

CATERER'S PERMIT/CATERING AUTHORIZATION INFORMATION

Who May Obtain a Caterer's Permit (Type 58)

Any licensee holding an on-sale beer and wine (Type 41, or 42), on-sale general (Type 47, 48 or 57), club (Type 50 or 51), veterans' club (Type 52), on-sale general wine, food and art culture museum (Type 78), general caterer's (Type 83), a neighborhood restricted special on-sale general (Type 87), or a special on-sale general for historic cemetery (Type 88) license may apply for a caterer's permit. Seasonal licensees, on-sale general for boat, and on-sale general for vessel of more than 1,000 tons burden are not eligible.

A caterer's permit carries with it an annual fee and authorizes the licensee to apply for catering authorizations. A catering authorization is what permits the licensee to sell alcoholic beverages for consumption upon premises approved by the Department of Alcoholic Beverage Control (ABC). Further information relative to catering authorizations is located below.

How to Apply

Submit a completed *Additional License/Permit Application* (Form ABC-239) to your nearest ABC office. Each licensee may apply for only one caterer's permit. The annual fee for a caterer's permit (not prorated) can vary both by license type and the population size of the city in which the license is located. Annual fees for catering permits are located in Section 23320 of the Business and Professions Code. You may also contact your local ABC office for fee information and assistance with completing Form ABC-239.

If the investigation of your application for a catering permit results in approval, you may expect issuance of the permit from ABC Headquarters in Sacramento.

Catering Authorization

To use your caterer's permit you must obtain authorization from ABC for each catered event. Submit a completed *Catering Authorization Application* (Form ABC-218) to your nearest ABC office at least 3 days before the event, but no more than 30 days before the event. Applications that are submitted outside of this timeframe may not be processed. You may also be required to submit a *Supplemental Diagram* (Form ABC-253) which clearly identifies where the event is being held.

The fee for a catering authorization is separate from the annual caterer's permit fee and is dependent on the estimated attendance size of the catered event. This fee is collected for each day of the event that alcohol is being sold. The fee schedule for catering authorizations is as follows:

- One hundred dollars (\$100) when anticipated daily attendance is less than one thousand.
- Three hundred twenty five dollars (\$325) when anticipated daily attendance is at least one thousand but less than five thousand.
- One thousand dollars (\$1,000) when anticipated daily attendance is five thousand or more.

When the same event is two or more consecutive days, submit a single Form ABC-218. For dates that are not consecutive, please submit a separate Form ABC-218 for each date. Payment must be included with your Form ABC-218.

Fees for single day events are non-refundable. For consecutive day events, the fees for the first day are non-refundable. Fees for subsequent days may be refunded if the event is canceled. To request a refund, you must submit a written request to the Department explaining why the fees should be refunded.

Location of Catered Events

Sites for catered events are at ABC's discretion. Proximity to schools, churches, State and Federal institutions, and other facilities may be a factor in ABC's decision. Zoning may also be a factor. Additionally, a catering authorization shall not be issued for premises which have previously been denied a license by reason of proximity to consideration points or conflict with a valid zoning ordinance unless a written waiver, signed by the person in charge of the consideration point or, in the case of a zoning conflict, the legal representative of the community involved. (Rule 60.5(2) CCR)

With ABC's approval, Type 41, 42, 47, 48, 57, 78, 83, 87 or 88 licensees may cater alcoholic beverages anywhere in the state. However, there is a limit of 24 catered events per year at any given site. (An exception may be made if the licensee can clearly establish that additional events are in the best interest of the State and necessary to satisfy substantial public demand.)

Type 50, 51 and 52 licensees may only cater upon the licensed club premises and the events shall **not** be open to the general public. (An exception may be made if the licensee can clearly establish to the Department that public attendance at the event is in the best interest of the State.) There is no annual limit for the number of authorizations they may receive.

The site of a catered event may be an unlicensed building or grounds, a licensed building, a separate room within a licensed building, or upon a boat or vessel. If the site is licensed, that license must be surrendered to ABC during the period when the catered event is being held. The licensee must use a *License Action Request* (Form ABC-231) to surrender a license. Please note that although the license is surrendered, any restrictions that normally apply to the license remain. For example, if the site of a catered event is on the premises of a Type 48 license, minors (persons under the age of 21) are not able to attend the event.

A catered event may be held upon private school grounds; however, such authorization will be conditioned so that no sale or service of alcoholic beverages is permitted during hours in which any class is in session.

Other Legal Requirements

At all approved events, you may exercise only those privileges authorized by your license. You must comply with all provisions of the ABC Act. Any violation may be grounds for the suspension or revocation of your license or permit, or both, as though the violation occurred on your licensed premises.

A catering authorization authorizes you to cater alcoholic beverages. Service of food is not required at a catered event unless the site is within a specified distance of a state correctional facility, university, state college, veteran's home, or other institution operated by the state or federal government. (Rule 60.5(3) CCR)

Persons under 21 years of age may be allowed on the premises of a catered event unless the location of the event is normally prohibited from allowing minors. However, they may not possess, purchase, or consume alcoholic beverages.

Wholesalers may deliver alcoholic beverages to the catered event site. You may not store distilled spirits at the event site. The distilled spirits must be returned to the licensed premises after the event.

References:

Sections 23320 and 23399 of the Business and Professions Code, and Rule 60.5 of the California Code of Regulations.