A Citizen’s Guide to Licensing Alcohol for Sale & Serving

Much of the community alcohol environment is determined by the number, location and character of the places alcohol is sold or served. When local elected leaders exercise their authority with an understanding of how alcohol outlets impact the community licensing decisions support public safety and health.

What are the mechanics of issuing licenses to sell or serve alcohol in the municipality?

Wisconsin imposes very few procedural requirements on awarding new alcohol licenses

- Use the application form designated by the state, or a local application requiring at least the same information.
- Publish the name of the applicant and location of the proposed establishment in the community newspaper
- The governing body of the municipality (village trustees, common council, etc.) must vote to approve the license.

Of course, all open-meetings and open-records laws must be observed.

Within those basic requirements, municipal processes and systems vary dramatically. The mandated steps form the foundation for individual community review; working within that framework a community can create a process that encourages citizen participation, a thoughtful review of the applicant and the proposed location prior to final action.

- Does your community provide a checklist or pre-screening document that allows applicants to understand what the community requires before filing an application? Does a staff member screen applicants for and return any deficient applications?
- Does the licensing review process and criteria also serve as an outline for the licensee discipline/suspension/revocation/nonrenewal actions?
- Is the process clear enough to create a chart of the alcohol licensing process, listing all the governmental groups and individuals included in the review?
- Can a resident determine who reviews license applications, a committee of governing body? Is the committee made up of city officials or both officials and citizens?
- Who is responsible for preparing & presenting final report on the application and applicant to a committee then board/council? Frequently, but not always, the Police Department prepares the report.
- In addition to the state application (AT-106) and the state provided (but not required) auxiliary questionnaire (AT 103), what supplemental information is requested?
Does the municipality request or require any of the following documents be submitted for examination prior to awarding a license:

Examining the documents allows the municipality to determine how the applicant plans to present the establishments to the community. Diagrams, floor plans, business and management plans help a municipality consider whether an applicant is likely to become a problem or an asset for the community:

Some considerations:

- Alcohol related problems are more likely to occur when people are uncomfortable. Physical discomfort caused by crowding, bumping, and difficulty reaching the bathrooms, poor ventilation or lighting contributes to alcohol related violence.
- Boredom is another factor that leads to alcohol related disorder. Fortunately, that can be alleviated by something as simple as televisions.
- Municipalities can consider the likelihood of both boredom and physical comfort in a proposed establishment if the necessary documents must be provided along with the application.

Business plans indicate how the business plans to market itself, the staffing pattern, security plans. These issues are all relevant to the licensing decision and it is also useful to know if the applicant has not prepared these documents.

How the information provided confirmed and applicants evaluated?

- Who verifies eligibility for license, residency, and criminal background check? Are they independent?
- Does the community determine whether the proposed location has an existing over-concentration of alcohol outlets? Consider outlet density.
- Does the licensed area as defined on the application define the area that alcohol is both stored and sold narrowly? If not, what is the compelling reason to approve a larger licensed area?
- Who examines plans, drawings or other documents on behalf of the neighborhood or adjacent properties?
- Does the municipality require notification of the area or local posting in addition to the published notice?
  - Is signage posted at the proposed location to alert passers-by about the application and possible hearing?
  - Is an advisory sent by U.S. mail or e-mail, or robo or reverse 911 calls?
Does your community use guidelines to determine which applications will be approved?

If so, do the license guidelines require consideration of:

- Size and basic interior design including a narrow description of the licensed premises
- Security and age screening steps
- Mandated aspects of management: drink specials, restaurants vs. clubs. [See DDD]
- Are the guidelines applied to all new applicants and used to settle disagreement with existing licensees?
- Who developed guidelines and what were the goals in developing them?
- Have they been reviewed or updated within the last five years?
- Who determines the compliance with the terms of the guidelines? For example: does applicant simply explain how guidelines are/were achieved is property examined?
- Have municipal ordinances been amended to make it clear that failure to comply with any of the documents or representations made as part of the application may result in suspension, revocation or nonrenewal?

Under what circumstances does the municipality attach license conditions to a new alcohol license?

A license condition is a specific requirement placed on the license. As part of the license, failure to comply with this requirement can be cause for disciplinary action against the licensee. Wisconsin municipalities have successfully added conditions that cover everything from staffing, design and operation requirements to limit on the hours and entertainment.

What concerns, questions or triggers license conditions? Not all communities place conditions on license, although all have the ability. Some issues to consider for example:

- When and how can community members/immediate neighborhood suggest or request conditions.
- Once established, can license conditions be removed without notice to the community?
- Does the community have a pre-established list of situations that trigger specific conditions? For example: Would a patio automatically trigger serving, music or entertainment conditions on a license?
Do community guidelines or application review assign a maximum occupancy on the alcohol license as part of the initial review?

- A municipality may set a maximum occupancy (number of people) at less than the maximum occupancy a building or fire inspector may set. Controlling occupancy in an area that has numerous licensed outlets enhances pedestrian and car traffic, while allowing officers ease access to safety information.

Does the procedure developed to award licenses complement the review and disciplinary system for licensees?

- Does local law enforcement link alcohol license guidelines and applicant review to licensee discipline? Does the governing body know and understand??
- Is there any connection between awarding the license and sanctions? More simply does the licensee know how to retain his license?
- Is there another disciplinary system, for example a point system, operating independently?
- How was the point system developed and how often has it resulted in disciplinary action against licensees? Point systems can be effective or ineffective, enforcement and adherence to the point schedule is crucial.
- Do the guidelines make it clear what is expected from a licensee after the license is granted? If not, how are community expectations communicated?

When is the last time a licensee was disciplined under the existing system? What was the situation and the outcome?

Remember, once issued a license can only be non-renewed, suspended or revoked for cause.