

Standardizing Conditions on Alcohol Licenses

Currently, and for my time participating in and observing ALRC, the committee's practice has frequently been to apply conditions to licenses. There are 2 categories of conditions:

1. Conditions the Committee intends to apply to all similar licenses.
2. Conditions that are applied to a specific license based on conditions around that license.

For both of these, there are sometimes inconsistencies between conditions on the licenses for similar establishments. Such inconsistencies can be confusing to license holders and patrons and may be unfair to establishments that compete with one another.

I recommend that ALRC do two things to mitigate this:

1. Where possible, move standardized conditions into Madison General Ordinances. Depending on the condition, this could be based on:
 - a. The location of the establishment
 - b. Whether the establishment has gas pumps
 - c. How the building is zoned and what kind of conditional or permitted use the establishment makes of it
2. Where it isn't feasible to bake a condition or set of conditions into ordinance, maintain a "menu" of commonly applied conditions. When applying conditions to a specific license, refer to this menu. It will be easier to say, "I move that we grant this application with our standard 'No Outdoor Amplified Sound' condition."

I've indicated below which conditions I think may be able to move into ordinance; of course, any that cannot could be included in the standard menu

Conditions That Could be Ordinances

No Single Servings

For any establishment in an overlay district

1. The establishment shall not sell, dispense, or give away fermented malt beverages in the original container in amounts less than the amount contained in a six pack of 12 ounce bottles or cans. This is only applicable to fermented malt beverages which fall into the following categories of brands: Domestic Premium, Domestic Sub-Premium (which includes Value and Economy brands), Malt Liquor & similarly situated imported brands.
2. The establishment shall not sell, dispense, or give away flavored malt beverages containing up to 6% alcohol by volume in the original container in amounts less than a four pack of 12 ounce bottles or cans. Flavored malt beverages containing over 6% alcohol by volume may not be sold, dispensed or given away in the original container in amounts less than a six pack of 12 ounce bottles or cans.
3. The establishment shall not sell, dispense, or give away intoxicating liquor in the original container in amounts of two hundred (200) milliliters or less in volume. 'Intoxicating liquor' shall not include wine in the original container with an alcohol content of 15% or less by volume.

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4. The establishment shall not sell, dispense, or give away flavored fortified wines in the original container with an alcohol content of more than 12.5% alcohol by volume, where spirits have been added to the wine that have not been produced from the same fruit as the wine, for consumption off the licensed premises. This prohibition shall not apply to any other wine product as defined by Wisconsin State Statute §125.02(22).

No Liquor at Gas Stations

For any establishment with gas pumps applying for a Class A liquor license.

Class A limited to wine and cider

Sales of alcohol shall be limited to beer, wine, cider, and fermented malt beverages only.

Bona Fide Restaurant

Perhaps something with zoning?

1. At all times, the establishment shall meet the definition of a restaurant as defined in Madison General Ordinances section 38.02.
2. Food shall be available at all times the establishment is open.

The “No Entry or Reentry” Condition

For bars in the CPD.

No patrons shall be permitted to enter or re-enter the establishment after 1:30 a.m. on Friday or Saturday night.

Per-License Conditions

Hours of Operation

- The establishment shall cease service of alcohol by [time].
- The establishment shall cease service of alcohol by [time] {on days}.
- The establishment shall cease service of alcohol {at a location} by [time] {on days}.

Examples:

“The establishment shall cease service of alcohol by midnight.”

“The establishment shall cease service of alcohol by 10 p.m. Sunday through Thursday and by midnight Friday & Saturday.”

“The establishment shall cease service of alcohol on the patio by 10 p.m.”

Capacity

Capacity [in location] shall be the lowest of the capacity determined by Building Inspection, the capacity determined by the Fire Department, or {number} persons.

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Examples:

“Capacity shall be the lowest of the capacity determined by Building Inspection, the capacity determined by the Fire Department, or 80 persons”

“Capacity indoors shall be the lowest of the capacity determined by Building Inspection, the capacity determined by the Fire Department, or 30 persons. Capacity on the patio shall be the lowest of the capacity determined by Building Inspection, the capacity determined by the Fire Department, or 12 persons.”

No Outdoor Amplified Sound

There shall be no amplified sound, whether live or recorded, in any outdoor portion of the licensed premises.

No Amplified Sound

There shall be no amplified sound, whether live or recorded, in any portion of the licensed premises.

Video Recording

The establishment shall have video surveillance equipment inside and outside the building that complies with Madison General Ordinance 38.05(13) and shall save recordings from that system for a minimum of 10 days.