

## GUIDE TO CONDUCTING A MUNICIPAL INVENTORY

**Purpose** After identifying alcohol-related problems in your community, a municipal inventory helps you take the next step to preventing them. A municipal inventory is a careful review of the ordinances, policies, and practices that exist in your community. It allows you to identify missing policies that should be filled and to reveal existing, but unenforced, policies.

Municipal ordinances and policies can be a strong force for preventing excessive alcohol use in your community. Of course, just having them on the books is not enough. To be effective, your community must use and enforce them. But when enforced, municipal ordinances and policies can address contributing factors, also called root causes, of alcohol-related problems.

In Wisconsin, municipalities (cities, villages, and towns) control licensing of alcohol beverage retail sales, such as by restaurants, bars, grocery stores, and liquor stores. Local governments, including municipalities and counties, may also regulate alcohol use. Because control is local, ordinances and policies may vary dramatically between communities.

### A Toolbox of Evidence-Based Policies and Practices

This guide to conducting an inventory contains a toolbox of evidence-based and evidence-informed policies and practices that have been adopted by some Wisconsin communities. The tools listed here are just some of the policies and practices.

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Although many municipalities have a section of the ordinances dedicated to alcohol control, some alcohol-related ordinances may

- Police enforcement of Underage Drinking ordinances.
- Police enforcement of Social Host Law violations.
- Whether or how public intoxication or public carrying of open beverages are enforced.

#### D. Interview Local Officials

Finally, set up a telephone call with a city council member, village trustee or town supervisor to help you fill any gaps in your completed inventory. Ask about informal policies or traditions that will not appear anywhere. (y)h (d)14 (di) (c)8b (ubl)TJ 0 Tc 0 Tw 3.0Tj 0.005 Tc -0.005 Tw 0.28 7 Td [(g w] (0.001 Tc 0.003 Tw 0.23 4 Td [(or)2 (u)6 ((n)-8 (c)4 (il me (o( o)-2 (p)60 ( )T4

Often, the first step is supporting local enforcement of existing laws. For example, when underage drinking is a problem, a two-pronged approach may be necessary. The police department can conduct alcohol age compliance checks on licensed businesses, and also ticket those local adults who host underage drinking. Both steps are essential to reducing youth access to alcohol, but enforcement may require the allocation of local resources and citizen support for the existing law.

Sometimes the problem is systemic. For example, you might note that the municipality grants all alcohol licenses applications and never denies one. This might indicate a lack of understanding by decision makers of what types of control they are allowed to exert and could be an opportunity to educate your decision makers.

### Wisconsin Alcohol Policy Project

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## II. INVENTORY QUESTIONS

### GENERAL ALCOHOL POLICY

#### 1. Chapter 125 Adopted

Has this municipality adopted Wisconsin Statutes Chapter 125 amended into local ordinances?

WHY: Most municipalities (cities, towns, or villages) will have an ordinance adopting Wisconsin's chapter on alcohol beverage law into their own municipal ordinances, which gives the municipality authority to prosecute the adopted non-criminal alcohol violations locally in its own municipal court. This ordinance may be located under licenses, public safety, or another location. Generally, if adopted, it is located at the beginning of the section outlining alcohol licensing. It might state something such as, "Chapter 125 of the Wisconsin Statutes is hereby adopted and incorporated by reference." Note whether it also adopts amendments to the statutes

#### 2. Alcohol Outlet Density Measured or Mapped

Has the municipality mapped or otherwise determined which areas of the municipality have or are approaching an overconcentration of alcohol outlets?

WHY: Outlet density is the term used to describe the concentration of alcohol retailers (including bars, restaurants, and stores) in an area. It might describe how many alcohol beverage retailers are in a particular area compared to its size or population, or how close the retailers are to each other. An overconcentration of alcohol outlets will increase the rate of alcohol-related disorder and crime. Regardless of size, communities will find that a cluster of outlets leads to some problem, even if the total number of outlets is not disproportionate for the area's population. Decreasing the density of alcohol beverage retail outlets can decrease alcohol i3t



are also easier for local law enforcement to enforce; there is no question of age or relationship between drinkers. Alcohol is simply not permissible at that location.

5. ~~Signage~~ Limitations Adopted

Does the local sign code restrict or ban height advertising in parking lots or adjacent to commercial property?

WHY: The CDC suggests that alcohol advertising be at least 36 inches from the ground—over the sightline of young children. While banning alcohol advertising would be a violation of free speech, banning an entire category of advertising, such as billboard advertising, is possible.

Does the local sign code prohibit billboards and limit the amount of advertising that can cover window spaces?

WHY:



7. Small Talks Campaign Conducted Locally

Does the municipality, a public health department or a local program conduct the Small Talks campaign?

8. Efforts to Secure Alcohol on Private Property

Does the municipality, police department, a public health department, or a local program provide information on locking up alcohol at home and in garages and provide refrigerator locks?

## ALCOHOL BEVERAGE RETAIL LICENSES

9. Guidelines or Criteria Adopted for Granting Alcohol Licenses

Has the municipality adopted guidelines or criteria for awarding new alcohol licenses?

WHY: A municipality may deny an application for an initial alcohol license for many reasons. But once granted an alcohol license may only be revoked, renewed or suspended for serious reasons after a hearing. As a result, municipalities should grant alcohol licenses only upon very careful consideration of both the community quality of life and development goals. Some municipalities create criteria that are adopted as ordinance; others simply adopt policy statements or procedures. Local law enforcement is almost always involved in advising the body that awards and renews alcohol licenses. If you cannot find specific reference to licensing procedures, include alcohol licensing in the subjects you review with local law enforcement.

10. Well-Defined Description of Licensed Premises Required

Does the municipality require that the applicant describe the licensed premises in detail, and require a site map showing where alcohol beverages will be sold, consumed, or stored?

WHY: The description of the premises determines where alcohol beverages may be sold and consumed. If the description of the premises for example, includes all 7 acres of a golf course, then alcohol beverages may be sold and consumed anywhere on that golf course. On the other hand, if the description limits the premises to an 80 square foot portion of a grocery store, then alcohol beverages may only be sold in that location.

### 11. Public Notice & Involvement During Application Review

Does the municipality have a process for notifying the public of license applications, and do members of the public provide comments and feedback?

WHY: Often community members who live or work near the licensed location are most aware of problems associated with that location. Their feedback can have a significant impact on licensing decisions.

### 12. Alcohol License Conditions Required

Does the municipality add alcohol license conditions that address neighborhood or law enforcement concerns to alcohol licenses during the review process?

WHY: At the time an alcohol license is awarded, the municipality may add specific "conditions" on a wide range of issues such as the beverages served, entertainment provided, noise level and drink specials. License conditions can help prevent past problems from recurring under a new owner. Violating a license condition counts as violating the license and may have serious consequences for the licensee.

### 13. Temporary/Festival License Conditions Required

Does the municipality require Class B temporary licenses (specific licenses) to adopt the practices that prevent underage drinking and over-serving at these events?

WHY: 11 identified practices have been shown by research to reduce underage and binge drinking at outdoor festivals. These practices include ID checks, age-identifying



the fact that a business was providing alcohol to underage customers can be used for disciplinary measures.

#### 18. Municipality Keeps Record of Licensees that Fail Compliance Checks

Does the municipality create a record of licensees that fail multiple compliance checks?

WHY: State law limits citations written as the result of an alcohol age compliance check to the individual clerk, but many communities place letters in licensee files noting how often the clerk at a specific licensee failed the test. Repeat offenses indicate that management and the training they provide clerk needs improvement. These letters can become part of the annual license renewal procedure.

#### 19. Curbside Pickup of Alcohol Purchase Regulated

Has the municipality adopted an ordinance to regulate curbside alcohol sales, sometimes called no contact pickup? An ordinance can reduce the risk of underage or straw buyers purchasing alcohol by remote sales.

WHY: Some municipalities have adopted specific requirements to reduce the likelihood that alcohol purchased online is sold to underage or intoxicated customers. These policies may include, recording the license plate of cars, video of all customer vehicles or use of wireless ID scanning equipment.

#### 20. Sales of Single Serving Sizes of Alcohol Prohibited Where Gasoline is Sold

Does the municipality prohibit the sale of single serving containers of alcohol where gasoline is also sold?

WHY: Single serving containers are popular with conscious underage buyers. There is also concern that few drivers are purchasing a single serving of alcohol to take to their destination.

#### 21. Keg Registration

If local retailers sell beer by the keg or half kegs, does the community have a keg registration ordinance?

WHY: Most alcohol retailers do not sell beer by the keg, but if beer by the keg is available in your community, a keg registration ordinance allows law enforcement to trace the keg back to the purchaser when a keg is at an illegal or violent event.

22. Operators (Bartenders) Permits and Operations Based on Individual Behavior

Has the municipality adopted and implemented policies on awarding Operators Permits?

WHY: Municipalities do not have the same latitude in awarding operators' permits as retail licenses. Municipalities are preempted from requiring all servers and bartenders be licensed Operators.

Does the municipality have a policy on awarding operators' permits? (6/14/14)

III. INVENTORY TABLE RESEARCH RECORD

Topic	Ordinance(s) Citation	Policy Summary	Is it enforced & how	Link(s)
GENERAL ALCOHOL POL 1.				



WISCONSIN ALCOHOL POLICY PROJECT

Topic	Ordinance(s) Citation	Policy Summary	Is it enforced & how	Link(s)
ALCOHOL BEVERAGE RETAIL LICENSES				
16. Licensees Disciplined Using Guidelines or Criteria				
17. Ongoing Minimum Legal Drinking Age Compliance Checks				
18. Municipality Keeps Record of Licensees that Fail Compliance Checks				
19. Curbside Pickup of Alcohol Purchases Regulated				
20. Sales of Single Servings Sizes of Alcohol Prohibited where Gasoline is Sold				
21. Keg Registration				
22. Operators (Bartenders) Permits and Operations Based on Individual Behavior				
23. Place of Last Drink Compiling Data from OWI Arrests				

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