



CITY OF MANITOWOC

WISCONSIN, USA

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October 30, 2023

TO: Members of the Finance Committee

FROM: Eric Nycz, City Attorney

Re: Alcohol Beverage Licenses Enforcement Policy Guidelines

Issue Presented

The State of Wisconsin has set forth a rubric for cities and villages to follow when issuing, suspending, or revoking alcohol beverage licenses. The rubric is found in Chapter 125 of the Wisconsin Statutes. The City of Manitowoc ("City") has adopted an ordinance regarding licensing (*see* MMC 11.010) that incorporates Chapter 125. While this ordinance clearly follows the state statutes, it provides little in the way of specific guidance on when and whether a license shall be issued, suspended, or revoked. The draft Alcohol Beverage Licenses Enforcement Policy Guidelines attempts to provide clarity to City staff and the public on this issue. This document was reviewed the Police Department and the Office of the City Clerk.

Policy Highlights

Perhaps the most difficult rubric to understand involves applicants' criminal history and/or arrest record. The State attempts to balance two competing interests: its desire to have safe and responsible handling and distribution of alcohol beverages balanced against a desire to not discriminate against people who have committed crimes and served their sentence(s). Felony convictions are almost always a disqualifier, as most felonies are "substantially related" (see Guideline 1) but it might be more difficult to understand that a habitual law offender, whether convicted or not, of "substantially related" offenses is also disqualified (see Guideline 4). I strongly suspect that this state requirement has been overlooked in the past.

Benefits of Adoption

The City must follow these requirements regardless of whether the Common Council adopts this set of guidelines. However, by adopting a clearly-written, easily accessible set of guidelines, the City will likely improve consistency in the application of the State's rubric as well as provide applicants straightforward guidance as to the constraints the state places on the City when it must determine whether to issue, suspend, or revoke alcohol beverage licenses.

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