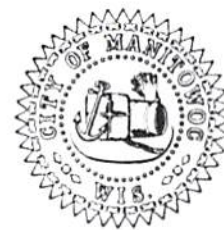




CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org



July 19, 2017

TO: FINANCE COMMITTEE

FROM: CITY CLERK DEBORAH NEUSER *dn*

RE: TEMPORARY CLASS "B" BEER LICENSE
TEMPORARY "CLASS B" WINE LICENSE

It has been our practice for the last 20+ years, when processing temporary beer and wine licenses that if the premise is within 300' of a church, school or hospital, said application needs Common Council approval. With one Council meeting a month this has become a timing issue. i.e. if a club applies for a temporary beer license on July 19th, Council would not act until August 21st which is over a month.

In researching this practice, I am advised by the Wisconsin Department of Revenue that the restriction does not apply to Temporary Class "B" (beer) license nor Temporary "Class B" (wine) license (see attached). And, I cannot find in the City's Municipal Code that the City is placing this restriction on the temporary beer and wine licenses. Therefore, I am looking for permission to discontinue this practice.

Also the Department of Revenue advised that state law provides that intoxicating liquor licenses (taverns and liquor stores) may not be issued for premises where the main entrance is less than 300 feet from the main entrance of a public or parochial school, tribal school, hospital or church. However this restriction may be waived by a majority vote of the municipal governing body.

There are at least a few taverns within 300 feet of a church, etc. and I believe Council is waiving the 300' restriction on these applications when it grants the license.

cc: City Attorney Kathleen McDaniel

Deborah Neuser, CMC, City Clerk
CITY HALL · 900 Quay Street · Manitowoc, WI 54220-4543
Phone (920) 686-6950 · Fax (920) 686-6959 · dneuser@manitowoc.org



Deborah Neuser

From: Ourada, Thomas D - DOR <Thomas.Ourada@wisconsin.gov>
Sent: Wednesday, July 19, 2017 11:43 AM
To: Deborah Neuser
Cc: Goodreau, Kurt A - DOR
Subject: RE: Temporary Class 'B' Beer and Temporary "Class B" Wine licenses

Hello Deborah, state law provides that intoxicating liquor licenses may not be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public or parochial school, tribal school, hospital or church. However this restriction may be waived by a majority vote of the municipal governing body:

- Sec. 125.68(3), Wis. Stats., for "Class A" and "Class B" licenses, and note that this restriction does not apply to a "Class A" cider only license issued under sec. 125.51(2)(e), Wis. Stats.,
- This restriction also does not apply to sec. 125.25(1), Wis. Stats., Class "A" and sec. 125.26(1), Wis. Stats., Class "B" fermented malt beverage licenses
- The restriction also does not apply to sec. 125.26(6), Wis. Stats., temporary Class "B" (beer) licenses, nor to sec. 125.51(10)(a), Wis. Stats., temporary "Class B" (wine) licenses.

Tom Ourada
Revenue Tax Specialist
(608) 266-8875
thomas.ourada@wisconsin.gov

From: Deborah Neuser [<mailto:dneuser@manitowoc.org>]
Sent: Wednesday, July 19, 2017 11:07 AM
To: Ourada, Thomas D - DOR <Thomas.Ourada@wisconsin.gov>
Subject: Temporary Class 'B' Beer and Temporary "Class B" Wine licenses

Our current process for these temporary beer and wine licenses is that if the premise is within 300 feet of a church, school or hospital entrance, the application must go to the Common Council for granting. I am trying to determine whether this is State law or our Municipal Code. I can't find a reference in the Wisconsin Statutes or our City's Municipal Code. Please confirm that it is not State law. Thanks again,

Deborah A. Neuser

City Clerk, WCMC
City of Manitowoc
900 Quay St., Manitowoc, WI 54220
(Ph) 920-686-6952; (Fax) 920-686-6959
E-Mail: dneuser@manitowoc.org