

RESOLUTION 08.2021
RESOLUTION APPROVING BARTENDER/OPERATOR LICENSE
PROCEEDURAL GUIDELINES
TOWN OF POLK, WASHINGTON COUNTY

WHEREAS, The Town of Polk desires the Bartender-Operator License Application process to be consistent and unbiased; and

WHEREAS, The Town of Polk desires to outline the License review process in order to clarify requirements for Town staff and license applicants; and

WHEREAS, Upon investigation, it was discovered the procedures for license review were not documented by Resolution or Ordinance;

WHEREAS, The Bartender/Operator License Review Procedure (Exhibit A) includes requirements outlined in WI State Statute §125.00 Alcohol Beverages, and applicable Employment Statutes; and

WHEREAS, The Town Clerk, after review from the Town Attorney, proposes the Town Board approve the Town of Polk Bartender/Operator License Review Procedure:

NOW, THEREFORE, BE IT RESOLVED that the Town of Polk The Town of Polk Town Board, hereby approves the Bartender-Operator License Review Procedure as presented.

ADOPTED by a vote of 3 for and X against on this 27th day of April, 2021.
TOWN OF POLK

By: Albert J. Schulteis
Albert Schulteis, Town Chairperson

Attest: Sandra J. Rotar
Sandra J. Rotar, Town Clerk

Resolution 08.2021: Exhibit A

Town of Polk Bartender/Operator License Review Procedure

The Town Clerk, or designee, upon receiving a completed Bartender/Operator License Application, will start by reviewing the applicant's record for the most recent 3-year period, unless a pattern of conduct exists, in which case a longer review may be conducted. In general, if you have 1 offense of the nature listed below in the last year or 2 (or more) offenses in the last 3 years, your application may be denied.

Convictions of the following offenses will be reviewed:

- Giving false or incomplete information, misinformation, or failure to disclose information on the Application
- An arrest or conviction of selling/procuring/giving away alcohol to an underage person (2 or more violations within a 12-month period)
- An arrest or conviction of permitting an underage person on premise
- Conviction of any substance abuse and/or drug offense
- Conviction of operating/driving: (1) under the influence of any alcohol or controlled substance (OWI), (2) with a prohibited alcohol concentration, and/or (3) with a restricted controlled substance in your system
- Conviction of allowing another person to use your Bartender/Operator license
- Conviction of selling alcohol to an intoxicated person
- Conviction of selling after closing hours
- Conviction of selling without an alcohol license
- Conviction of any part of Chapter 125, Wis. Stats. relating to alcohol beverages
- An arrest or conviction of a charge related to activities performed while bartending
- A habitual law offender where the circumstances of the charges substantially relate to the licensing activity

Due to the discretionary nature of the alcohol beverage licensing, it is not possible to state every circumstance that may result in approval or denial of an application. To the extent state statutes or ordinances provide additional grounds for denial or non-renewal, the Town of Polk may rely on such provisions. Further, all denials will be subject to the limitations in Wis. Stat. § 125.04(5)1.

Appeal Procedure:

If a Bartender/Operator License application is recommended for denial by the Town Clerk, the applicant will be provided a letter stating the reasons for the recommendation. An applicant has the right to appeal the decision by requesting a hearing before the Town Board by submitting a written request to the Town Clerk that states, in detail, the grounds the applicant believes should result in the reversal of the denial. This includes providing evidence of rehabilitation as described in Wis. Stat. § 111.335(4). The appeal shall be signed and dated by the applicant. The appeal will be submitted to the Town Board for further review.

If license is denied by the Town Board, and applicant has the right to appeal to the Circuit Court.