

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: _____

Town Village City of SUPERIOR

County of DOUGLAS

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning _____ and ending _____ and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

Bona fide Club Church Lodge/Society

Chamber of Commerce or similar Civic or Trade Organization

Veteran's Organization Fair Association

(a) Name _____

(b) Address _____
(Street) Town Village City

(c) Date organized _____

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President _____

Vice President _____

Secretary _____

Treasurer _____

(g) Name and address of manager or person in charge of affair: _____

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number _____

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? _____

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event _____

(b) Dates of event _____

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

(Name of Organization)

Officer _____
(Signature/date)

Officer _____
(Signature/date)

Officer _____
(Signature/date)

Officer _____
(Signature/date)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

Additional Information

May be Granted and Issued only to:

- (1) Bona fide clubs.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application.
- (4) Posts of veterans organizations.
- (5) Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (ss. 125.26(1) and 125.51(1)(a), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:
Class "B" (Beer):
 - a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (s. 125.04(3)(f), Wis. Stats.)
 - b. At least 15 days prior to the granting of the license for events lasting 4 or more days."Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.
- (4) Seller's Permit: Sec. 77.54 (7m), Wis. Stats., provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required.

Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.)

Duration: The day, or consecutive days, that the specified event is in progress. A municipality may issue up to 20 licenses to the same licensee for a single event, if each license is issued for the same date and time.

Restrictions:

- (1) License may not be issued to individuals.
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. They may not be issued for business or social meetings of the organization.
- (3) Licenses for club or organization meetings may be issued only to ex-servicemen's posts.
- (4) License may cover either a specified area or the entire picnic grounds.
- (5) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.)
- (6) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17)
- (8) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (s. 125.32(6), Wis. Stats.)
- (9) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veterans' post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: 1) each license is issued for the same date and times, 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event, and 4) within the immediately preceding 12-month period, the municipality has issued these multiple licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit.
- (10) Licensed organizations must purchase their product from a licensed wholesaler.

NOTE: Most coolers presently on the market have a fermented malt beverage base allowing sale under a beer license, e.g. Bartles and James, Seagrams, etc.



Dear Applicant,

This letter is intended to clarify to which organizations are qualified to obtain temporary alcohol licenses (sometimes referred to as Picnic Beer Licenses) and also as to the responsibilities of a temporary license holder. This letter NOT intended to provide legal advice nor does it address all areas of concern or responsibility for a licensee. Dispensing of alcoholic beverages exposes you to serious personal and legal risks, including potential civil and criminal liability; you are strongly encouraged to seek the advice of your own legal counsel.

FAQ's Concerning Temporary Alcohol Licenses

We are including two free drinks in the price of admission to our event. Since we aren't selling alcohol, we don't need a license, right?

WRONG! A license is required whenever you are dispensing alcohol beverages. Alcohol regulations apply to "the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or transaction whatsoever, whereby alcohol beverages may be obtained. Giving away alcohol beverages or using any other device to evade the law relating to its sale is an unlawful sale." Wis. DOR Publication 302.

A license is not required for a private party wherein a limited number of guests have been invited to attend. A house party that is open to anyone walking by or in which hundreds of people are in attendance, probably won't qualify as a private party.

Who may obtain a temporary alcohol license?

Only the following organizations, which have been in existence for no less than six months prior to the application for a license, qualify to obtain a temporary license under Wisconsin law:

Bona Fide Clubs – defined by statutes as "... an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation." The definition of club is fairly broad. A qualifying club must be at least an occupant of a part of a building used exclusively for club purposes, such as holding meetings. The club must be operated for the purposes set forth above and not as a profit making business venture. The club's sale of alcohol must be only a minor element in its operations.

Churches - a religious sect organized, practicing, incorporated and recognized by the State of Wisconsin pursuant to Chapter 187, Wis. Stats. Please note that there are many religious organizations, some affiliated with churches, that are not churches and therefore, do not qualify for temporary licenses under this provision.

Lodges/Societies - Any organization registered with the State of Wisconsin pursuant to Wis. Stats. § 132.16 and/or established, operated and subject to the provisions of Wis. Stats. Chapter 188, Wis. Stats. or Wis. Stats. § 614.12.

Veterans Organizations - Any organization where 75% of its membership is composed of past or present members of the United States Armed Forces and/or the United States Coast Guard (including students in college or university ROTC programs or at United States Armed Services academies) and whose primary purpose is the charitable support and service of United States Armed Forces/ United States Coast Guard military veterans, their (surviving) spouses and immediate (surviving) family members to include:

1. to promote the social welfare and common good of the community;
2. to assist disabled and needy veterans and members of the United States Armed Forces and their dependents - and the widows and orphans of deceased veterans;
3. to provide entertainment, care, and assistance to hospitalized veterans or members of the United States Armed Forces;
4. to carry on programs to perpetuate the memory of deceased veterans and members of the United States Armed Forces and comfort their survivors;
5. to conduct programs for religious, charitable, scientific, literary or educational purposes;
6. to sponsor or participate in activities of a patriotic nature;
7. to provide insurance benefits for members or their dependents, or;
8. to provide social and recreational activities for members.

No part private shareholder or individual of a Veterans' Organization's may benefit from the net earnings of the organization. Examples of such organizations include but are not limited to AMVETS, Wounded Warrior Project, Disabled American Veterans, Army Emergency Relief, and all such veteran's organizations set forth in Chapter 188, Wis. Stats.

Fair Associations/Agricultural Societies – only those groups formally organized and maintained for the purpose of operating a local fair in accordance with §93.23, Wis. Stats. and subject to the jurisdiction of the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Who in a qualifying organization may apply for a temporary license?

An officer of the organization must sign the completed application and the organization must be in charge of the overall event. At least one person must be a City of Superior licensed bartender (Operator's License). This person must be capable of supervising the event.

May a non-qualifying organization partner with a qualifying organization to obtain a temporary license?

This question is tricky. There is no issue with qualifying and non-qualifying organizations combining their resources to operate the overall event. However, **the organization which obtains the temporary alcohol license is legally required to be the operator of the alcohol operations.** The licensee cannot delegate these responsibilities to another organization nor to a concessionaire, caterer, or other business. Obtaining a license with the intent that another organization or party will be responsible for the alcohol operations may **void the license** and deprive the participating organizations of the privileges and immunities associated with such a license. If your organization's name is on the license, your organization is the licensee and will be held accountable. This means that you must supply the people from your organization to actively manage and operate the alcohol operations. Your members may be supplemented by paid personnel and volunteers.

We intend to hire a bar/tavern or a caterer to conduct the alcohol sales. Is that permissible?

No. The holder of a regular alcohol license may not operate under your license. You are the license holder and must be the operator of the event. A bar/tavern cannot sell under your license and cannot sell its alcohol beverages through your organization. A caterer may sell alcohol for consumption off their licensed premise but only for consumption (not sale) at a private party/event.

Do we have to have bartender's licenses for everyone selling/dispensing the alcoholic beverages?

No. The law simply requires that you have one City of Superior "licensed operator" (bartender) on the premise. However, that person must be capable of supervising and controlling the alcohol sales at the venue. Therefore, with large venues or venues that have multiple and separated places where alcohol will be sold/dispensed, it may be necessary to have additional "licensed operators" so that they can effectively perform their legal obligations. These duties include (but are not limited to) ensuring that the alcohol beverages are securely maintained; that no underage persons are on the licensed premise without the appropriate adult parent, guardian, or spouse; checking IDs to insure no underage persons are served alcohol (providing wrist bands is recommended); that false ID's are confiscated and turned over to police; and that no person is over served.

We intend to hold our event at a City park or close a City road for our event, do special rules apply?

Yes, you will need to contact the Parks & Recreation Department for a Special Event Permit. Because of the complexities of hosting such events, it is recommended you begin the process as soon as possible but a minimum of 30 days prior to your event.

Are there limits on the number of temporary license our organization may hold?

There are no limits on the number of fermented malt beverage temporary licenses that an organization may be granted. Temporary wine licenses are limited to two licenses in any twelve month period; however, a single license may cover multi-day events. The City Clerk will closely scrutinize multi-day events to ensure that they are truly a single event of the same quality, character, purpose, and intent and are not an attempt to circumvent the two license restriction.

Now that we have our temporary license can we get our alcohol supplies donated to us from the local grocery store, liquor store or tavern?

No. Wisconsin has a three tier system for the sale of alcohol. It is composed of manufacturers, brewers, and distilleries who must sell their products to distributors. Distributors, in turn, must sell their wares to retailers. Retailers may only sell to consumers. Your license is considered a retail license. Therefore, your alcohol must be purchased from a licensed alcohol distributor. By law, the distributor is required to sell the alcohol to you at the same price that they sell the alcohol to for other licensees purchasing in the same quantities.

Liquor stores, grocery stores, Walmart, etc. are all retailers and therefore, cannot sell alcohol for resale purposes. Northwest Beverages and Superior Beverages are examples of licensed distributors who may sell alcohol for resale by the holder of a temporary alcohol license.

Is there a temporary alcohol license for liquor?

No. There are two types of temporary alcohol licenses:

1. Fermented malt beverage license (beer, wine coolers, etc.), and;
2. Wine.

You may obtain and operate under one or both licenses at a time. There is no temporary license that permits you to sell intoxicating liquor (i.e., whisky, rum, vodka, brandy, etc.).

Who does our organization contact if we have further questions?

Every organization contemplating engaging in the sale or dispensing of alcohol is encouraged to consult with its own privately retained legal counsel.

Additional resources regarding the City's application process and procedures may be obtained by calling the City Clerk's Office at 715-395-7200.