

SPECIAL EVENT LICENSE FOR AN INDOOR OR OUTDOOR EVENT

General Information

Per Village Ordinance 11-66, each applicant for a Temporary Class "B" Fermented Malt Beverage License and/or a Temporary "Class B" Wine License is required to first obtain a Special Event License. The steps in this process are as follows:

1. Complete:
 - A. "Special Event License application"
 - B. "Application for Temporary Class "B"/"Class B" Retailer's License"
 - C. "Application for a TEMPORARY Alcohol Beverage Operator's License" for those individuals who will be serving alcoholic beverages and are employed by or donating their services to your nonprofit corporation. (One licensed operator must be on the premises whenever alcohol is being sold or served.)

2. Submit the applications listed above to Village Clerk Tracey Berman (838.3153), at least 15 days prior to the 2nd Wednesday of the month, and at minimum 2 months prior to the month in which your event will take place, in order for your request to be placed on the next Public Safety Committee agenda. The Public Safety Committee normally meets at 6:30 p.m. on the 2nd Wednesday of each month in Conference Room A of the McFarland Municipal Center.

3. Make arrangements to meet with Sergeant Joseph Hornbeck of the McFarland Police Department (838.3151) within one week of the date in which you submit the application.

The Police Department will be considering items such as:

- What the event entails: type(s) of activities, anticipated attendance, anticipated presence of minors, etc.
- Time of day(s) and location(s) the event will take place
- Genre of music, how it will be broadcast and for how long (if applicable)
- Specific bands that will be performing, when and for how long (if applicable)
- Your security plan, including:
 - How you intend to prevent the distribution of alcohol to minors (if applicable)
 - Your plan in the event of a medical emergency
 - Your plan in the event of severe weather
- Description of all entry and exit points of the area in which alcohol will be sold and/or consumed, and how you will staff those areas to assure that alcohol does not pass beyond those points
- Description of all points of alcohol sales including how they will be monitored in order to assure compliance with Village ordinance and State Statutes pertaining to sale and service of alcohol
- Description of the number of staff designated to provide event security and what attire they will be wearing so as to be recognized as security personnel.

Depending on the event, the application may also need to be considered by other Village departments, such as Fire/EMS and Public Works. Once the Police Department has concluded its review, the Chief of Police will provide a written recommendation to the Public Safety Committee, who will review it at the next possible meeting date. Note that this committee meets only once per month, on the second Wednesday evening of each month and in order to be considered at that meeting, all forms would need to be turned in by the preceding Wednesday.

The Public Safety Committee will make a recommendation to the Village Board, which will consider the recommendation at their next available meeting. The Village Board meets twice per month, on the second and fourth Monday evenings.

As such, it is critical that you have considered these issues and provide a detailed description of how you intend to address them in your application. Failure to provide adequate information and/or failure to include the supporting documents outlined on the application form will likely lead to a delay in processing.

Note: When conducting an event involving the sale of alcohol, a requirement by the Public Safety Committee to hire licensed security officers and/or off-duty law enforcement officers (typically Dane County Sheriff's Deputies, and in limited instances McFarland Police Officers) is likely. As per department policy, whenever off-duty McFarland Police Officers are hired, under no circumstance will they be paid directly by the event organizer. The fee charged is their overtime rate of pay and is paid by the event organizer directly to the Village of McFarland. The Village then reimburses the officer(s) on a subsequent paycheck.

4. Give a presentation of your request to the Public Safety Committee.
 5. The Public Safety Committee will forward a recommendation for approval or disapproval to the Village Board at their next meeting. The Village Board meets the 2nd and 4th Monday of the month.
 6. If your applications are submitted completely and correctly 15 days prior to the 2nd Wednesday of the month, you receive a recommendation from the Public Safety Committee at their first meeting, and approval or disapproval from the Village Board at their first meeting following the Public Safety Committee, the process generally takes between one to two months between submission of the application and approval.
- * **PLEASE COMPLETE YOUR APPLICATIONS AND REVIEW THE ATTACHED STANDARDS CAREFULLY AND COMPLETELY. THE SUBMISSION OF INCOMPLETE APPLICATIONS AND/OR THE INABILITY TO SATISFACTORILY ADDRESS THE STANDARDS COULD DELAY THE TIMELINESS AND/OR APPROVAL OF YOUR REQUEST.**

SPECIAL EVENT LICENSE FOR AN INDOOR EVENT

Standards

- The sale of fermented malt beverages and/or wine must be physically separate of all other locations where any other items are sold.
 - No food sales of any kind to underage persons from the alcohol sales point.
- Location of fermented malt beverage and/or wine sales shall not be accessible to the public except at the selling point.
 - In an indoor setting all fermented malt beverage and/or wine sale points must have a single entrance and exit.
 - The entrance and exit must be monitored at all times when fermented malt beverages and/or wine are being sold.
 - Storage of fermented malt beverages and/or wine must be locked or monitored at all times.
- The applicant shall keep a book, as required by Wis. Stats. 125.07(7), available at the point of entrance to designated area.
 - Please refer to the attached copy of Wis. Stats. 125.07(6) & 125.07(7)
- The Village shall provide and the applicant shall post conspicuous notices at the point of sale prohibiting the presence of minors and the sale of fermented malt beverages and/or wine to minors or intoxicated persons.
 - The notices shall be placed at the entrance and on each side of the designated area.
- The applicant shall meet with the Chief of Police or Designee and Village Clerk or Designee prior to the application being submitted to the Public Safety Committee. The Chief of Police or Designee shall provide instruction on the proper sale of fermented malt beverages and/or wine. The applicant and the Chief of Police shall arrange for routine onsite police protection and patrol.
 - Based on the size of the anticipated event, the Chief of Police will determine the adequate amount of police protection and patrol to be designated to the area.
 - The costs of police protection and patrol shall be the responsibilities of the applicant.
- You must provide proof that all property owners or occupants immediately adjacent to the event site have been notified of the type of event and the dates and hours of operation, and you must adhere to Village Noise Ordinances.

SPECIAL EVENT LICENSE FOR AN OUTDOOR EVENT

Standards

- Sale of fermented malt beverages and/or wine must be physically separate from locations where any other items are sold.
 - No food or other sales of any kind to underage individuals allowed from alcohol locations.

- Location of fermented malt beverage and/or wine sales shall not be accessible to the public except at the selling point.
 - The alcohol area must be separated by impassable walls or a double fence with only a single point of entrance and exit. Double fencing must be a minimum of six feet apart to prohibit the passing of alcoholic beverages to persons outside of the designated area.
 - The entrance and exit must be monitored at all times during sales or storage of fermented malt beverages and/or wine in the designated area.
 - No underage persons are allowed in the designated area.

- The applicant shall keep a book, as required by Wis. Stats. 125.07(7), available at the point of entrance to the designated area.
 - Please refer to the attached copy of Wis. Stats. 125.07(6) and 25.07(7).

- The Village shall provide and the applicant shall post conspicuous notices at the point of sale which prohibit the presence of minors and the sale of fermented malt beverages and/or wine to minors or intoxicated persons.
 - Notices shall be placed at the entrance and on each side of the designated area.

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Wis. Stats. 125.07(6) and (7)

- (6) DEFENSES. In determining whether or not a licensee or permittee has violated subs. (1)(a) and (3)(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:
- (a) That the purchaser falsely represented that he or she had attained the legal drinking age.
 - (b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
 - (c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
 - (d) That the underage person supported the representation under par. (a) with documentation that he or she had attained the legal drinking age.
- (7) BOOK KEPT BY LICENSEE AND PERMITTEES. (a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of sub. (6). The licensee or permittee or his or her employee may require any of the following persons to sign the book:
- (a) A person who has shown documentary proof that he or she has attained the legal drinking age, if the person's age is in question.
 - (b) A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
 - (c) The book may show that date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.
- (8) The applicant shall meet with the Chief of Police or Designee and the Village Clerk or Designee prior to the application being submitted to the Public Safety Committee. The Chief of Police or Designee shall provide instruction on the proper sale of fermented malt beverages and/or wine. The applicant and the Chief of Police shall arrange for onsite police protection and patrol if necessary.
- Based on the size of the anticipated event, the Chief of Police will determine the adequate amount of police protection and patrol to be designated to the area.
 - The costs of police protection and patrol shall be the responsibilities of the applicant.

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Village of McFarland Municipal Code

SEC. 11-66. RESTRICTIONS ON TEMPORARY CLASS "B" FERMENTED MALT BEVERAGE OR WINE SPECIAL EVENT LICENSE.

- (a) Special event license. No person or organization shall be granted a temporary Class "B" wine or fermented malt beverage license by the Village Board as authorized by Wis. Stats. § 125.26(6), and this Article until such person or organization has been granted a special event license under this Section.
- (b) Procedure. The applicant shall submit the following information in Connection with its application:
- (1) The proposed location, date and time of the special event.
 - (2) A sketch showing the layout for handling sales of fermented malt beverages.
 - (3) The names, address, and prior relevant experience, if any, of every person proposed to sell fermented malt beverages.
 - (4) A statement that the person or organization agrees to promptly pay the Village for the Village's charges incurred either in regulating this license or in remedying any unsatisfactory post-event maintenance by the person or organization.
 - (5) A copy of the application or license of each person holding the beverage operator's license who will supervise the sales of fermented malt beverages.
 - (6) A certificate of insurance in the amount of \$1,000,000.00 per person, \$2,000,000.00 per occurrence and \$1,000,000.00 property damage and naming the Village as an additional insured.
 - (7) Such application shall also contain such other reasonable and pertinent information as the Village Board may, from time to time, require.
- (c) Standards for issuance of license. The Village Board shall not issue a special event license unless it is satisfied that the following standards will be met by the applicant:
- (1) The applicant may sell fermented malt beverages only from locations that are physically separate from locations where any other items are sold.
 - (2) The location where fermented malt beverages are sold shall not be accessible to the public, except from the selling point.
 - (3) The applicant shall keep a book as required by Wis. Stats. § 125.07(7), recording full information for any person whose age is in question.
 - (4) The Village shall provide and the applicant shall post conspicuous notices at the point of sale prohibiting the presence of minors at the point of sale and the sale of fermented malt beverages to minors or intoxicated persons.
 - (5) Prior to the special event, the applicant shall contact the Police Department for instruction in the proper sale of fermented malt beverages and to arrange for routine on-site police protection and patrol. At the time the Village Board considers the application, the Chief of Police shall report what on-site arrangements are appropriate and the arrangements made by the applicant.
 - (6) A person holding a beverage operator's license shall supervise all sales of fermented malt beverages at the point of sale. Said person shall restrict access to the point of sale to those persons actually selling fermented malt beverages.

(d) Exception. In its sole discretion, the Village Board may prescribe additional reasonable requirements based on the particular circumstances of the special event to provide adequate security of the premises or at the point of sale. The Village Board may also waive any requirements of this Section in circumstances where the Village Board finds, on the basis of the applicant's representations, that security is adequate without the specific requirement. (Code 1998, § 7-2-16)

State law references: Temporary Class "B" license, Wis. Stats. § 125.26(6).

SEC. 20-59. TYPES OF LOUD AND UNREASONABLE NOISES.

The following acts are declared to be loud, disturbing and unreasonable noises in violation of this Section, but this enumeration shall not be deemed to be exclusive, nor a limitation upon the prohibition in Subsection(a):

(a) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

(b) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unreasonable manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

(c) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(d) Animals, birds. The keeping of any animal or bird that causes frequent or long continued unnecessary noise.

(e) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.

(f) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device, which will effectively prevent loud or explosive noises therefrom.

(g) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7 :00 a.m. and 8:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience, which would result to any party in interest, would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 8:00 p.m. to 7:00 a.m.

(h) Schools, courts, houses of worship, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, house of worship or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

(i) Exceptions. The provisions of this Section shall not apply to:

(1) Any vehicle of the Village while engaged in necessary public business.

(2) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(Code 1998, § 11-2-9(b))