



**CITY OF
REEDSBURG**

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CITY POLICY GUIDELINES

ALCOHOL BEVERAGE LICENSES

Intent. As it is the responsibility of the Ordinance Committee of the Reedsburg Common Council to screen applications for alcohol beverage licenses within the City of Reedsburg under the licensing authority granted by Chapter 125 of the Wisconsin Statutes and Chapter 12 of the Reedsburg Ordinances, the Ordinance Committee adopts the following guidelines in order to specify the reasons for denying or non-renewing an alcohol beverage license. The Ordinance Committee retains broad discretionary authority in this area. However, if a decision is made to deny a license, the committee is required to provide that applicant with a written reason for the denial. These guidelines are adopted to meet that requirement.

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the Ordinance Committee shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to *Wis. Stat.* §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity. This also applies to corporations, limited liability companies, agents, and partnerships. However, a corporation or limited liability company with a conviction record may be issued a license if the corporation has terminated its relationship with the individual whose actions directly contributed to the conviction [Sec. 125.04(5)(C)]. It is with these goals in mind, as well, that these guidelines are adopted.

Deviation from these guidelines may be allowed if mitigating circumstances are demonstrated by the applicant at the time of application. These may include, but are not necessarily limited to, the particular circumstances surrounding or the length of time that has expired since the applicant's last conviction of any law, statute, rule or ordinance.

Reasons for Denial of Operator's License. The following guidelines for denial are adopted by the Ordinance Committee for consideration of applicants for alcohol beverage licenses. A copy of these guidelines shall be provided to each applicant for a license who files said application.

Guideline 1. An applicant who has been convicted of any felony, which substantially relates to the circumstances of the particular licensed activity, unless duly pardoned, will not be eligible for an alcohol beverage license.

Guideline 2. An applicant who has been convicted of, any federal or state law or local ordinance, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status for any offense within the last five (5) years in the following subcategories will not be eligible for an alcohol beverage license (if the offense constitutes a felony, Guideline 1 shall apply):

- (a) Offenses against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Offenses involving non-cooperation with law enforcement officials including, but not necessarily limited to, battery to or obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, assault by prisoner, escape from custody, bail jumping, or bomb threats.
- (c) Drug-related offenses including, but not necessarily limited to, any offense involving the sale or possession of narcotics or other controlled substances, including:

1. Manufacturing, distributing or delivering a controlled substance or controlled substance analog under *Wis. State*. § 961.41(1) or applicable municipal ordinance.
2. Possessing with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under *Wis. Stat.* § 961.41(1) or applicable municipal ordinance.
3. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to *Wis, Stat.* § 961.41(1) or (1m) or applicable municipal ordinance.
4. Possessing with intent to manufacture, distribute or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to *Wis. Stat.* § 961.41(1) or (1m) or applicable municipal ordinance.

Guideline 3. Any applicant who has been convicted of, any federal or state law or local ordinance, released from incarceration in a State or Federal Prison System, or county jail, or released from parole or probation status, for any offense within the last three (3) years in the following subcategories will not be eligible for an alcohol beverage license (if the offense constitutes a felony, Guideline 1 shall apply):

- (a) Alcohol Beverage Offenses, including but not limited to, sale of alcohol beverages without a license or permit, furnishing alcoholic beverages to underage persons; furnishing alcohol beverages to intoxicated persons, or any other violation of Chapter 125 of the Wisconsin Statutes or a local ordinance enacted in conformity therewith. This does not include offenses for possession or consumption of alcohol by a minor, which is covered in Guideline 4.
- (b) Perjury, false swearing, disorderly conduct or criminal damage to property.

Guideline 4. Any applicant who has had two (2) or more convictions within the last two (2) years for any offense in any combination of the following subcategories will not be eligible for an alcohol beverage license (if the offense constitutes a felony, Guideline 1 shall apply):

- (a) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (b) Operating a motor vehicle with a PAC in excess of .08% by weight.
- (c) Violations of Chapter 125 of the Wisconsin Statutes which are restricted to unlawful possessions or consumption of alcoholic beverages by a minor.
- (d) Open intoxicants in public places or in a motor vehicle.

Guideline 5. Any applicant who is an habitual law offender will not be eligible for an alcohol beverage license. An habitual law offender shall include, but is not necessarily limited to, an applicant, other than an applicant for a retail license, who has been convicted of, or charged with, 4 or more violations of any rule, ordinance, statute or law, within the 5 years before the most recent application, the circumstances of which violations substantially relate to the licensed activity.

Guideline 6. Any applicant who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of six (6) months from the date of denial of such application. The Ordinance Committee may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the applicant, if it appears to the Ordinance Committee that any falsifications on the application were the result of inadvertence, excusable neglect, or a mistake.

This policy will go into effect on November 25, 2002.

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