

# 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 BERLIN \_\_\_\_\_

County of GREEN LAKE \_\_\_\_\_

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 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.
- (5) Chambers of commerce or similar civic or trade 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:** 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.



**City of Berlin**  
*Office of the City Clerk*

108 North Capron Street • P.O. Box 272  
Berlin, WI 54923  
920-361-5400 Phone • 920-361-5454 Fax

I, \_\_\_\_\_ as one of the applicants

applying for a Special Picnic License from the City of Berlin for the following event:

\_\_\_\_\_

on the dates (s) of \_\_\_\_\_, 20\_\_\_\_\_, hereby

understand and assure the City of Berlin that we will have bartender holding a current

license issued from the City of Berlin on duty at all times at the above mentioned

function.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of witness



## City of Berlin

108 North Capron Street P.O. Box 272  
Berlin, WI 54923  
920-361-5400 Phone 920-361-5454 Fax

### Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

\_\_\_\_\_  
(Description and location of event)

On: \_\_\_\_\_  
(Date(s) of event)

By: \_\_\_\_\_  
(Name of applicant)

OR On Behalf of:

\_\_\_\_\_  
(Name of Organization and Title if applicable)

*If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.*



## **POLICY ALLOWING EMPLOYEES & VOLUNTEERS TO SELL FERMENTED BEVERAGES AT COMMUNITY EVENTS**

**Adopted: November 12, 2013**

The purpose of this policy is to allow employees and volunteers of the City of Berlin to sell fermented beverages at community events for fundraising purposes upon approval by the Common Council.

According to §125.06(6) the officers or employees of a county or municipality “under an ordinance, resolution, rule or regulation” enacted by the governing body may sell beer at any public park operated by the county or municipality without a license or permit. A municipality selling beer under this provision is exempt from civil liability under the broad definition of “person” in §125.035(1). This liability exemption does not apply if the alcohol beverages are served to a person the server knows or should have known was a minor, or if consumption is caused by force or the representation that the beverage contained no alcohol. Also, the exemption is limited to damages and does not protect the server from criminal liability or liability for civil forfeitures for violations of the law. §125.035(4)(b) and (5).

City of Berlin Common Council will grant permission to officers or employees to serve fermented malt beverages in city parks for the purpose of fundraising to benefit the community. The following are conditions upon which approval will be granted:

1. The applicant must seek permission from the Common Council at least 30 days prior to the event.
2. All required rules and regulations are adhered to.
3. A licensed bartender must be on site at all times during the event.
4. The proceeds from the event go towards an approved community cause.
5. The sales must be held in a City Park that is designated to allow alcohol consumption.
6. All event proceeds must be deposited in the City Treasury.
7. Each department fundraising under this policy must have a plan in place to ensure adequate departmental coverage is maintained in the event of an emergency situation. For example, the fire department must have a back-up plan in place for coverage in the event of a fire to ensure fire department personnel can effectively respond to emergency calls.

