

# 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 \$ \_\_\_\_\_

Application Date: \_\_\_\_\_

Town  Village  City of \_\_\_\_\_

County of \_\_\_\_\_

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.



VILLAGE OF NEW GLARUS  
GREEN COUNTY  
WISCONSIN

RELEASE OF LIABILITY FORM  
FOR  
TEMPORARY ALCOHOLIC BEVERAGE LICENSEES  
LICENSE # \_\_\_\_\_

I hereby certify that I represent all parties in interest and that such Temporary Alcoholic Beverage License as granted by the Village Board of the Village of New Glarus is for the bona fide purpose of serving alcoholic beverages at date and time and at the location stipulated on the attached license and not for an other purpose.

The licensee, his successors or assigns, agrees to indemnify and hold harmless the Village of New Glarus, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of this license.

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant

Attest: \_\_\_\_\_  
Clerk/Treasurer

Municipal Ordinance  
Section 185-16(A)(2)

## **Misc Laws on Donations/Giving/Sale of Alcohol Beverages**

125.02(20) – defines “sale” – transfer with consideration or transfer without consideration if made to evade law, or any shift, device, scheme, etc. - includes solicitation for future delivery.

125.04(1) – NO PERSON (person includes individuals, assns, corporations, LLC’s, etc) may sell or engage in any other activity for which this chapter provides a license w/o holding the appropriate license.

125.04(3), (5) – License application must be filed with clerk, published in paper (public notice), public hearing, board approves/denies; licensees have to meet certain statutory requirements.

125.06(10) – no license required for raffles of alcohol if organization has raffle permit – Ch. 563. Also, s. 125.06(11) provides no license is required for sale of (sealed) alcohol at an auction by a charitable organization to raise money for the charitable organization.

125.09(1) – prohibits “consumption” of alcohol in unlicensed public places – i.e., businesses that do business with public (jewelry stores, hair salons, etc.)

125.315 prohibits the “giving” of fermented malt beverages to evade law (i.e., business – credit union, barbershop, jewelry store, etc. gives away beer to customers without a fermented malt beverage license)

125.32(6) – retailers may only purchase and possess alcohol from licensed wholesalers and no person may possess any alcohol

beverages on the premises except those authorized by law for sale on the premises (i.e., I can't bring a bottle of wine onto a licensed premises).

125.66 – sale without license – penalty up to \$10,000/9 months or both.

125.67 – “giving away” (of wine/spirits) or using other means to evade law prohibited (example – commercial transaction, as listed above in 125.315); same penalty as 125.66.

125.68(2m) – no licensee may allow another to use his/her license to sell alcohol beverages (example: I can't let someone drive my car using my driver's license; those privileges are given to me and I can't assign them to someone else) See retail application form where it **BOLDLY** states – “rights and responsibilities ...will not be assigned to another”). Agreements between private parties are not binding on municipality; allowing another to use one's alcohol license is grounds for **REVOCAION** of the license.

125.69(3) – wholesalers must charge same price to all retailers purchasing alcohol in similar quantities (wholesaler can't discount wine to charitable license holder and then charge other licensees a different price).

125.69(4) – retailers must only obtain alcohol by bona fide sale from licensed Wisconsin wholesalers; “gift” is not bona fide sale. The law also prohibits “consignment” sales – i.e., product sold and delivered to a retailer becomes the property of the retailer and unused product may not be returned to the wholesaler (unless unfit for sale, such as spoiled goods, etc). However, a liquor salesperson may give a “Class A” licensee a sample of a brand of liquor (wine) if the retailer has not previously purchased that brand from the permittee – s. 125.65(1).

125.69(6) – retailers must only purchase/possess alcohol from licensed wholesalers. If a retail licensee, can't get product from another retailer.

125.70; 125.33(2)(o) – manufacturers, rectifiers, brewers and wholesalers may provide, free of charge, taste samples at Class B premises to persons of legal drinking age who are attending the trade show of a bona fide national or statewide trade association that derives income from membership dues of Class B licensees; any product brought to the premises under this provision must be removed at the close of the trade show.

Statutes regulating the use and sale of alcohol beverages are intended to regulate and restrain or restrict, but not to encourage or promote, the sale of liquor. They should be construed liberally in order to effectuate their purpose (48 CJS Intoxicating Liquor, Sec. 191). These are “temperance” laws, designed to provide for orderly sale and consumption of alcohol beverages; they are written for the benefit of the state’s citizens and for the benefit of the public health and welfare.

Liability – QUESTION TO ASK: Do non-licensed entities/businesses (i.e., charities, jewelry stores, hair salons, etc., etc.) who traffic in alcohol ask their insurance companies about the potential liabilities they may incur through their trafficking in these products, and what protection will their insurance provide in such instances?

Once licensed, the licensee must comply with ALL other state alcohol laws applicable to the license they hold – server training requirements, closing hour, underage on licensed premises, licensed operators (bartenders), purchase and invoice and inspection requirements, etc. with the privilege of serving alcohol also comes with it the RESPONSIBILITY of complying with state

law and local ordinances. Failure to do so subjects them to criminal and civil penalties.

- Roger Johnson
- Wisconsin Alcohol & Tobacco Enforcement
- 608-266-6757