



## CITY OF LA CROSSE, WISCONSIN

### FAQs – Temporary Class “B”/”Class B” Retail (Picnic) Licenses for Beer and/or Wine Walks (June 2018)

*These FAQs are specific to events held in the City of La Crosse and are intended to help clarify confusion pertaining to temporary alcohol (picnic) licenses for beer and/or wine walks. This is not intended to provide legal advice nor does it address all areas of concern or responsibility for a licensee. As the dispensing of alcoholic beverages exposes you to significant personal and legal risks, including potential civil and criminal liability, you are encouraged to seek the advice of your own legal counsel.*

#### **What are Wine and Beer Walks?**

Wine and Beer Walks allow for-profit businesses to participate and benefit from a temporary license issued to an eligible organization. Municipalities may issue up to 20 licenses to an eligible organization that is sponsoring a single-day event held at multiple locations in the municipality on a particular date and at the same times, and an admission fee is charged for participating in the event and no additional fee is charged for service of alcohol at the event. Wis. Stats. 125.51(10)(b). Wine walks are limited to no more than two within a 12-month period in the municipality; there is no limit for the number of beer walks.

#### **How must beer or wine be purchased?**

Licensee must purchase all alcohol from a liquor or beer wholesaler or brewery/brewpub authorized to self-distribute to retail licensees for each licensed premise and have separate purchase transactions and invoices for each licensed premise. A licensee may not purchase enough alcohol from a wholesaler to then distribute to each premise. Consignment sales are prohibited; leftover alcohol must be retained and disposed of by licensee and cannot be sold back to the wholesaler. Licensee may not charge participating businesses for the beer/wine that will be provided at their particular location.

#### **How many temporary licenses are allowed to any one eligible organization?**

There is no limit to the number of Class “B” (beer) licenses that may be issued to an eligible organization in a calendar year. However, no more than two “Class B” (wine) licenses may be issued to any one eligible applicant within any 12-month period. For purposes of the two-license limit for such events, each event for which multiple licenses are issued (i.e. wine walk) shall count as one license toward the two-license limit.

#### **Who is eligible to hold a temporary license for a beer and/or wine walk?**

Temporary licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans' organizations. “Chamber of Commerce” means a local chamber of commerce organized under ch. 181 or a similar civic or trade organization organized under ch. 181 to promote economic growth and opportunity within a local geographical area. Wis. Stats. 125.02(3u).

#### **How is the application completed for multiple-location event?**

The Chamber or sponsoring organization is the applicant for a single-day, multiple-location event. They must provide their organizational information, date of the beer and/or wine walk event and list their address. For the Location of Premises where beer and/or wine will be sold, served, consumed, stored and areas where alcohol beverage records are stored; applicant should indicate their address AND attach a separate list of the participating business names and addresses, not to exceed 19. For Event Information, please be aware that wine walk events must end by 9:00 p.m. The organization must sign the application and complete the officer/manager page.

#### **What is the fee for the Temporary Retail License and how many Licenses will be issued?**

The fee is \$10 for each location. If 19 businesses participate, the fee will be \$200, which includes the Chamber or sponsoring organization. Each participant and the Chamber or sponsoring organization will receive a License, which must be prominently posted at each location during the event.

**Who charges the admission fee?**

The statute does not prescribe who charges the admission fee, only that a fee is charged. In most cases, the Chamber or sponsoring organization sells admission/tickets to the wine/beer walk event in advance of the day of the event (closing sales in advance of the event date), so they have an estimate of the quantity of beer or wine they must purchase to be consumed at the participating locations. There is no prohibition on the admission fee being paid on the day of the event at any one of the participating locations on behalf of the licensee.

**May the Chamber or sponsoring organization charge an administrative fee to the business participants?**

The statute does not prohibit the licensee from passing administrative costs on to business participating in the wine or beer walk; however, as a licensee, they must purchase the wine or beer, unless one of the participating locations is a licensed premise. If one of the participating locations happens to be a licensed premise, the licensee of that premises should be purchasing the wine or beer for their location only. Prior experience in other communities is that the Chamber or sponsoring organization recovers their overhead costs for publicity, ticket printing, supplies, etc. from the fees charged to ticket buyers. It is important to remember, however, that licensee cannot recover the costs of the alcohol purchased.

**Are people under the age of 21 allowed to attend the events?**

The City of La Crosse does not allow underage (under age 21) in a Temporary Class B licensed establishment. Therefore, during the hours of the event, underage persons are not allowed in the businesses that have a license, unless they are with their parent, guardian or spouse who has attained the legal drinking age, or one of the exceptions under Wis. Stat. 125.07(3).

**How do businesses know if admission fee has been paid?**

It is not uncommon for the admission purchaser to be provided a commemorative glass for taste sampling that the purchaser carries into each of the multiple participating locations of the beer/wine walk, and that serves as recognition that the glass holder purchased a ticket for the event. Another means might be punch cards that list the participating businesses. This is not required by the statute, but a method that is common in other municipalities.

**Are licensed beverage operators required at each licensed location?**

Yes. Each location that is licensed for the beer/wine walk must have at least one licensed beverage operator to serve the beer and/or wine and supervise the service of beer or wine.

**If a customer is not finished with their beer/wine, may they take it with them?**

No. Public consumption is prohibited by local ordinance on the streets, alleys or public way. Consumers may not leave a licensed premise with open intoxicants.

**How has the wine walk been conducted in other municipalities?**

For a recent wine walk in a neighboring municipality, admission was \$20. A small commemorative wine glass was provided. Also, a punch card listing each business participating was in a plastic sleeve on a lanyard; there were probably about 15 businesses. When visiting the locations, they would punch their spot on the card and pour about 1 oz. of wine. Only one pour was allowed per paid guest. While these details are not specified in state law, it is presumed that was their way of prohibiting people from leaving each store with alcohol in their glasses (and probably spilling in their stores). It also encouraged people to move onto the next store and not linger in one location for more wine. Each store had its own wine selection - usually one white and one red. One address handled the same-day admission fees and distributed the glass and punch card.