

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 used by Wisconsin's communities to help prevent and reduce excessive alcohol consumption. No single community is expected to use all these tools. Each community should select and choose the tools that best work for it.

This guide includes three parts:

- I. EXPLANATION OF THE PROCESS
- II. INVENTORY QUESTIONS
- III. INVENTORY TABLE – RESEARCH RECORD

Start by reading the Explanation of the Process. Then answer the Inventory Questions. As you work through them, record and summarize your findings in the Inventory Table. When complete, you will have a record of local alcohol licensing and enforcement policies, as well as an understanding of how they are applied locally.

I. EXPLANATION OF THE PROCESS:

- A. Collect and Review Ordinances and Policies
- B. Learn the Alcohol Licensing Process
- C. Interview the Police
- D. Interview Local Officials
- E. Tabulate a Record Summarizing your Research Results
- F. After completing the Inventory, Next Steps: Ordinances & Licensing Procedure

A. Collect and Review Ordinances and Policies

To get started on answering the **Inventory Questions**, collect and read an electronic copy of each ordinance, policy, or documentation of practices. The following sources may be useful:

- Your local government’s municipal clerk, who should either be able to provide you with an electronic copy of the ordinances or able to allow you to inspect the ordinances in person.
- Your local government’s website. About half of Wisconsin’s municipalities and counties have made some or all of their ordinances available online. Many provide direct links to their ordinances or code of ordinances.
- Municode, at <https://library.municode.com/wi>, a commercial website where many Wisconsin municipalities are listed and can be accessed at no cost.
- The Wisconsin State Law Library’s website, at <https://wilawlibrary.gov/topics/ordinances.php>, makes many municipal and county ordinances and codes available for free in the “State & Local Information” section.
- A public library may have the ordinances available either electronically or in hard copy.

When answering the questions, take the time to read the relevant ordinances. Reading the text helps you to confirm if the community has an effective ordinance. Do not be misled by similar titles. Because local governments write their own alcohol ordinances, the same name or title might be used for very different policies. If after reading it, you have questions about the ordinance, feel welcome to contact the Wisconsin Alcohol Policy Project for help.

Although many municipalities have a section of the ordinances dedicated to alcohol control, some alcohol-related ordinances may be found elsewhere in the municipal code. Other parts of the code may include ordinances that relate to alcohol beverages, such as public peace and good order, health and sanitation, parks and parkways, and the zoning code. For example, municipalities may use the sign code, often located within the zoning code, to limit advertising.

Remember: This is a time consuming and challenging task. Some of the policies or ordinances on the list may not have been adopted in that community; but the knowledge of what a community has and has not adopted will save you frustration and time. You may find that working with a partner makes the task more manageable and the final product more accurate.

B. Learn the Alcohol Licensing Process

Before you start interviewing people, familiarize yourself with Wisconsin's municipal alcohol licensing process. While each municipality has flexibility in developing the details of its licensing process, all must at the minimum follow the statutory scheme. The following Wisconsin Alcohol Policy Project resources may be helpful:

- **Awarding Alcohol Licenses: Issues and Procedures**
- **Awarding Alcohol Licenses – A Checklist for Local Advocates**
- **Alcohol Licensing Process Chart**
- **The Importance of the Licensed Premises Description**
- **License Conditions**

C. Interview the Police

After reviewing your local ordinances, follow up with your local police department. Many police departments have one officer assigned to handle alcohol-related issues. Schedule an appointment to talk with that officer. In interviewing the officer, keep in mind that the police department can only effectively enforce the laws the community supports. Some suggestions for interview topics include:

- Police department involvement in local **Alcohol Licensing** decisions.
- Police department involvement in collecting **Alcohol Outlet Density** information.
- Police department cooperation in collecting **Place of Last Drink** information.
- Police use of **Minimum Legal Drinking Age Compliance** checks.

- 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 but influence the local alcohol environment. For example, some local councils or boards rely heavily on the opinion of the local representative of the Tavern League for alcohol licensing decisions.

E. Tabulate a Record Summarizing your Research Results.

Fill out the Inventory Table, which provides a way to organize the results of your research so that you can refer to it in deciding where to next direct your focus. Include the following in your Inventory Table:

- Topic
- Ordinance or Policy number or other identification
- Summary of the policy
- Whether, and how, it is enforced
- Link to the ordinance

Put enough detail into your summary so that anyone reading the Inventory Table would have a sense of what the ordinance or policy does or does not do. If it is identical to the state statute, you could just state that. If it differs from state statute, explain the differences. If it is something not covered by state statute, describe the important parts.

F. After completing the Inventory, Next Steps

A completed inventory coupled with knowledge of the municipal alcohol licensing procedure enables you to focus your efforts. As you review your results, flag places you have noted problems, and decide which problems you want to address first.

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 of 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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<https://www.mcw.edu/departments/comprehensive-injury-center/wi-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, as 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 over-concentration 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 over-concentration 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 problems, 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-related problems.

3. Open Intoxicants Banned or Limited

- Does this municipality have and enforce an ordinance banning individuals from having open intoxicants (open cans or containers of alcohol) in public, such as on sidewalks, streets, or in parks? For example, can a resident walk down the sidewalk legally with an open can of beer or other alcohol beverage?

WHY: Limiting individuals to only having open intoxicants on private property or designated public areas reduces access to alcohol, especially among youth. When individuals can literally walk anywhere with open containers of alcohol, it increases the likelihood alcohol is consumed illegally or inappropriately.

- Does the municipality have an ordinance banning open intoxicants on public streets?

WHY: In areas that allow ATV/UTV traffic on their streets, an open intoxicant ordinance fills a gap in state law that allows an adult to drive ATV/UTV with open intoxicant in hand, because state law defines ATVs and UTVs as *transportation devices*, not vehicles. That person may be cited under state law if their BAC is .08 or higher, but simply having an open intoxicant does not violate Wisconsin transportation or DNR laws.

- If the community bans open intoxicants, does the municipality routinely suspend the open intoxicant law for public events?*

WHY: This is significantly different from festival or Class B temporary license restrictions. Repealing or suspending an open-intoxicant ordinance allows individuals to wander the streets with an open alcohol beverage they may have obtained from a retailer, a neighbor, or their own refrigerator. Class B temporary licenses can only be issued to a small group of community and civic groups; the license must describe a licensed area where alcohol beverages are sold and consumed by purchasers.

- If the municipality routinely suspends the open intoxicant law for public events, does the community have criteria or situations where a request to suspend an open-intoxicant ban would be declined, such as children's athletic competition or family events?*

4. Public Alcohol-Free Locations

- Is alcohol consumption or sale in public parks limited to specific locations? Are these restrictions enforced?

WHY: There are many reasons individuals do not drink alcohol. Some people do not like the taste of alcohol. Others prefer not to drink in the presence of or while caring for children. Some people have medical conditions or religious objections to alcohol consumption, and others may be in recovery. Creating alcohol-free spaces in your parks and recreation areas establishes family and recovery friendly zones. Alcohol-free areas

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 low-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 bollard advertising, is possible.

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

WHY: The amount of alcohol advertising children and youths see has an impact on when they begin drinking (alcohol initiation) and the quantity of alcohol consumed. Surveys show that youths see a significant amount of alcohol advertising on their local billboards and store windows. A direct ban on alcohol advertising violates the First Amendment, but a more restrictive sign code that addresses placement of any signs rather than content is possible.

- Does the sign code require a clear line of vision to the cash register/check-out area in licensed establishments to limit window signs?

WHY: This not only decreases advertising but also allows law enforcement to more easily observe whether IDs are being inspected during sales.

6. Social Host Law Adopted and Enforced

- Does local law enforcement enforce the state law that makes it illegal for an adult to provide a location for underage drinking?
- Does the wording of the local law match the state statute?
- Does the municipal court take these citations seriously?

WHY: One of the most common ways that youth receive alcohol is through their family or a friend's family, who frequently also provide a place to drink. Enforcing the social host law helps to reduce youth access to alcohol.

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, non-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 amounts to violating the license and may have serious consequences for the licensee.

13. Temporary/Festival License Conditions Required

- Does the municipality require Class B temporary licensees (picnic 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 wrist bands, fencing, distinguishable cups, limiting serving size, limiting number of beverages purchasable at a time, prohibiting discount pricing, requiring sober servers, requiring food and alcohol-free beverages to be available, ending alcohol sales one hour before closing, and not selling to obviously intoxicated individuals. Many communities require groups seeking a temporary license to agree to at least some of these evidence-informed practices and policies as conditions to their temporary alcohol licenses.

14. Policy for Reviewing Proposed Expansions to the Licensed Premises

- Does the municipality have a policy for reviewing proposed outdoor expansions of the licensed premises, such as into sidewalks, parks, or parking lots?

WHY: The COVID-19 pandemic created a situation where many licensees requested outdoor expansions of their premises, some for on-premises drinking (such as a beer gardens), and some for curbside or parking lot pick-up of alcohol beverages. Some communities granted temporary expansions, while others granted them permanently. Wisconsin law requires most alcohol purchases to be made face-to-face. Curbside or parking lot pick-up of online orders creates many challenges to the face-to-face scheme and challenges to a municipality seeking to limit availability to underage drinkers.

15. Guidelines or Criteria for Disciplining Licensees

- Does the municipality have guidelines or criteria (including a point or demerit system) for disciplining licensees?

WHY: Communities can create a system to provide consistent progressive discipline to the licensees and locations that create problems.

16. Licensees Disciplined Using Guidelines or Criteria

- Does the municipality use its guidelines, criteria, or demerit system to discipline licensees?

WHY: Having a demerit or other disciplinary system on the books does not guarantee the system is functional. Some communities do not actively use their disciplinary system. Ask when the most recent disciplinary action was taken against a licensee. If they have not taken any disciplinary actions, find out why. Use a conversation about their system as an opportunity to learn their reasons.

17. Ongoing Minimum Legal Drinking Age Compliance Checks

- Does law enforcement conduct minimum legal drinking age compliance checks twice a year and issue citations to servers/waiters/bartenders/cashiers that fail?

WHY: Because the alcohol industry has a high staffing turnover, semi-annual compliance checks are necessary to keep staff mindful of the necessity of checking IDs. Age compliance checks are a well-established evidence-based enforcement operation that determines if people selling and serving alcohol request and examine ID before selling alcohol to a customer. Community protocols for compliance checks are not “stings”. It is best practice to notify licensees of the enforcement period, adopt set criteria for youth decoys and issue citations as allowed by law. While only the person selling or serving the alcohol can be charged for a violation during a compliance check,

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's files noting how often the clerks at a specific licensee failed the test. Repeat offenses indicate that management and the training they provide clerks needs improvement. These letters can become part of the annual license renewal procedure.

19. Curbside Pickup of Alcohol Purchases 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 polices may include, recording the license plate of cars, video of all customer vehicles or use of wireless ID scanning equipment.

20. Sales of Single Servings Sizes of Alcohol Prohibited where Gasoline is Sold

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

WHY: Single-serving containers are popular with cost-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 keg, 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 "sober server" ordinance limiting the allowable BAC while on duty?

WHY: Wisconsin does not require individuals serving alcohol to be sober. Some communities have found that intoxicated servers contribute to disorderly licensees and violence. There are important differences in these ordinances; the local situation will help determine which approach is appropriate in your community.

23. Place of Last Drink – Compiling Data from OWI Arrests

- Does your community compile or participate in a multi-jurisdiction compilation of Place of Last Drink (POLD) data? If so, how does law enforcement follow up with licensees?

WHY: Place of Last Drink compilations identify patterns of over-serving by specific licensees (bars & restaurants) using information from OWI arrests. This is not information that is otherwise available to licensees. The data is not used to sanction a licensee, although it may result in a review of bar serving policies or even an undercover investigation by law enforcement.

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<https://www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project>

III. INVENTORY TABLE - RESEARCH RECORD

Topic	Ordinance(s) Citation	Policy Summary	Is it enforced & how	Link(s)
GENERAL ALCOHOL POLICY				
1. Chapter 125 Adopted				
2. Alcohol Outlet Density Measured or Mapped				
3. Open Intoxicants Banned or Limited				
4. Public Alcohol-Free Locations				
5. Signage Limitations Adopted				
6. Social Host Law Adopted and Enforced				
7. Small Talks Campaign conducted locally				
8. Efforts to Secure Alcohol on Private Property				

Topic	Ordinance(s) Citation	Policy Summary	Is it enforced & how	Link(s)
ALCOHOL BEVERAGE RETAIL LICENSES				
9. Guidelines or Criteria Adopted for Granting Alcohol Licenses				
10. Well-Defined Description of Licensed Premises Required				
11. Public notice & Involvement during Application Review				
12. Alcohol License Conditions Required				
13. Temporary/Festival License Conditions Required				
14. Policy for Reviewing Proposed Expansions to Licensed Premises				
15. Guidelines or Criteria Used for Disciplining Licensees				

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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