

Veldran, Lisa

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**From:** May, Michael  
**Sent:** Tuesday, September 06, 2016 2:26 PM  
**To:** All Alders; Soglin, Paul  
**Cc:** MY GROUP; Allen, Roger; Zilavy, Jennifer; Gloede, Carl; Patterson, John; Witzel-Behl, Maribeth  
**Subject:** Council Agenda Item 8, Legistar 43558, License for Sol Azteca, 1821 South Park Street

**Importance:** High

Alders:

At the recent ALRC meeting, the Committee recommended that this applicant be granted a license, but at reduced hours from those allowed by state law. The applicant has not agreed to those reduced hours.

After conferring with ACA Allen, the opinion of the City Attorney remains that the Council cannot condition a license on reduced hours without the consent of the applicant. ACA Allen informs me that he gave advice inconsistent with this position at the last ALRC meeting. However, upon review of the state law on the issue, we both conclude that the long-time opinion of this office, as stated herein, is the correct reading of the law. This is pursuant to sec. 125.32(3)(d), Wis. Stats., which allows municipalities to impose more stringent conditions than those set by state law, *except* the municipality may not adjust the state established closing times.

The ALRC's recommendation on this item includes the following:

"1. Establishment must close at 11 p.m. nightly (seven days a week). This condition is necessary to protect the health and safety of the community. The Alcohol License Review Committee finds that this license would be denied without this condition."

Based upon the state law noted above and the recommendation of the ALRC, the City Attorney recommends that the Council either (a) grant the license at the full hours authorized by state law, since the applicant has not agreed to reduced hours, or (b) deny the license in light of the public health safety, and welfare.

Michael P. May  
City Attorney  
City of Madison  
210 Martin Luther King Jr. Blvd, Room 401  
Madison, WI 53703  
608-266-4511  
FAX: 608-267-8715  
[mmay@cityofmadison.com](mailto:mmay@cityofmadison.com)