

**EXCERPTS OF LA CROSSE MUNICIPAL CODE PERTAINING TO  
TEMPORARY CLASS B BEER/WINE LICENSES**

(Rev. 10/2019 – effective January 1, 2020)

**Sec. 4-6. - Sales to underage persons.**

The provisions of Wis. Stat. sec. 125.07(1) are adopted by reference. This section is subject to any exemptions from such statute provided in Wis. Stat. sec. 125.07.

**Sec. 4-14. - Consumption of alcohol beverage while serving alcohol beverage.**

No person serving alcohol beverages shall drink or consume any alcohol beverage while serving alcohol beverages in a licensed premise while on duty.

**Sec. 4-110. - Operator's license.**

Except as otherwise provided under this Code, there shall be upon each premises operated under a ... Class B license or permit at all times when opened for business, ... some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages or wine to customers.

**Chapter 4, Article V. – Temporary Class “B”/”Class B” License.**

**Sec. 4-181. - Application and License.**

Application for a Temporary Class "B"/"Class B" License shall be made in writing on the form prescribed by law and filed with the City Clerk who may grant the same after appropriate review by the La Crosse County Health Department, Police Department and Fire Department. Said application shall be filed with the City Clerk not less than sixty (60) days prior to the event. A fee in the amount established by resolution shall accompany each application.

**Sec. 4-182. - Picnics and Gatherings.**

(a) *Indoor picnics or gatherings.*

- (1) The structure must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (2) There shall be at least one person properly licensed as an operator under the provisions of section 4-110 on the premises at all times to supervise the service of beverages.
- (3) In case of attendance over 100 persons, the licensee shall provide adequate supervision for the maintenance of order and the checking of identification to ensure that minors are not admitted onto the premises.
- (4) Fermented malt beverages, wine and other refreshments must be served in disposable containers, either paper or plastic, or aluminum cans.

(b) *Outdoor picnics or gatherings.*

- (1) All of the provisions set forth in subsection (a) of this section shall apply to outdoor picnics or gatherings.
- (2) The location of outdoor picnics or gatherings with a temporary Class "B"/"Class B" license in City parks shall be limited to Carroll Park, Copeland Park, Riverside Park, Houska Park, Cameron Park, Myrick Park, Veteran's Freedom Park, Pettibone Park except the beach area, Green Island Park, Erickson Fields, Upper Hixon Park and Burns Park. Permission to obtain a temporary Class "B"/"Class B" license for any park named in this subsection shall be subject to written permission by the Board of Park Commissioners.
- (3) In addition to the restrooms which exist in each park, the licensee shall provide temporary supplemental toilet facilities at the rate specified by the current building code in anticipated attendance. Such temporary facilities and their operation shall be a type approved by the County Health Officer and Fire Department - Division of Fire Prevention and Building Safety. The existing facilities in each of the parks shall be utilized at the rate of one per 100 persons.
- (4) The area in which fermented malt beverages or wine are dispensed or sold shall be fully enclosed with a temporary enclosure with a clearly defined entrance and exit when it is anticipated the picnic or gathering will draw 200 or more persons.
- (5) A permit to use a public park facility must be secured from the Director of Parks and Recreation, Forestry, Facilities and Grounds and a copy of said permit filed with the City Clerk prior to the license being issued.
- (6) A cash bond in the amount of \$100.00 shall be filed with the City Clerk at the time of application for a license which bond will be used by the Director of Parks and Recreation, Forestry, Facilities and Grounds to repair any damage caused by the picnic or gathering or to clean up the park of any debris associated with the picnic or gathering. If there is no damage to repair or clean up required, the bond shall be returned. In the event damages are caused on public property or cleanup is required, the cost of either or both shall be itemized and deducted from the bond, and the balance returned.

## ADDITIONAL INFORMATION

### Temporary Class B Retail Licenses 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:** Filed with the City Clerk no less than sixty (60) days before the event. Applications must be complete and legible.

Class "B" (Beer):

Allows sales, service and consumption of beer (fermented malt beverage)

"Class B" (Wine):

Allows sales, service and consumption of wine. Note: No more than two (2) wine licenses may be issued to an eligible entity within a 12-month period.

**Wisconsin Sellers Permit:** Wis. Stats. sec. 77.54 (7m) 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 not required to hold a seller's permit.

**Fee:** \$10.00 per license. 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 twenty (20) licenses to the same licensee for a single event, if each license is issued for the same date and time.

**Special Event Permit:** Events that sell or serve alcohol beverages qualify as a special event, and a Special Event Permit is required. See Chapter 30 of the La Crosse Municipal Code. All applications relative to the event, including the Temporary Class B, must be filed as a package no less than sixty (60) days before the event to avoid late fee.

### Restrictions:

- (1) License may not be issued to businesses or individuals.
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering of the organization. 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 (*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 (*125.33(7), Wis. Stats.*) and 30 days for wine (*125.69(4)(b), Wis. Stats.*).
- (7) Licensed operator(s) must be present at all times (*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 (*125.32(6), Wis. Stats.*).
- (9) No more than two (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 twenty (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) Licensee must purchase alcohol from a wholesaler or fermented malt beverage from a permitted brewery or brewpub authorized to sell directly to retailers; and keep invoices for two years.

**NOTE:** Many coolers, seltzers, hard sodas presently on the market have a fermented malt beverage base allowing sale under a beer license.

## RULES FOR TEMPORARY CLASS “B” BEER & TEMPORARY “CLASS B” WINE APPLICANTS

There must be at least one licensed beverage operator (bartender) at the event at all times.

A 14-Day Temporary Beverage Operator license is available for persons employed by or donating their services to nonprofit corporations (i.e. events licensed with a Temporary Class B). The application fee is \$20.00 and is issued by the City Clerk. We encourage application be made no less than ten (10) business days prior to an event to allow adequate time to process. *\*A person is allowed only two (2) 14-day temporary beverage operator licenses per year.*

Anyone selling or serving (bartending) without a valid beverage operator license must be within eyesight and earshot of a licensed beverage operator at all times.

A licensed operator must be capable of supervising and controlling the alcohol sales at the event/venue. The duties of a licensed server 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/spouse, that no underage persons are served alcohol, that false IDs are confiscated and turned over to police and that no person is overserved.

Please read the enclosed pages with the *Excerpts of the Municipal Code and Additional Information covering Temporary Class B Licenses*. Also enclosed is a *Wisconsin Alcohol Beverage and Tobacco Laws for Retailers* packet. These materials contain valuable information.

Applicants issued a Temporary Class “B” Beer/”Class B” Wine license **must** buy the alcohol beverage products for their events from a licensed **wholesaler** or fermented malt beverage from a permitted brewery or brewpub authorized to sell directly to retailers.

If at any time you have any questions, please call the City Clerk’s Office at 608-789-7510.

Resolution establishing a list of best practices for operators of a Temporary Class B Alcohol License.

#### AMENDED RESOLUTION

WHEREAS, Changing the Culture of Risky Drinking Behavior Coalition identified strategies to reduce risky drinking behaviors, and

WHEREAS, the Common Council of the City of La Crosse recognizes the harm to our community due to the abuse of alcohol, and

WHEREAS, the Common Council has created a list of guidelines for those operating under a Temporary Class B alcohol license within the City of La Crosse.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse that the following strategies are recommended in order to discourage the over consumption of alcohol while providing an enjoyable atmosphere for everyone within our community:

- Operators under a Temporary Class B Alcohol License should restrict alcohol sales and consumption to a designated location where underage youth are not allowed whenever possible;
- Operators under a Temporary Class B Alcohol License should offer beverages in a cup not to exceed 12 ounces for beer or wine coolers or 5 ounces for wine and avoid offering beverages for consumption by an individual in larger quantities or containers;
- Operators under a Temporary Class B Alcohol License should not offer drink promotions to encourage binge drinking;
- Operators under a Temporary Class B Alcohol License should offer low-alcohol or non- alcoholic beverages at events;
- Operators under a Temporary Class B Alcohol License should employ at least one licensed bartender for every five servers or volunteers serving alcohol at an event.

BE IT FURTHER RESOLVED that the City Clerk shall provide a copy of this resolution to all Temporary Class B Alcohol License holders.

*Adopted by the Common Council of the  
City of La Crosse on September 14, 2017.*

*Teri Lehrke, City Clerk  
City of La Crosse, Wisconsin*