

# Multi-Vendor Private Fair and Festival

## Special license for a multi-vendor private fair and festival.

- Is a Class S3 private multivendor fair and festival license for the retail sale of liquor, wine and nonintoxicating beer or nonintoxicating craft beer for on-premises consumption at an event where multiple vendors shall share liability and responsibility and apply for this license.
- Each vendor listed in an approved application may temporarily purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.
- To be eligible for the license, the private multivendor fair and festival or other event shall:
  - Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private multivendor fair and festival or other event is located;
  - Jointly apply at least **15** days prior to the private fair, festival, or other event;
  - Pay a nonrefundable non-prorated license fee of **\$500** per event that may be divided among all the vendors attending the event;
  - Be limited to no more than 15 consecutive days;
  - Have at least 2 separate and unrelated vendors applying for the license and have at least 100 members;
  - Freshly prepare and provide food or meals, or engage a food vendor to prepare and provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and provide any written documentation or agreements with a food caterer;
  - Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;
  - Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private multi-vendor festival, fair, or other event;
  - Provide an **executed written agreement** between the vendors and/or food caterers stating that each vendor is jointly and severally liable for any improper acts or conduct committed during the multi-vendor festival or fair event;
  - Provide a **written security plan** indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, and whether a member, patron, or guest is intoxicated, to provide for the public health and safety of members, patrons, and guests;
  - Provide a floorplan for the proposed premises with one **defined and bounded indoor and/or outdoor area** to safely account for the ingress and egress of stated members, patrons, and guests who will be attending the festival, fair, or other event, and the floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure, or outdoors while on the licensed premises and as noted on the floorplan;
  - Meet and be subject to all other private club requirements; and
  - Use an age verification system approved by the commissioner.
  - Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served by this licensee shall be purchased from the licensed beer distributor that services the area in which the private multi-vendor fair and festival will be held or from a resident brewer, acting in a limited capacity as a distributor.
  - Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed wine distributor or farm winery.
  - Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private multi-vendor fair or festival will be held.
- A licensee must use bona fide employees, independent contractors, or volunteers to sell, furnish, tender, or serve the liquor, wine, nonintoxicating beer, or nonintoxicating craft beer. The licensee shall train all

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employees, independent contractors, or volunteers to verify legal identification and to verify signs of intoxication.

- Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor brokers **may attend** a private multi-vendor festival or fair and discuss their respective products but **may not engage** in the selling, furnishing, tendering, or serving of any liquor, wine, nonintoxicating beer, or nonintoxicating craft beer.
- The commissioner may revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding W. Va. Code §60-7-13a.

