

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2018-80**

AMENDING THE ALCOHOL LICENSE REVIEW POLICY

WHEREAS, recent statutory changes have amended the legal standard by which the Village may consider licenses based on pending criminal charges; and

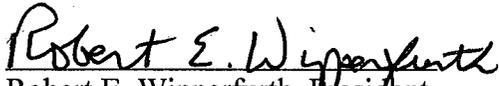
WHEREAS, the Village Board finds it necessary to amend the Village's alcohol license review policy in order to conform to the statutory changes.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

1. The Alcohol License Review Policy is hereby amended as set forth in the attached Exhibit A.

The above and foregoing resolution was duly adopted by the Village Board of the Village of Windsor, Dane County, Wisconsin at a meeting held on September 6, 2018, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, Resident

Attested by:

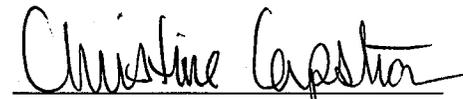

Christine Capstran, Clerk

Exhibit A: Alcohol License Review Policy

VILLAGE OF WINDSOR OPERATOR AND ESTABLISHMENT ALCOHOL LICENSE REVIEW POLICY

I. PURPOSE.

The Village Board of the Village of Windsor is responsible for issuance of licenses for the service of alcoholic beverages. The holder of such a license must exercise a high degree of responsibility as the distributor of what is essentially a legal drug. Licensees are expected to ensure alcohol beverages are not served or sold to underage persons or intoxicated persons. They are expected to uphold all laws relating to the sale and consumption of alcohol beverages on the premises they control. Licensees are expected to actively discourage and minimize disturbances of the peace, maintain community safety, discourage impaired driving and also frequently work in cooperation with law enforcement. Before issuing a license to an individual, the Village Board must be reasonably satisfied that the applicant can be entrusted with these responsibilities.

This policy is adopted to guide the Village Board in evaluating applications for operator and establishment licenses and to assist in determining when an application and license may be denied, or license suspended, revoked or non-renewed. This policy is not intended to set forth all possible reasons for such action. This policy is also not to be construed as a limit on the Village Board's ultimate discretion to issue a license or deny an application for any lawful reason.

II. QUALIFICATIONS.

Licenses shall only be issued to individuals meeting the qualifications to hold the requisite license as set forth in section 125.04(5) of the Wisconsin Statutes, as may be amended from time to time.

III. ARREST AND CONVICTION RECORDS.

The Village Clerk, in cooperation with the Dane County Sheriff's Department, shall conduct a review of the arrest and conviction records of all applicants and report the results to the Village Board. **Provided the circumstances of the offense substantially relate to the duties of the holder of a license and the person has not been duly pardoned**, persons with arrest or conviction records revealing any of the following, shall not be issued a License:

- A. Conviction of a felony.
- B. The person is a habitual law offender. A person shall be considered a habitual law offender if the person has been convicted of two or more misdemeanors or ordinance violations.
- C. The person is subject to a pending criminal charge for any of the following:

1. An exempt offense as defined in section 111.335(1m) of the Wisconsin Statutes, as may be amended from time to time; or
2. A violent crime against a child.

IV. TRUTHFUL APPLICATIONS.

If the Village Board determines the applicant has provided false information or intentionally omitted pertinent information, the application shall be denied and no new application shall be approved for a period not less than one year from the date of denial.

V. SUSPENSION, REVOCATION AND NON-RENEWAL.

The Village Board may suspend, revoke or refuse to renew any license in accordance with section 125.12 of the Wisconsin Statutes, as may be amended from time to time. All hearings pertaining to such matters shall be heard by the Village Board.

VI. RECONSIDERATION OF DENIAL, SUSPENSION, REVOCATION OR NON-RENEWAL.

Any person whose license to serve alcohol beverages has been denied, suspended, revoked, or non-renewed may ask for reconsideration from the Village Board. Such action will only be overturned where extraordinary circumstances exist to demonstrate that the person is capable of exercising the necessary judgment and responsibility to serve alcohol beverages despite the evidence to the contrary.

If the Village Board denies, suspends, revokes, or refuses to renew a license due to a conviction record for any offense, except an exempt offense as defined in section 111.335(1m), Wis. Stats, it shall state in writing its reasons for doing so, including a statement of how the circumstances of the offense relate to the service of alcoholic beverages. Any person aggrieved by such action may request reconsideration, in addition to the grounds set forth in the previous paragraph, by showing evidence of rehabilitation and fitness to engage in the service of alcoholic beverages as set forth in section 111.335 of the Wisconsin Statutes, as may be amended from time to time;

Within 30 days of the written determination to deny, suspend, revoke, or non-renew a license, a person may request reconsideration of such action by submitting a written request to the village clerk together with a detailed written explanation of the specific extraordinary circumstances, or rehabilitation and fitness, along with any supporting documentation including, but not limited to, competent evidence set forth in section 111.335(4)(d) of the Wisconsin Statutes, letters from treatment centers and opinions of doctors or counselors. Simple expressions of remorse or unsubstantiated pledges of having changed one's ways do not constitute specific evidence of extraordinary circumstances.

In determining whether the person has shown evidence of rehabilitation and fitness to serve alcohol beverages, the Village Board shall consider:

- A. Competent evidence established by documentation in accordance with section 111.335(4)(d) of the Wisconsin Statutes;
- B. Evidence of the nature and seriousness of any offense of which he or she was convicted;
- C. Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense;
- D. The age of the individual at the time the offense was committed;
- E. The length of time that has elapsed since the offense was committed;
- F. Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution; and
- G. All other relevant evidence of rehabilitation and present fitness presented.

The applicant shall be given written notice by regular mail of the date and time the Village Board will consider the request to reconsider. Failure of the person to appear at such meeting will generally constitute grounds for denial; however, a decision may be made based upon a written application alone if the Village Board determines the written materials are sufficient for it to make a determination without explanation by the person.

VII. POLICY.

These policies are intended to provide general guidance to village staff in order to facilitate consistency in village decisions and actions, to the extent reasonably feasible. It is anticipated and expected that staff will exercise informed judgment in applying these policies to each individual case, and apply them on a case-by-case basis depending on the specific facts of each case. All such decisions and actions are expected to be made and implemented consistent with then current legal obligations, fiscal and budgetary constraints, and the priorities of the Village. It is anticipated those factors will change and evolve over time. The policies set forth herein are not intended to obligate the Village to take, or refrain from taking, any particular decision or action. Furthermore, the Village Board may amend these policies, or make exceptions to them, at any time as deemed appropriate in the interests of the Village.