$50.

(e) For a Class 5 cold storage warehouse license, \$75.

(4) Examinations and inspections may be made at the convenience of the department upon receipt of a license renewal application and need not be completed before the license is issued.

History: 1983 a. 500 s. 7.

99.21 Sanitation. If any cold storage warehouse or any part thereof is at any time deemed by the department to be in an insanitary condition or not properly equipped for its intended use, the department shall notify the licensee of such condition and upon the failure of the licensee to put the cold storage warehouse in a sanitary condition or to properly equip the same for its intended use, within a time to be designated by the department, the department shall revoke the license.

History: 1983 a. 500 s. 11.

99.22 Inspection. The department shall inspect and supervise all cold storage warehouses and may inspect or sample articles in those warehouses as it deems necessary to secure the proper enforcement of this subchapter, and it shall have access to all cold storage warehouses at all reasonable times.

History: 1983 a. 500 s. 14.

99.23 Purity of foods. No person may knowingly place, receive or keep in any cold storage warehouse food which is adulterated under s. 97.02 unless the food bears a label or brand in accordance with forms prescribed by the department

showing plainly the fact that the food is not intended for human consumption and is not to be sold or used as and for such, and unless the food is stored separate and apart from all foods intended for human consumption.

History: 1975 c. 94 s. 91 (10); 1983 a. 500 s. 16.

99.24 Marking dates of reception and removal of foods and perishable products. Whenever articles of food or perishable products are received in cold storage, each article of the lot shall be identified and stamped with a distinguishing lot number under which they are kept in cold storage and which distinguishes them from all articles then in cold storage or delivered later for cold storage. The lot numbers and the dates of receipt into and delivery from cold storage shall be made an essential part of the records of cold storage warehouses and shall appear on their records, warehouse or other receipt, or any other memoranda in writing relating to such food or perishable products.

History: 1983 a. 500 s. 17.

SUBCHAPTER IV

LOCKER PLANTS

99.30 Locker plant and processor's licenses. No person may maintain or operate a locker plant or branch locker plant or operate as a processor without a license issued by the department. A separate license is required for each location. If the processor also operates a locker plant at the place where the processing occurs, only one license is required for the single location. Any person desiring a license shall apply in writing to the department, stating the location of the locker plant, branch locker plant or processor. The department shall examine the locker plant, branch locker plant or processor, and if it is found by the department to be in a proper sanitary condition and otherwise properly equipped for its intended use in accordance with law and the rules promulgated thereunder, the department shall issue a license authorizing the applicant to operate the plant as a locker plant, branch locker plant or processor upon payment to the department of a license fee of \$20. Examinations and inspections may be made at the convenience of the department upon receipt of a license renewal application and need not be completed before the license is issued. No licensee under this section may be required to obtain a cold storage license under s. 99.20. Licenses issued under this section shall expire annually on October 31.

History: 1983 a. 500 s. 18.

99.31 Plant facilities. (1) All locker plants and all processors shall be equipped with an ample chill room and sharp freeze facility.

(2) All locker plants and branch locker plants shall be equipped with a locker room, access to which is limited to employes and lessees of the lockers therein, or their representatives.

History: 1983 a. 500 s. 20.

99.32 Freezing foods. (1) All warm food and freshly cut meat shall be placed in a chill room to reduce their temperature before being placed in any sharp freeze facility.

(2) No person shall place any food in a locker unless such food is completely and thoroughly frozen.

History: 1983 a. 500 s. 19.

99.33 Rules for locker plants. The department shall formulate such rules, regulations, standards of construction, operation and sanitation of locker plants and places of establishment of processors as are necessary for the proper protection

of food, to the end of protecting the public health and protecting the public from deception or fraud.

History: 1983 a. 500 s. 21.

SUBCHAPTER V

INJUNCTIONS; PENALTIES; RULES

99.40 Injunctions. The department in the name of the state may commence an action to enjoin a violation of this chapter or any rule promulgated under this chapter and may prosecute such violation in any court of appropriate jurisdiction.

History: 1983 a. 500 s. 39.

99.41 Penalties. (1) Except as provided in sub. (2), a person who violates this chapter or rules promulgated under this

chapter shall forfeit not less than \$100 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for a subsequent violation.

(2) A person who wilfully 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.

History: 1983 a. 500.

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

History: 1983 a. 500.