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Item 24



WISCONSIN PETROLEUM MARKETERS & CONVENIENCE STORE ASSOCIATION

121 S. Pinckney St, Suite 300
Madison, Wisconsin 53703
Phone (608) 256-7555
Toll-Free (888) 856-7555
Fax (608) 256-7666
www.wpmca.org

November 3, 2009

City of Madison Alders

**Re: Creating an Ordinance to Prevent the Sale of Liquor at Establishments
That Also Sell Motor Fuels**

Dear Madison Common Council,

The Wisconsin Petroleum Marketers and Convenience Store Association (WPMCA) is a statewide trade association. We have several members that will be affected by this ordinance: Open Pantry, Kelley-Williamson, Stop-N-Go, PDQ to name the bigger chains in the Madison area. These same members are involved with the Madison Alcohol Advisory Council ("MAAC") in an effort to find and promote responsible methods for retailing alcohol. As such, we ask that this ordinance be tabled until a later meeting when the proposed "Habitual Drunk" list is discussed. These issues should be discussed as a comprehensive package; and once the "habitual drunk" list is finalized we believe there is no need for this ordinance.

However, we do have specific comments regarding limiting what types of business may sell alcohol:

Although it may be a long standing unwritten policy for the Madison ALRC to not issue Class A or Class B alcohol licenses to gas stations, it is still unclear WHY this is the policy.

Is there proof that gas stations and convenience store sales lead to more drunk driving than sales from other establishments? Have there been noticeably more complaints about disorderly conduct or other illegal behavior stemming from convenience store sales of alcohol? Is there any proof that banning such sales will lead to less alcoholism or drunk driving?

Waukesha proposed a similar ordinance, but dropped it after testimony from the local police department – stating that basically, the crime rate from convenience store alcohol sales was a non-issue. I'd wager you'd find the same if you questioned the local police or conducted any type of survey as to whether convenience store alcohol sales are truly problematic.

Assuming that this ordinance stems from the real desire to curb drunk driving, the gut reaction to divorce gas pumps from alcohol sales does nothing to combat the problem. After all, almost all

restaurants and taverns have parking lots – thereby linking the sale of alcohol to motor vehicles in a very real way. Our patrons are more likely to drive home with their purchases and drink responsibly *after they have put the car in the garage!* We ask the Council to please study this issue and provide some concrete proof that the ordinance will in fact fix an existing problem.

Why carve an exemption for grocery stores that sell motor vehicle fuel? Again, if the desire is public safety and to curb drunk driving, why would sales from grocery stores be any less likely to lead to drunk driving than sales from convenience stores? Just as importantly, why would the Madison City Council want to codify a competitive advantage for one type of industry over another? Again, we ask if this ordinance is “fixing” a problem that doesn’t exist. And if there is a real problem with establishments selling motor vehicle fuels and alcohol, then why should any single entity or type of business be exempt?

We respectfully request that the Madison Common Council reserve passing this ordinance until further study can be made of this issue. Or, until it can be considered as part of a comprehensive Alcohol Retail policy.

Thank you and most sincerely,



Jennifer Badeau

Director of Regulatory Affairs