



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORADUM**

**COMMITTEE:** Committee of the Whole

**LEGISLATION ITEM #:** 304-17

---

**AGENDA DATE:** December 20, 2017

---

**DEPARTMENT:** City Attorney's Office – Not Attorney-Client Privileged

**Prepared By:** City Attorney Scott R. Letteney

**Reviewed By:** City Attorney's Office Attorneys

---

**SUBJECT:** Communication from the City Attorney requesting to meet with the Committee of the Whole regarding the City's alcohol licensing and alcohol beverage license revocation/nonrenewal practices and procedures.

---

**EXECUTIVE SUMMARY:** Broad proposed changes to Chapter 6 of the Racine Ordinances regarding the issuance, denial, renewal, nonrenewal, and revocation of alcohol beverage licenses and the operation of licensed premises. A change to Chapter 2 of the Racine Ordinances adding alcohol beverage license issues to the authority of the City of Racine Due Process Board.

---

**BACKGROUND & ANALYSIS:**

**A.** The creation and adoption of policy guidelines for licenses related to alcohol beverages will provide the Common Council, Public Safety and Licensing Committee, City Clerk's Office, and Racine Police Department with specific guidance for the granting of alcohol beverage licenses with respect to arrests and conviction records and provide clear notice to alcohol beverage license applicants of such guidance.

**B.** The proposed substantive changes to Chapter 2 of the Racine Ordinances adds responsibility for hearings on nonrenewal, suspension, and revocation of alcohol beverage licenses to the recently-created Due Process Board

**C.** In addition to a number of changes to create consistency, for clarification, and to correct clerical matters, the proposed substantive changes (these appear in red or green fonts) to Chapter 6 of the Racine Ordinances, in brief, are as follows:

32 Section 6-1 – Modification of Definitions

33 Section 6-7 – Violation “Sale to intoxicated persons” added

34 Section 6-14 – Provision added requiring licensee to comply with conditions imposed by the Common  
35 Council

36 Section 6-15 – Restaurant sanitation requirements added to be consistent with state statute

37 Section 6-16 – Restrictions regarding future applications upon denial, nonrenewal or revocation of license  
38 added and/or clarified

39 Section 6-20 – Added statutory alcohol beverage licensing classification

40 Section 6-21 – Set forth application referral and hearing process and standards for issuance or denial and  
41 for appeal of denial

42 Section 6-22 – Sets forth qualifications of applicants for alcohol beverage license issuance

43 Section 6-23 – Sets forth process for application for alcohol beverage license and contents for every  
44 license application

45 Section 6-24 – Sets forth process for renewal or nonrenewal of alcohol beverage license

46 Section 6-25 – Sets forth grounds for revocation, suspension, and nonrenewal of alcohol beverage license

47 Section 6-26 – Sets forth procedures for hearing on suspensions and revocations; Note: hearing would be  
48 held before the recently-created Due Process Board

49 Section 6-27 – Establishes an alcohol beverage license demerit point system; Note: The purpose of an  
50 alcohol beverage license demerit point system is to institute an objective and consistent standard for the  
51 relative valuation of violations by alcohol beverage license holders so the Due Process Board and the  
52 Common Council may meaningfully evaluate the behavior of such alcohol beverage license holders

53 Section 6-28 – Sets forth the standard that alcohol beverage license may be issued for any residential  
54 premise

55 Section 29 – Sets forth and clarifies restrictions on the issuance of Class A licenses

56 Section 30 – Sets forth and clarifies restrictions on the issuance or renewal of Class B and Class C  
57 licenses

58 Section 6-31 – Notes that an alcohol beverage license is required for each premise and that alcohol  
59 beverage licenses may not be sold, transferred or used by another, except as otherwise indicated

60 Section 6-32 – Sets forth the procedures for requesting a change in premises

61 Section 6-35 – Sets forth the timeline for withdrawal of alcohol beverage license applications

62 Section 6-38 – Clarifies closing hour requirements for alcohol beverage licensed premises

63 Section 6-41 – Clarifies and adds standards for when and how conditional grants of alcohol beverage  
64 licenses may be granted

65 Section 6-86 – Clarifies occupancy limit requirements for alcohol beverage licensed premises

66 Section 6-87 – Emphasizes that Class B and Class C alcohol beverage license holders must maintain  
67 continuous operation

68 Section 6-88 – Emphasizes that alcohol beverage license holders must operate in accordance with the  
69 plans approved by the Common Council

70 Section 6-106 – Provides that alcohol beverage license holders on all real estate property taxes (in  
71 addition to personal property taxes) owed to the City before an alcohol beverage license shall be granted  
72 or transferred

73 Section 6-135 – Clarifies procedures for alcohol beverage operators’ license applications

74 Section 6-136 – Sets forth procedures for suspension or revocation of alcohol beverage operators’ licenses

75 Article V, Section 6-161, et seq. – Removes references to Soda Water Beverage Licenses, consistent with  
76 changes in state law

77 Section 6-193 – Provides notice that alcohol beverage licensed premises are subject to inspection during  
78 reasonable hours

79 Section 6-195 – Sets forth conduct requirements for employees of alcohol beverage licensed premises

80 Section 6-196 – Establishes that the unruly conduct of a patron of an alcohol beverage licensed premise is  
81 a civil violation under Racine Ordinances

82 Section 6-197 – Established that disorderly premises of an alcohol beverage licensed premise, and an  
83 alcohol beverage licensed premise constituting a nuisance, are civil violations under Racine Ordinances,  
84 subject to revocation and suspension

85 \_\_\_\_\_

86 **BUDGETARY IMPACT:** No budgetary impact is anticipated

87 \_\_\_\_\_

88 **OPTIONS/ALTERNATIVES:** Take some differing action

89 \_\_\_\_\_

90 **RECOMMENDED ACTION:**

- 91 A. Adopt the proposed Policy Guidelines for Licenses Related to Alcohol Beverages
- 92 B. Adopt the proposed changes to Chapter 2 of the Racine Ordinances
- 93 C. Adopt the proposed changes to Chapter 6 of the Racine Ordinances

94 \_\_\_\_\_

95 **ATTACHMENT(S):** Proposed Policy Guidelines for Licenses Related to Alcohol Beverages; proposed  
96 amendments to Chapter 2 of the Racine Ordinances; proposed amendments to Chapter 6 of the Racine  
97 Ordinances