

Municipal Inventory Checklist

Policies & Practices to Reduce Excessive Alcohol Consumption

Purpose: Often, individuals working on alcohol and drug policies focus their efforts on a careful assessment of alcohol-related problems while omitting another important assessment. An inventory of local ordinances and administrative policies may reveal existing policies that could address current problems when enforced.

For example, while most adults are aware that it is illegal to provide alcohol to unrelated youth, many are unaware that it is illegal to provide a location for underage drinking. Enforcing that restriction could help reduce youth access to alcohol and underage drinking.

A municipal inventory will also expose gaps in local policies allowing problems to fester.

For example, if law enforcement determines that intoxicated bartenders contribute to violence and alcohol-related disorder, a sober server ordinance would provide a tool to address that issue.

Municipal policies can address contributing factors, also called root causes, of alcohol-related problems. A community focusing on underage drinking could reduce youth exposure to alcohol advertising using the local sign code to limit low height or temporary advertising in parking areas or commercial windows. Acting as the manager of public property, some municipalities have banned alcohol advertising on public transit and bus shelters. In addition, a municipality may limit alcohol consumption in parks or other public properties. Limiting youth exposure to alcohol advertising and the availability of alcohol in public parks supports efforts to be a family friendly community that supports people in recovery.

The policies and administrative practices listed represent some, but not all, of the municipal policies adopted by Wisconsin's communities to help prevent and reduce excessive alcohol consumption. The alcohol policies listed in the Community Health Rankings & Roadmaps are included unless already enacted or preempted by state law.

This is a starting point. When complete, you will have a record of local alcohol licensing and enforcement policies plus an understanding of how they are applied locally. Alcohol licensing and regulation in Wisconsin is primarily a municipal responsibility and policies vary dramatically from community to community. Do not assume a common name or title reflects identical policies. The Wisconsin Alcohol Policy website (<https://law.wisc.edu/wapp/>) has detailed explanations of many of these policies as implemented in Wisconsin.

Where to Begin: Some municipalities have placed their ordinances online, but many still rely on paper copies with limited availability. Alcohol-related ordinances and policies adopted by county boards generally only apply to the unincorporated portions of the county, villages and cities have their own sets of ordinances. If you live in a Town and local ordinances are not available online, contact your Town Supervisor or clerk for advice. Local libraries often have a reference copy of local ordinances. If you are able to access your ordinances online, start there. Although many municipalities have a section of the ordinances dedicated to alcohol control, it is unlikely that all the alcohol-related policies or practices will be there.

Some of policies listed here reflect current state law. For example, alcohol age compliance checks enforce the minimum legal drinking age. In addition, any municipality can map and calculate its alcohol outlet density, some law enforcement, public health are planning agencies may be working on it.

After reviewing your local ordinances, follow up with your local police department. Most police departments welcome citizen interest in their work. Police enforce the laws the community supports, asking for more information about how they approach alcohol-related issues is likely to receive a warm response.

Most police departments are involved in local alcohol licensing decisions. Local procedures for awarding and renewing alcohol licenses vary dramatically throughout Wisconsin. The guided research outlined in *Awarding Alcohol Licenses: Issues and Procedures* on the Alcohol Policy Project website can help you understand the local process.

Finally, ask your city council member, village trustee or town supervisor to have a cup of coffee with you. An in-person meeting can fill gaps in your policy inventory while learning the reasons for past decisions. Be sure to 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 for alcohol licensing decisions.

As you work, make a copy of each ordinance or policy. The copy allows you to confirm the community has an effective ordinance or a look-alike with the same title.

When you complete the inventory, you will have a file of ordinances and notes on local alcohol policy. That helps focus your efforts. Often the first step is supporting local enforcement of existing laws. If underage drinking is a local concern, conducting alcohol age compliance checks and ticketing/citing local adults who provide a location for underage drinking are both essential steps to reducing youth access to alcohol. Neither step requires a new ordinance, just the allocation of local resources and citizen support.

General Alcohol Policy

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

WHY: Most municipalities do this to allow alcohol violations to be resolved in municipal court where violations are not crimes.

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

WHY: An over-concentration of alcohol outlets *will* increase the rate of alcohol-related disorder and crime. Even small communities will find that a cluster of outlets results in some problems even if the total number of outlets is not disproportionate for the area's population. The CDC's Community Guide recommends using licensing powers to limit an over-concentration of alcohol outlets, which may increase alcohol-related disorder and crime. Wisconsin specific information about density is available on the WAPP website. General guidance on outlet density in the *CDC Guide for Measuring Alcohol Outlet Density*.

- Does this municipality have and enforce an ordinance banning individuals from having open intoxicants (over cans or containers of alcohol) in public?

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

- 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 must describe a licensed area where alcohol beverages are sold by the license holder and consumed. Does the community have criteria or situations where a request to suspend an open-intoxicant ban would be declined such as a children's athletic competition or family fun day.

- Does local law enforcement enforce the municipal or state prohibition on providing a *location* for underage drinking? How? Does the municipal court take these citations seriously?

WHY: Many individuals call this the “social host” law or ordinance. Adults who allow or fail to take reasonable precautions to prevent underage drinking on property they own or control (including hotel rooms and rental property) violate state law and ordinances that mirror it. If the adult also provided the alcohol, that may be a second citation for providing alcohol to youth is possible.

Awarding Alcohol Licenses

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

WHY: A municipality may deny an application for an alcohol license for many reasons, but once awarded an alcohol license may only be revoked, non-renewed or suspended for serious reasons after a hearing. As a result, municipalities should award alcohol licenses very carefully considering both the community quality of life and development goals. Some municipalities create criteria in ordinance; others simply adopt policy statements or procedures.

- Does the municipality add alcohol license conditions to 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. Violating a license conditions is violating the license and may have serious consequences for the licensee. License conditions can help prevent past problems from repeating under a new owner.

- 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: Research conducted in Wisconsin identified the policies and practices that reduce over-serving and underage drinking. Many communities require groups seeking a temporary license to agree to these policies as alcohol license conditions or to secure other municipal permits.

Licensee Operations

- Does the municipality have guidelines or criteria (including a point or demerit system) for disciplining licensees?
WHY: Having a demerit or other disciplinary system on the books does not guarantee the system is functional. It is useful to know when the last disciplinary action was taken against a licensee. Some communities do not actively use their disciplinary system that limits its value.
- Does law enforcement conduct alcohol age compliance checks (AACC) twice a year and issue citations to clerks that fail?
WHY: Community protocols for AACC vary but most are not “stings”. It is best practice to notify licensees of the enforcement period, have set criteria for youth decoys and issue citations as allowed by law. Alcohol industry education and programs cannot replace AACC that are a proven effective intervention to prevent and reduce underage drinking.
- 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 an indication that training or management needs improvement. These letters can become part of the annual license renewal procedure.
- Does the municipality have a policy for reviewing proposed expansions of the “licensed premises” to allow online ordering for later pick-up, a practice often called “Click & Collect”?
WHY: Refusing to expand the licensed premises impacts the sale of alcohol, but not the overall online for pick-up sale of groceries or other goods. Because Wisconsin law requires face-to-face alcohol sales on the licensed premises, municipal action is usually required before a retailer may initiate alcohol sales this way. Some communities require licensees to submit detailed plans with the goal of reducing the likelihood that alcohol purchased online is consumed by underage youth or intoxicated customers.

- Has the municipality adopted an ordinance to regulate Click & Collect alcohol sales to reduce the risk of underage or straw buyers purchasing alcohol?
WHY: Some municipalities have adopted specific requirements to reduce the likelihood that alcohol purchased online is sold to underage or intoxicated customers.
- 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.
- 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
- Does the municipality have 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 sever" 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 a number of important different in these ordinances; the local situation will help determine which approach is appropriate in your community.
- 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 licensees 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.

Creating a Family and Recovery Friendly Community

- 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 drink in the presence or while caring for children, some have a medical condition or religious objection to alcohol and some are in recovery. Creating alcohol-free areas in your parks and recreation areas establishes family and recovery friendly areas. 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.

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

WHY: Banning open intoxicants on streets helps keep alcohol within the licensed premises, out of parks and customers walking to their vehicles with alcohol in hand. 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 an ATV/UTV with an open intoxicant in hand. That person may be cited if their BAC is .08 or higher but simply having an open intoxicant does not violate Wisconsin transportation or DNR laws.

- 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 sight line 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 space?

WHY: The amount of alcohol advertising children and youth see has an impact on when youth begin to drink (alcohol initiation) and the quantity of alcohol consumed. Surveys show that youth 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 and not 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?