

§33.15. Use of Winery Festival Permit.

(a) This section relates to Chapter 17 of the Alcoholic Beverage Code. In the absence of specific statutory authority to the contrary, this section regulates the activities of holders of Winery Permits who also hold Winery Festival Permits.

(b) Applications for Winery Festival Permits under Chapter 17 of the Alcoholic Beverage Code, and the expiration, denial, cancellation and suspension of such applications and permits shall be in accordance with the statutes, rules and commission policies governing applications, expirations, denials, cancellations and suspensions of permits generally.

(c) No person may sell wine, or possess wine with the intent to sell it, at a farmer's market, at a civic or wine festival, or at a similar civic or wine celebration or event, without first having obtained from the commission a Winery Festival Permit Certificate authorizing sales at the event. For purposes of this section, a "celebration" is a special cultural or charitable event of a limited and specified duration that is organized for, and open to, the public. Each market, festival, celebration or other event requires a separate certificate, but a certificate may be valid for up to three consecutive days at a single location. A Winery Festival Permit Certificate may only be issued to the holder of a Winery Festival Permit.

(d) The holder of a Winery Festival Permit, or his designated representative, must apply for a Wine Festival Permit Certificate on a form provided by the commission. The application must be submitted prior to the event for which the certificate is sought. The application should be submitted at least three business days prior to the event to allow the commission time to process it. The application must be submitted to the commission's district office having jurisdiction over the location of the event for which the certificate is sought. The application must include the following information:

- (1) the applicant's Winery Permit number;
- (2) the trade name of the Winery Permit holder associated with the Winery Festival Permit;
- (3) the location of the event where the Winery Festival Permit Certificate will be used;
- (4) the date and time of the event where the Winery Festival Permit Certificate will be used; and
- (5) a brief description of the event where the Winery Festival Permit Certificate will be used.

(e) The commission shall issue a certificate if the application is accepted. The certificate and a copy of the application must be displayed in a conspicuous place at the location of the event at all times during the event.

(f) The administrator or his designated representative may refuse to accept an application for a Winery Festival Permit Certificate if:

- (1) the application is incomplete or inaccurate;
- (2) the applicant does not qualify under subsection (c) of this section;
- (3) the event does not qualify under subsection (c) of this section; or
- (4) there are reasonable grounds to believe that issuance of the certificate will:
 - (A) result in a violation of the Alcoholic Beverage Code or the rules of the commission; or
 - (B) is otherwise detrimental to the public.

- (g) The grounds for refusing to accept an application for a Winery Festival Permit Certificate shall be communicated in writing to the applicant as soon as is reasonably practical.
- (h) All wine sold or possessed with the intention to sell at an event held in an area where the sale of wine has not been authorized by a local option election must comply with the terms of §16.011 of the Alcoholic Beverage Code.
- (i) If a Winery Festival Permit Certificate is issued in error, the commission may rescind the certificate.