

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 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:

(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 that have been in existence for at least 6 months prior to the date of application.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Church, lodge, or society that has been in existence for at least 6 months prior to the date of application.
- (4) Posts now or hereafter established of ex-servicemen's organizations.

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: Not to 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.

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 or veterans' post in any 12 month period.
- (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.

Primer on Expanded Premise or Temporary Licenses

A beverage license is a privilege issued by the city. Its issue and retention is conditioned on the licensee's agreement to act in the public's interest.

Expanded Premise Permit

A current alcohol licensee may apply for a temporary change in their premise description. It is within the discretion of the City to approve or disapprove the change and the City may impose standard or special conditions. Application forms may be obtained from the City Clerk or on line. Fee \$30.

Temporary Class "B" (picnic) Beer and/or Temporary "Class B" (picnic) Wine Licenses

The licensee may sell to consumers at a picnic or similar gathering of limited duration. Such licenses may be issued only "to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months and to posts of veteran's organizations." Application forms may be obtained from the City Clerk or on line. Fee \$10.

The Process

Expanded Premise or Temporary License applications are submitted to the Clerk, reviewed by staff (police, and Building, Fire & Electrical Inspectors), recommended by the License & Ordinance Committee, and approved by the City Council. To obtain an expanded premise permit or temporary (picnic) license please submit or do the following at least 30 days before the event:

1. Expanded Premise or Temporary License **Application** (City Web Page/Dept-City Clerk/Permits). Multiple expanded premise permits, all of similar size and nature, and with the same set-up, may be applied for and reviewed contemporaneously (list each date, hours of operation, and event name separately on the supplemental page and attach it to the application).
2. A detailed **sketch** showing stage and service areas, toilets, exits, and the dimensions of the area for which the permit or license will apply.
3. Event Characteristics **Questionnaire**.
4. Temporary/Expanded License **Worksheet**.
5. A **written numbered plan** briefly describing how each standard condition will be met, or expressly requesting an alternative or waiver.
6. **Certificate of Insurance**.
7. If street closures, street use, outdoor amplified sound, electrical, park or other permits are required, applications should be submitted contemporaneously.
8. The applicant should submit the application and all materials to the Clerk and schedule an application review meeting with City staff (contact the Police Administrative Lt. to schedule the meeting).
9. If an organization or enterprise has a **current approved plan on file** for event(s) of a similar size and nature, with the same set-up, **all that need be submitted is the basic application and current Certificate of Insurance** (make reference to the designated approved plan on the application). A commercial enterprise may have up to three "approved plans on file" with the Clerk for events of different size, nature or set-up. Plans may be approved in advance without an application, in anticipation of a future application. The enterprise/organization or City may request modification to any "approved plan on file" during the application process or at any other time. It is preferred that requests for modification be initiated, considered, and determined in the period following an event. Any substantial modification, or where there is not agreement between the enterprise/organization and staff, will be reviewed by the License & Ordinance Committee and approved by the City Council.

Other Permits You May Need

Outdoor Amplified Sound Permit

A permit is required to operate any sound system outdoors, cause amplified music or other sound including music from a live performance to be projected outdoors, to cause amplified sound to be projected outside of any building, or to cause amplified sound to be projected from any vehicle in the City. There are some exceptions for car stereos, private residences, schools, churches and public safety. Commercial enterprises may apply for an annual permit. Application forms may be obtained from the City Clerk or on line. Fee \$20.

Street Use Permit

The City Engineer may grant a permit for street use for particular events, provided the function is not conducive to being held in another location and provided that the health, safety, and general welfare of the public can be protected and maintained. A written application for a Street Use Permit shall be made on a form provided by the City Engineer and shall be filed with the Public Works Department thirty (30) days prior to the event proposed for the Street Use Permit. Application forms and instructions may be obtained from the Department of Public Works or on line. Fee \$15.

Park Use Permit

A permit is required for groups to use a park shelter area, park or other park facility, or to sell merchandise in a park. Applications forms may be obtained from the Recreation Department. The fee is contingent on location and residency.

Electrical Permit

An Electrical permit is required if there will be any alteration or change to any electrical installation, new electrical installation, or temporary electrical wiring. Electrical wiring must be done by a licensed electrician. Base Permit Fee \$50. (Extension cords must be inspected by the Fire Department.)

Standard Conditions for Expanded Premise or Temporary Licenses

Standard conditions have been established by the License & Ordinance Committee (12/01/2009) to facilitate planning. Additional or enhanced conditions may be required contingent on the size, nature, and history of the event. Similarly, alternative conditions or waiver of a specific condition may be accepted, depending on the size, nature and history of the event.

1. **Violation** of any of the conditions, approved plans, alternative conditions or requirements, shall be grounds for denial of applications for subsequent events or for action for suspension or revocation of licenses by the Common Council, for prosecution of any ordinance violation, or combination of the above. Licenses and permits aside, the licensee or permittee agree to the termination of an event if the Police Chief determines activities are or will become dangerous or when necessary to protect public health, safety or welfare.
2. **Over-Service, Over-Consumption, and Serving Intoxicated Persons** is prohibited (See document titled, "Over-Service, Over-Consumption, and Serving Intoxicated Persons".) Licensees have the responsibility to develop and implement effective alcohol service policies, practices, staffing, employee training and management systems to prevent Over-Service, Over-Consumption, and Serving Intoxicated Persons. Organizations or enterprises planning what is deemed a high-risk event, or with a record of intoxicated persons issues, or serving fortified alcohol products, or serving non-standard serving sizes (pint of beer) shall articulate their specific plan for responsible consumption.
3. At least one **licensed beverage operator** shall be present and able to see at all times the activities of those persons serving and selling alcoholic beverages. The licensed beverage operator or the designated licensed operator in charge, and security personnel, security supervisors, and crowd manager shall maintain **absolute sobriety** while on duty.

4. Bartenders, servers, and crowd assembly facilitators (whether paid or volunteer) shall not be impaired by alcohol or drugs while on duty.
5. Persons **manifesting intoxication** or who cannot legally be in a licensed premise shall not be admitted.
6. Only **plastic serving containers** shall be allowed outdoors and outside the normal premise area.
7. The organization or licensed premise shall provide a reasonable number of **signs** indicating:
 - a. No Carrying Outs/Open Intoxicants (sidewalk, street, alley, parking lot or other public place)
 - b. Event Hours
 - c. Alcohol Sales/Service Hours posted in service areas
8. All permits shall expire or end at **10:00PM** at the latest. All alcohol sales and service shall end thirty (30) minutes before closing. When an expanded premise period ends, the regular licensed premise description and operations resume.
9. **Staffing/Security**
 - a. The permit holder should have staffing levels sufficient to effectively monitor the entrances, exits, patron conduct, and alcohol consumption.
 - b. At **ingress/egress** points there shall be an adult member of the sponsoring organization, or for a regularly licensed premise an employee or security guard, to prevent inappropriate entry of minors, entry of intoxicated persons, and alcoholic beverages from being carried or passed out of the area.
 - c. Staff & Security persons should be distinctively and uniformly attired—that is, easily identified.
 - d. Staff & Security persons should be distributed evenly throughout the establishment and not just at the door.
 - e. For every five security guards (if any) there should be one designated security supervisor, to ensure a minimal span of control.
 - f. The Police Department is authorized to require additional security if they feel it is necessary.
10. The licensed area is subject to **inspection** by police officers and Building, Fire & Electrical Inspectors at any time. Officers may be equipped with stationary, mobile and personal video devices. While a Police Officer's presence may not be required at all events, it shall be at the discretion of the Chief of Police as to whether or not, and how many, Middleton Police Officers will be required at or consequential to any special event. Event sponsors will be responsible for payment of officer(s) service based on the time-and-one-half rate plus benefits and all overhead costs.
11. The organization or licensed premise shall discourage patrons from **obstructing sidewalks and roadways** adjacent to its areas. If, given the size, nature, history or timing of the event, queuing can reasonably be anticipated, the licensee/permittee shall have a plan for patrons awaiting admittance. (Patrons awaiting admission should be placed in a line that does not block egress, obstruct sidewalks or conflict with traffic flow. Individuals who will not be admitted due to occupancy limitations and the departure rate, should be encouraged to leave the area.
12. The **occupancy load shall be monitored in** real time by use of a system or devices. Employees responsible for occupancy counts shall be aware of the occupancy limit. Occupancy counts should include staff and performers.

13. A minimum of one **crowd manager** is required whenever the assembly occupancy is reasonably expected to be 250 or more. A crowd manager should have the experience and expertise to design, implement and supervise facility security, crowd management, and emergency preparation activities. Where the occupant load exceeds 250, additional crowd assembly facilitators (CAF) shall be provided at a ratio of 1 CAF for every 250 occupants, unless otherwise approved or required. CAF's may include supervisors, staff, security and officers. A CAF shall have received sufficient briefing or training to have a conceptual understanding of what to do, if not a specific assignment, in the event of a fire, severe weather, medical emergency, crowd incident, serious act of violence, hazardous materials, transportation mishap, and power loss.
14. The licensed or expanded **premise area shall be clearly delineated**, by a fence if outdoors. The fence shall completely enclose the area, except for ingress/egress which shall not exceed twelve (12) feet in width. The enclosing fence shall be either one six (6) foot high minimum fence or two four (4) foot high fences placed at least twenty-four (24) inches apart. The fence provided shall be of chain link or snow fence or of an equivalently non-penetrable material.
15. If **tents or temporary structures** will be used, approval must be granted by Building, Fire & Electrical Inspectors (meeting with City staff). (Tents or temporary structures used less than 180 days, and in excess of 120 square feet shall comply with the current State of Wisconsin Enrolled Building Code Chapter 31 titled "Special Construction" and reference code sections.)
16. There shall be a sufficient number of **toilet facilities** (permanent and/or temporary) to accommodate the size and nature of the event, as approved by the Building Inspector (see worksheet). (Toilet facilities shall comply with State of Wisconsin Enrolled Building Code Chapter 29 titled "Plumbing Systems".)
17. **Waste receptacles** shall be provided, based on the reasonably expected number of patrons, and emptied as necessary during the event. Gathered waste and litter shall be placed in dumpster-type receptacles for temporary storage. All litter and other matter from that event shall be gathered from the enclosed area and immediate vicinity after the event.
18. All Temporary Class "B" (picnic) Beer, Temporary "Class B" (picnic) Wine and/or Temporary Expanded Premise Licensees/Permittees shall provide comprehensive general **liability insurance**, blanket contractual liability insurance and insurance covering liability for acts or omissions arising out of the organization's sale or dispensing of alcoholic beverages in the amount of \$1,000,000 per occurrence naming the City of Middleton as an additional insured and shall, by the acceptance of the permit or license, be deemed to agree to indemnify, defend and hold the City of Middleton harmless for all damages of any variety and shall provide the City Clerk a certificate of insurance establishing the above coverage before any such permit shall be issued.
19. For **large or high-risk events**, applicants may be required to submit a supplemental detailed security, traffic, and parking plan to the Police Department for review and approval. Final approval of those plans including, but not limited to, barricading, fencing, private security staffing and police officer staffing will be made by the Chief of Police or his/her designee.

EVENT CHARACTERISTICS QUESTIONNAIRE

This two-page questionnaire will be used to help us understand the characteristics of your proposed event and will facilitate review and discussion. (Events must be approved and are subject to conditions.) Please complete the blanks and check all the boxes that may apply to your event.

Event Name: _____

Completed By: _____ Date: _____

Setting:

- First Time or Rare Event Past Similar Events Past Identical Event
- Inside Event Outside Event Event is at a Licensed Premise
- Event is at a Public Park Church Shopping Center
- Other Business Personal Private Property Government Building
- Athletic Field Street Parking Lot Open Field

Location/Address/Room: _____

Normal crowd for this Venue (unexpanded) is between _____ and _____

Event Peak Crowd Optimistic Estimate: _____ Pessimistic: _____ Likely: _____

Nature:

- Community Event Non-Profit Event Benefit Event Commercial Event
 - Local Crowd Metro Crowd Regional Crowd National Crowd
 - Open to Public Invitation Event Private Event Part of Larger Event
 - No Cover Cover Charge Ticketed Event Non-Ticketed
 - Stationary Event Two Locations Crawl – three or more locations
 - Crowd Influx/Efflux Primarily at Beginning/End of the Event Gradual In/Efflux
 - Mostly Families Broad age mix Mostly People in 20's to 30's
 - Mostly People in 20's Mostly People in Late teens to Early 20's
 - No Underage Persons Present Underage Persons Present
 - Greater # of female patrons Females = to males Greater # of males
 - 1-Day Event 2-Day Event 3-Day Event Regular/Recurring
 - 2-4 Hours 4-6 Hours 6-8 Hours 8-12 Hours 12 + Hours
 - Amplified Announcement DJ Acoustic Musician
 - Band Sporting/Spectator Event Performance
 - Celebrity Wedding Presenter/Speaker
 - Trade Show Corporate Event Art/Craft Show
 - Vendors Radio Remote Theme Event
 - No Patron Physical Activities Patrons involved in Physical Activities
 - Meal Served Food Available No Food/or Only Salty Food (Nuts/chips)
- Expected Food to Alcohol Sales Rate: _____ % Food to _____ % Alcohol
- Patrons can Walk to & From Event Public Transport Taxis
 - Majority of Patrons Will Drive Everyone Must Drive Venue Parking
 - Street Parking Authorized to Use Nearby Lots Remote Parking w/Conveyance

- Traffic Control Needed
- Road Closure
- Temp No Parking
- Outside Grill – Type: _____
- Tent
- Power Source: _____

Alcohol: _____

- Most Attendees will not Consume Alcohol
- Consumption of alcohol is a social adjunct to some other principal purpose of the event
- Alcohol is a principal part of the event
- Non-Alcohol Beverages Available
- Light Beer
- Regular Beer
- Fortified Beer (greater than 6% ABV)
- Intoxicating Liquor
- Wine
- Single Serving Size: _____ Largest Single Serving Size: _____
- Are the number of beer servings limited? Yes No If Yes, how many _____
- Standard Drink Equivalency for fortified beers and/or greater than a pint serving: _____
- Standard Drink Equivalency will be Posted
- Will Not be Posted
- Plastic Cups/Mug
- Plastic Bottles
- Other: _____

Staff:

- Volunteers
- Paid PT Staff
- Regular Paid Staff
- Production Comp.
- Licensed or Professional Servers
- Adult Servers Only
- Underage Servers
- Underage Servers are Regular Employees
- Underage Servers are Licensed
- Absolute Sobriety for Bartenders/Servers
- Bartenders/Servers Allowed to Consume Alcohol
- Normal Number of Staff for Event
- Increased Staff for the Event # _____
- No Security
- Volunteer Security
- Non-Security Staff Serving as Security
- Regular Security Staff in Distinctive Attire
- Outside Security Firm in Distinctive Attire
- Sworn Law Enforcement Officers
- Middleton Police Officers

Expanded Premises Permit/Picnic License Worksheet

Licensee: _____

Contact: _____

Phone: _____

Email: _____

Event Name: _____

Day/Dates: _____

Event Hours: _____

Alcohol Service Hours: _____

Outdoor Amplified
Sound Hours: _____

Outdoor Amplified
Band Hours: _____

Event Day – Name of Person in Charge: _____

Posted/Established Capacity (of current regular licensed premise): _____

Maximum capacity is based on licensee self-imposed limit, net square feet and use, egress capacity, total toilet count (existing & portable), or City imposed limit relating to public health, safety, and welfare, whichever is most restrictive.

Self-Imposed Maximum Capacity for entire venue, if any: _____

General Shape of Expanded/Picnic Area: Circle Rectangle Triangle Other Polygon

Gross Square Feet of Expanded/Picnic Area: _____

Committed Square Feet (stage, serving, toilets, tables, vendors): - _____

Net Square Feet of Expanded/Picnic Area (Gross minus Committed): = _____

How were the dimensions determined? _____

Total Egress Width to a Public Way: _____
(0.2 inches per person, a minimum of two opposing exits, or as approved)

Number of permanent toilet fixtures available: _____

Proposed Number of temporary toilets, if any: + _____

Total Number of toilets: = _____

(Ratio of 1 to 100, or 1 to 50 for Alcohol Focused Events, or as approved)

Number of Staff (excluding security and performers): _____

Number of Security: + _____

Number of Sworn (Non Middleton) Officers: + _____

Number of Middleton Officers: + _____

Total Staff = _____

Expected Total Staff to Patron Ratio: 1/_____

Expected Supervisor to Staff Ratio: 1/_____

Number of Crowd Managers/Supervisors/Facilitators: M _____ S _____ F _____

(A minimum of one **crowd manager** is required whenever the assembly occupancy is reasonably expected to be 250 or more. A crowd manager should have the experience and expertise to design, implement and supervise facility security, crowd management, and emergency preparation activities. Where the occupant load exceeds 250, additional crowd assembly facilitators (CAF) shall be provided at a ratio of 1 CAF for every 250 occupants, unless otherwise approved. CAF's may include staff, security and officers. A CAF should have received sufficient briefing or training to have a conceptual understanding of what to do, if not a specific assignment, in the event of a fire, severe weather, crowd incidents, serious act of violence, hazardous materials, transportation mishap, and power loss.)

Will You Have or Need Any of the Following:

- Temporary Wiring (Electrical Permit & Installation by a Licensed Electrician is required.)
- Extension Cords (Must be Inspected by the Fire Department)
- Gas Grill, Charcoal Grill, Electric Grill, Fryer, Warmers, Heaters: _____
- Fire Extinguishers in Expanded/Picnic Area: # _____ Type: _____
- Tent or Temporary Structure in excess of 120 Square Feet: _____
- Pending Building, Fire, or Electrical Code Violation: _____
- FDC (Fire Dept Connection) - Location: _____
- Designation of Temporary No Parking: _____
- Street Closures: _____
- Signs/Barricades: _____
- Traffic Control Officers: _____
- Park Use Permit
- Outdoor Amplified Sound Permit
- Street Use/Street Closure/Parade Permit
- County Highway Permit/State Highway Lane Closure Authorization
- Fireworks/Pyrotechnic Permit

On Site Parking Stalls: _____ On Street Parking (six block/.33 miles): _____

Authorized Off Street-Off Site Parking Stalls: _____ Locations: _____