



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, July 18, 2017

6:15 PM

De Pere City Hall Riverview Room

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **License Committee** of the City of De Pere will be held on **July 18, 2017** at **6:15 PM** in the **De Pere City Hall Riverview Room, 335 S. Broadway, De Pere, WI 54115**.

Call to Order

1. Roll Call
2. Approval of the Minutes of the July 5, 2017 License Committee Meeting.
3. Public Comment Period and other Announcements.
4. Operator License Applications.*
5. Police Report on Alcohol Compliance at Licensed Establishments
6. Consideration of Ordinance to Require Licensed Establishments to Perform Exterior Cleanup After Closing (Ald. Jennings)
7. Consideration of Regulations for Managing numbers of Alcohol Beverage Licenses Issued in Certain Geographic Areas (Ald. Jennings)
8. Adjournment.

Respectfully Submitted,

Shana Ledvina, Clerk - Treasurer

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Mayor
Alderspersons
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
John R. Calaway
Andrew W. Kane
Mark A. Nelsen
Amy S. Novak
Christopher J. Peters
Daniel J. Steinhorst
Ashley M. Bass
Sonia A. Busch
Brenton D. Garcia
Paulette M. Geohegan

Crystal L. Hadley
Jennifer L. Houle
Jennifer L. Korb
Lauren M. Martens
Breanna N. Natzke
Chelsea D. Schlink
Michelle A. Smalls
Ciara L. Van Gheem
Greg DeCleene
Marc Bilotti
Kevin Charles
Anthony Oczus

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: July 18, 2017

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Approval of the Minutes of the July 5, 2017 License Committee Meeting.

ATTACHMENTS:

- 7-05-2017 License Committee Minutes (DOC)



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Wednesday, July 5, 2017

7:15 PM

De Pere City Hall Riverview Room

1. Call to Order: The meeting was called to order at 7:15 PM by Alderperson Boyd.

Attendee Name	Title	Status
James Boyd	Alderperson	Present
Dan Carpenter	Alderperson	Present
Jonathon Hansen	Alderperson	Present

2. Approval of the Minutes of the June 20, 2017 License Committee Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

3. Public Comment Period and other Announcements. None.
4. Operator License Applications.*

CITY OF DE PERE	
License Committee - July 5, 2017	
Temporary Operator License Applications	
1	KUEHL, MICHAEL
2	MANNING, MICHELE R.
New Operator License Applications	
1	BOYD, SAMUEL J.
2	HARTMAN, REBEKKA L.
3	RUATTI, SUSAN K.
4	WATSON, NEVADA J.
5	WATZKA, ELIZABETH C.

Temporary Operator License Application #1 for Michael Kuehl was presented. Alderperson Boyd moved, seconded by Alderperson Carpenter to open the meeting. Upon vote, motion carried unanimously. The applicant answered the Committee's questions. Discussion followed regarding disclosing traffic offenses. Alderperson Boyd moved, seconded by Alderperson Carpenter to close the meeting. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Hansen to approve Temporary Operator License Applications #1 and 2. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Hansen to approve Operator License Applications #1-5. Upon vote, motion carried unanimously.

5. Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Gregory J. Cornell (DBA C & C Pub & Grill), 600 George St. Submitted by Gregory J. Cornell, De Pere, WI.*

Attachment: 7-05-2017 License Committee Minutes (6030 : Approval of the Minutes of the July 5, 2017 License Committee Meeting.)

Alderson Carpenter moved, seconded by Alderson Hansen to approve the application. Upon vote, motion carried unanimously. After approval of item #6, Alderson Boyd moved, seconded by Alderson Carpenter to reconsider item #5. Upon vote, motion carried unanimously. Alderson Boyd moved, seconded by Alderson Carpenter to approve the application with the extension of the premises for the sidewalk cafe area contingent upon the sidewalk cafe permit being approved and issued. Upon vote, motion carried unanimously.

6. Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Teekae Enterprises Inc. of WI (DBA Tim Karl's Century Lanes II Riverwatch), 132 S. Broadway. Submitted by Teekae Enterprises Inc. of WI, Agent: Timothy V. Karl, Green Bay, WI.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderson
SECONDER:	Jonathon Hansen, Alderson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

7. Adjournment. Alderson Carpenter moved, seconded by Alderson Hansen to adjourn at 7:25 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer

City of De Pere, Wisconsin



Request For License Committee Action

MEETING DATE: July 18, 2017
DEPARTMENT: License Committee
FROM: Shana Ledvina
SUBJECT: Operator License Applications.*

ATTACHMENTS:

- 07-18-17 (PDF)

CITY OF DE PERE
License Committee - July 18, 2017

Temporary Operator License Applications	
1	CALAWAY, JOHN R.
2	KANE, ANDREW W.
3	NELSEN, MARK A.
4	NOVAK, AMY S.
5	PETERS, CHRISTOPHER J.
6	STEINHORST, DANIEL J.

New Operator License Applications	
1	BASS, ASHLEY M.
2	BUSCH, SONIA A.
3	GARCIA, BRENTON D.
4	GEOHEGAN, PAULETTE M.
5	HADLEY, CRYSTAL L.
6	HOULE, JENNIFER L.
7	KORB, JENNIFER L.
8	MARTENS, LAUREN M.
9	NATZKE, BREANNA N.
10	SCHLINK, CHELSEA D.
11	SMALLS, MICHELLE A.
12	VAN GHEEM, CIARA L.

City of De Pere, Wisconsin

**Request For License Committee Action**

MEETING DATE: July 18, 2017

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Police Report on Alcohol Compliance at Licensed Establishments

On various dates from March through May 2017, an undercover officer, a uniformed officer and two underage persons (each 20 years old) went to places where alcohol was sold and attempted to purchase alcohol. The undercover officer would enter the establishment prior to the underage persons to ensure safety of the underage persons, then after doing so, the underage persons entered. The undercover officer observed from the interior. The underage person then went to the bar, counter or cooler and ordered alcohol or attempted to buy alcohol. They used their real identifications.

If carded and refused service the underage person would leave and return to the uniformed officer outside and the undercover officer would leave shortly after.

If not carded and served, the underage persons would stand around then leave after a few minutes (and not drink the alcohol if in a bar), or carry out the purchase (if in a C-store) and return to the uniformed officer.

The undercover officer observed each violation and the seller was later cited for the violation.

I have compiled the following information regarding compliance checks for alcohol and licensing requirements:

60 establishments were initially checked and 19 failed by selling the underage persons alcohol. Citations were written to the offending bartender or clerk. 18 of the 19 establishments were then rechecked at a later date and 4 more failed a second time. One was/is closed for remodeling. Citations were again written to the offending bartender or clerk. A listing of all the establishments is attached for your review. The following establishments failed the second compliance check:

- * Birch Street Pub 617 Birch St.
- * Bilotti's Pizza 113 N Broadway St
- * Chatterhouse 614 George St.
- * Proof 100 N Broadway St.

In addition to the alcohol compliance operation noted above, starting in May 2017, and still continuing, patrol officers have been checking establishments for compliance with licensing, and state liquor law violations such as improper taps on beer kegs, unsanitary practices when sealing open bottles at night, intoxicated persons on the premises, overserving, etc. Of the establishments checked so far four failed to have a licensed operator on premises. Citations were issued for those violations. Unfortunately, two of

those in violation of the alcohol compliance checks are also in violation of the licensing regulations and are as follows:

- * Bilotti's Pizza
- * Chatterhouse

In other words, the two listed establishments have had three violations of the law since March of 2017. I bring these establishments to the license committee's attention for further review and potential sanction. No action has been initiated by the police department against any of the establishments or agents so far, only to the offending individuals.

I request at least public review with the agent/owner for the following establishments in an attempt to gain assurances and compliance:

- * Birch Street Pub 617 Birch St.
- * Bilotti's Pizza 113 N Broadway St
- * Chatterhouse 614 George St.
- * Proof 100 N Broadway St.

ATTACHMENTS:

- 2017 Alcohol Compliance Check results (PDF)

Name of Business	Address	Date Checked	Pass/Fail	Incident Number	Pass Letter Set
CVS	800 Main Ave	3/3/2017	Pass	17-002831	4/20/2017
De Pere Mini Mart	821 George St	3/3/2017	Pass	17-002832	4/20/2017
U Pump Bp	302 N. Broadway	3/3/2017	Pass	17-002835	4/20/2017
Festival Foods	1001 Main Ave	3/3/2017	Pass	17-002840	4/20/2017
Shell(Lawrence Dr)	1511 Lawrence Dr	3/3/2017	Pass	17-002844	4/20/2017
Riverside Shell	1010 Riverside Ave	3/3/2017	Pass	17-002847	4/20/2017
De Pere Superstore	1501 Main Ave	3/3/2017	Pass	17-002849	4/20/2017
Walgreens	150 S. Wisconsin St	3/3/2017	Failed	17-002833	5-11-17 Pass
DJ Convenience	1605 Fort Howard Ave	3/3/2017	Failed	17-002837	5-11-17 Pass
Shell Main Ave	841 Main Ave	3/3/2017	Failed	17-002841	5-11-17 Pass
Scheuring Mobil	1620 Lawrence Dr	3/3/2017	Failed	17-002842	5-11-17 Pass
Landing Grand Central Station	1063 N. Broadway	3/3/2017	Failed	17-002845	5-11-17 Pass
Dollar General	805 Main Ave	3/3/2017	Failed	17-002850	5-11-17 Pass
DRIFT INN	1535 N. Ashland Ave	3/14/2017	Failed	17-0003359	6/1/17 pass
Birch St Pub	617 Birch St	3/14/2017	Failed	17-003359	6/1/17 Failed
Y-Mart	1017 5th St	3/14/2017	Pass	17-003346	4/20/2017
Walmart	1415 Lawrence Dr	3/14/2017	Pass	17-003347	4/20/2017
Walmart Liquor	1415 Lawrence Dr	3/14/2017	Pass	17-00334	4/20/2017
Walgreens	901 Main ave	3/14/2017	Pass	17-003349	4/20/2017
Wine Cellar	813 Main Ave	3/14/2017	Pass	17-003350	4/20/2017
KWIK Trip	746 Main Ave	3/14/2017	Pass	17-003351	4/20/2017
Reid Street Station	401 Reid St	3/14/2017	Pass	17-003352	4/20/2017
Shopko	230 N. Wisconsin	3/14/2017	Pass	17-003354	4/20/2017
Caliente	623 George St	3/14/2017	Pass	17-003356	4/20/2017
Union Hotel	200 N. Broadway	3/15/2017	Pass	17-0034402	4/20/2017
McGeorge's Pub	415 George St	3/15/2017	Pass	17-003403	4/20/2017
Pubhaus	600 George St	3/15/2017	Pass	17-003405	4/20/2017
Century Lanes	132 S. Broadway	3/15/2017	Pass	17-003406	4/20/2017
Bilottis Pizza	111 S. Broadway	3/15/2017	Failed	17-003395	5-11-17 Failed
Chateau De Pere	201 James St	3/15/2017	Failed	17-003398	5-11-17 Pass
Chatterhouse	614 George St	3/15/2017	Failed	17-003404	5-11-17 Failed
Island Sushi	101 Frt Howard Ave	3/15/2017	Failed	17-003407	6/1/17 Pass
Brickhouse	500 Grant St	3/16/2017	Failed	17-003485	5-11-17 Pass
The Landing Bar/Grill	1605 Frt Howard Ave	3/16/2017	Pass	17-003489	4/20/2017
Sidekicks	930 Main Ave	3/16/2017	Pass	17-003488	4/20/2017
El Presidente	500 Main Ave	3/16/2017	Pass	17-003484	4/20/2017
Galaghers Pizza	330 Reid St	3/16/2017	Pass	17-003481	4/20/2017
Pizza Hut	400 Reid St	3/16/2017	Pass	17-003477	4/20/2017
Salt	401 Main Ave	3/16/2017	Pass	17-003473	4/20/2017
Gyro Kabobs'	337 Main Ave	3/16/2017	Pass	17-003472	4/20/2017
Pasquales	305 Main Ave	3/16/2017	Pass	17-003470	4/20/2017
ABBEY	303 Reid St	4/7/2017	Pass	17-004472	4/20/2017
Keweenaw	368 Main Ave	4/7/2017	Pass	17-004474	4/20/2017
Replay Bar	1731 Frt Howard Ave	4/7/2017	Failed	17-004473	6/1/17 Pass
Nicky's	331 Main Ave	4/7/2017	Failed	17-004476	5-11-17 Pass
Buddha's	363 Main Ave	4/7/2017	Failed	17-004478	5-11-17 Pass

Attachment: 2017 Alcohol Compliance Check results (6033 : Police Report on Alcohol Compliance)

[illegible]

Attachment: 2017 Alcohol Compliance Check results (6033 : Police Report on Alcohol Compliance)

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: July 18, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Consideration of Ordinance to Require Licensed Establishments to Perform Exterior Cleanup After Closing (Ald. Jennings)

ATTACHMENTS:

- Alderperson Boyd-License Committee Memo-Density and Litter7-18-17 (PDF)

MEMORANDUM

TO: Alderperson James Boyd, Chair
License Committee Members

FROM: Judith Schmidt-Lehman, City Attorney 

DATE: July 18, 2017

RE: Request of Ald. Jennings for Consideration of Alcohol License Density
Restrictions and Litter Control Regulations

At the June 20, 2017 Common Council meeting, Ald. Jennings requested that the License Committee:

1. consider an alcohol license density ordinance for the downtown area; and
2. consider an ordinance requiring alcohol licensees to clean around the entrance(s) to their establishment after closing.

The purpose of this memo is to: (1) provide the Committee with an overview of the legal authority for local consumption of alcohol regulations; (2) discuss possible methods of regulating the placement of licensed alcohol establishments in the city; and (3) provide information on litter control regulations.

I. Legal Authority for Regulation

A. State Statute

State law contains a number of regulations covering the sale of alcohol, including creating different classes of licenses for different types of sales¹, regulations on who can purchase or consume alcohol² and when³, and a host of other rules. However, state law has not pre-empted municipal regulation of some aspects of alcohol licensing. State law permits municipal alcohol regulations regarding the sale of alcohol that are “not in conflict” with state law⁴ and it does not affect municipal zoning authority.⁵ Determining whether a particular regulation is in conflict with state law is not always a simple matter

¹ Generally, a Class A license allows sale of alcohol for off-premise consumption (liquor store, C-station) while a Class B license allows sale for on-premise consumption (taverns, restaurants)

² Legal drinking age is 21 years of age (Wis. Stats. §125.02(8m) unless the underage person is accompanied by a parent or a spouse of legal drinking age [Wis. Stats. §125.07(1)(a)]

³ Wis. Stats. §§125.32(3) and 125.68(4)

⁴ Wis. Stats. §125.10(1)

⁵ §125.10(3)

and is evaluated on a case-by-case basis. Examples of local regulations not in conflict with state statute include self-imposed quotas⁶; banning exotic dancing on licensed premises⁷; and premise restrictions on initial licensure⁸. Examples of local regulations that were rejected include different closing hours⁹; and conditioning the issuance on one license on issuing a second.¹⁰

B. State and Federal Constitutions

Both state¹¹ and federal¹² considerations of due process and equal protection require that municipal regulations:

1. be rationally related to promoting the public health, safety and general welfare; and
2. be rationally related to advancing that public purpose.

In other words, a municipal regulation adopted must have a valid public purpose objective and the means used in the regulation must actually advance that objective. If a regulation is found to not promote public health, safety or welfare or the means chosen are not rationally related to advancing the goal of the ordinance, the regulation will be invalid even if it does not conflict with Chapter 125 Wisconsin Statutes.

II. Permissible Methods of Controlling the Number of Licenses

A. Quotas

Putting a quota on the number of licenses a municipality may issue simply means that a set number of licenses are available and once they are issued, no more will be issued unless the quota number is raised or eliminated. For example, state law currently imposes a quota on the number of Class B liquor licenses a municipality may issue.¹³ The number is a limit on municipal authority; it is the number of Class B licenses the municipality *may* grant or issue. The City could therefore, consider a self-imposed Class B quota that is less than that allowed by state law. The City did, in fact, adopt a quota on Class A licenses in approximately 2001. Self-imposed quotas however are subject to revision or termination at the pleasure of the municipality, as was the case with the Class A quota. The Common Council approved the repeal of the quota in September 2016 in response to an application for a license when the quota had been met.

⁶ *Odelberg v. City of Kenosha*, 20 Wis. 2d 346, 122 N.W.2d 435 (1963)

⁷ *City of Milwaukee v. Piscuine*, 18 Wis. 2d 599, 119 N.W.2d 442 (1963)

⁸ *Wis. Dells, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350

⁹ *Village of Little Chute v. VanCamp*, 136 Wis. 526, 117 N.W. 1012 (1908). See also Wis. Stats §§125.32(3) and 125.68(4)(c)5

¹⁰ *Torres v. Krawczak*, 217 Wis. 2d 593, 259 N.W.2d 607 (1935)

¹¹ Wisconsin Constitution Article I

¹² 14th Amendment to U.S. Constitution

¹³ Wis. Stats. §125.51

Adopting a self-imposed quota that does not conflict with the state imposed Class B quota system is permissible under state law. The Council should also be able to articulate what the public interest (health safety and welfare) goal is and how the quota will meet that goal, when approving the measure.

B. Density Regulations

Density regulations address concerns regarding licenses issued in a specific geographic area. For example, state law has decided that no licensed establishments should be located within 300 feet from the main entrance of a public, parochial or tribal school, hospital or church, unless the establishment is a restaurant or unless otherwise approved by the governing body.¹⁴

The council could determine to limit the number or types of licenses allowed in a certain geographic area in order to either preserve a certain character or an existing location or to prevent certain activities from occurring or increasing in certain areas. The difficult aspect of this type of regulation lies in properly articulating the public interest (health, safety, welfare) involved with the regulation and properly designing the regulation so that it advances those public interest goals. For example, if a specific geographic is home to a number of taverns and restaurants with liquor licenses where there ongoing public safety and welfare issues, including disproportionate police calls to taverns (and not restaurants) in the area, the council could consider restricting itself to issuing new Class B licenses to restaurants only as a way to diminish the number of taverns in the geographic area through attrition. This type of regulation may be more effective and less subject to challenge however when deployed as a zoning regulation.

C. Zoning Regulations

As earlier noted, the state liquor laws specifically do not affect municipal zoning powers. Zoning regulations identify what specific uses are permitted¹⁵ on specific properties. Municipal zoning regulations therefore can be used to allow or not allow specific uses which require alcohol beverage licenses. Current City zoning regulations generally restrict taverns, restaurants, and liquor stores to commercial districts.

The City of Madison uses an Alcohol Overlay District in which taverns, liquor stores and accessory retail sales are no longer permitted after the effective date of the ordinance. Currently licensed establishments are continued to exist as permitted non-conforming uses. Additionally, the ordinance creates "Nightclub" and Restaurant-Nightclub" property uses and identifies which zoning districts in the city these uses are permitted uses and/or conditional uses, again with non-conforming use provisions for existing establishments outside those zoning districts.

¹⁴ Wis. Stats. §125.68(3)

¹⁵ "Permitted," when used in the zoning context, means "allowed" and not that a "permit" is issued. A "permitted" use in a zoning district means the right to conduct that use.

Using zoning code regulations to determine where various types of alcohol sales are permitted is an allowable way of addressing license concentration issues and effects easily and without the concern of easy repeal of the regulation, as in self-imposed quotas.

III. Exterior Cleanup Requirement

Ald. Jennings has requested the Committee to consider recommending the Council adopt an ordinance requiring alcohol license holders to clean the entrance area(s) of the licensed establishment after closing.

The city municipal code currently requires all property owners to maintain their premises. That ordinance reads:

§8-9 (g) *Maintenance of premises.* The owners or person in control of any private property shall at all times maintain the premises free to litter; provided, however, that this section shall not prohibit the storage of litter in authorized refuse or garbage containers for collection.

(“Litter” is defined as: *Litter* means garbage, refuse and rubbish as defined in this section and all other waste material which is thrown or deposited as prohibited in this section, and tends to create a danger to public health, safety and welfare.

“Refuse/rubbish” is defined as: *Refuse or rubbish* means miscellaneous waste material that is bulky or of such a size that will not fit in polycart and as is not normally collected with garbage.....)

Therefore, the requested regulation for licensed establishments would be in addition to the general requirements imposed upon other property owners. The additional regulation will likely be found to comply with due process and equal protection requirements when drafted to address an existing concern in a manner that is likely to meet those objectives.

An example of a potential ordinance language might be:

In addition to the requirements for litter removal set forth in Section 8-9(g) De Pere Municipal Code, owners or persons in charge of establishments licensed under this Chapter (Chapter 7 De Pere Municipal Code) shall maintain the exterior entrance(s) and surrounding area that is used by customers, invitees and guests of the licensed premises, clean, free and clear of all other noxious materials or matter, including bodily fluids and other such offensive substances. This section applies during all hours of operation of the licensed premises and the owner or person in charge shall ensure that said area(s) are clean and free of all such materials at such time as the licensed premises is closed and all patrons and employees have left the premises. (Note: this language is subject to further revision.)

These issues are set for discussion at the License Committee meeting of July 18, 2017. If you have any questions or concerns prior to the meeting, please feel free to call me at 339-4042.

H:\azills\Memos\2017\Alderperson Boyd-License Committee Memo-Density and Litter7-18-17.docx

City of De Pere, Wisconsin



Request For License Committee Action

MEETING DATE: July 18, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Consideration of Regulations for Managing numbers of Alcohol Beverage Licenses Issued in Certain Geographic Areas (Ald. Jennings)

ATTACHMENTS:

- Alderperson Boyd-License Committee Memo-Density and Litter7-18-17 (PDF)

MEMORANDUM

TO: Alderperson James Boyd, Chair
License Committee Members

FROM: Judith Schmidt-Lehman, City Attorney 

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⁶ *Odelberg v. City of Kenosha*, 20 Wis. 2d 346, 122 N.W.2d 435 (1963)

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⁸ *Wis. Dells, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350

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The City of Madison uses an Alcohol Overlay District in which taverns, liquor stores and accessory retail sales are no longer permitted after the effective date of the ordinance. Currently licensed establishments are continued to exist as permitted non-conforming uses. Additionally, the ordinance creates "Nightclub" and Restaurant-Nightclub" property uses and identifies which zoning districts in the city these uses are permitted uses and/or conditional uses, again with non-conforming use provisions for existing establishments outside those zoning districts.

¹⁴ Wis. Stats. §125.68(3)

¹⁵ "Permitted," when used in the zoning context, means "allowed" and not that a "permit" is issued. A "permitted" use in a zoning district means the right to conduct that use.

Using zoning code regulations to determine where various types of alcohol sales are permitted is an allowable way of addressing license concentration issues and effects easily and without the concern of easy repeal of the regulation, as in self-imposed quotas.

III. Exterior Cleanup Requirement

Ald. Jennings has requested the Committee to consider recommending the Council adopt an ordinance requiring alcohol license holders to clean the entrance area(s) of the licensed establishment after closing.

The city municipal code currently requires all property owners to maintain their premises. That ordinance reads:

§8-9 (g) *Maintenance of premises.* The owners or person in control of any private property shall at all times maintain the premises free to litter; provided, however, that this section shall not prohibit the storage of litter in authorized refuse or garbage containers for collection.

(“Litter” is defined as: *Litter* means garbage, refuse and rubbish as defined in this section and all other waste material which is thrown or deposited as prohibited in this section, and tends to create a danger to public health, safety and welfare.

“Refuse/rubbish” is defined as: *Refuse or rubbish* means miscellaneous waste material that is bulky or of such a size that will not fit in polycart and as is not normally collected with garbage.....)

Therefore, the requested regulation for licensed establishments would be in addition to the general requirements imposed upon other property owners. The additional regulation will likely be found to comply with due process and equal protection requirements when drafted to address an existing concern in a manner that is likely to meet those objectives.

An example of a potential ordinance language might be:

In addition to the requirements for litter removal set forth in Section 8-9(g) De Pere Municipal Code, owners or persons in charge of establishments licensed under this Chapter (Chapter 7 De Pere Municipal Code) shall maintain the exterior entrance(s) and surrounding area that is used by customers, invitees and guests of the licensed premises, clean, free and clear of all other noxious materials or matter, including bodily fluids and other such offensive substances. This section applies during all hours of operation of the licensed premises and the owner or person in charge shall ensure that said area(s) are clean and free of all such materials at such time as the licensed premises is closed and all patrons and employees have left the premises. (Note: this language is subject to further revision.)

These issues are set for discussion at the License Committee meeting of July 18, 2017. If you have any questions or concerns prior to the meeting, please feel free to call me at 339-4042.

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