



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 83669**

**File ID:** 83669

**File Type:** Ordinance

**Status:** Items Referred

**Version:** 2

**Reference:**

**Controlling Body:** ALCOHOL  
LICENSE REVIEW  
COMMITTEE

**File Created Date :** 05/28/2024

**File Name:** Geographic Density Class A

**Final Action:**

**Title:** SUBSTITUTE: Amending Section 38.05(9)(a) and creating 38.05(9)(a)1. and 38.05(9)(a)2. of the Madison General Ordinances related to Class A and Class "A" alcohol beverage licenses to impose geographic limitations on "Class A" and Class "A" license applications considered by the Common Council after adoption of this ordinance for purposes of regulating density of such alcohol beverage licenses.

**Notes:** 6850GeographicDensityClassA

**Sponsors:** Regina M. Vidaver

**Effective Date:**

**Attachments:** 060424\_CC\_public\_comment.pdf, Borisy-Rudin MEMORANDUM to Regina Vidaver re Class A Outlet Density 06-05-2024.pdf, Greater Madison Chamber of Commerce - Comments on File 83669.pdf, Madison Alcohol Advisory Council Comments.pdf, Nordstrom Comments.pdf, Nordstrom Comments2.pdf, Alder Rummel Comments.pdf, 2024-06-26 Madison Class A alcohol licenses ADI.pdf, Doss Comments.pdf, 070924\_CC\_public\_comment.pdf, 092324\_CC\_public\_comments.pdf, FastTrackRacialEquityAnalysis.pdf, 011525\_CC\_public\_comments.pdf, Greater Madison Chamber of Commerce Comments.pdf, Madison Alcohol Advisory Council Comments 1.14.25.pdf, Public Health Madison Dane County comments.pdf, Alcohol\_Retailers\_remove\_Class\_A\_buffer\_April\_2024.pdf, Davies Comments.pdf, 83669 Version 1

**Enactment Number:**

**Author:** Jennifer Zilavy/Amber McReynolds

**Hearing Date:**

**Entered by:** mglaeser@cityofmadison.com

**Published Date:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/28/2024	Referred for Introduction				

<b>Action Text:</b> This Ordinance was Referred for Introduction					
<b>Notes:</b> Alcohol License Review Committee (6/26/24), Common Council (7/2/24)					
1	COMMON COUNCIL	06/04/2024	Refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	06/26/2024	Table		Pass
<b>Action Text:</b> A motion was made by Verveer, seconded by Donnelly, to Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	06/26/2024	Take Off The Table		Pass
<b>Action Text:</b> A motion was made by Verveer, seconded by Donnelly, to Take Off The Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	06/26/2024	Re-refer		Pass
<b>Action Text:</b> A motion was made by Verveer, seconded by Donnelly, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	COMMON COUNCIL	07/02/2024	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	COMMON COUNCIL	08/06/2024	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
<b>Notes:</b> Alcohol License Review Committee (9/18/24), Common Council (9/24/24).					
1	COMMON COUNCIL	09/24/2024	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	COMMON COUNCIL	12/10/2024	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	COMMON COUNCIL	01/14/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	01/15/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Verveer, seconded by Farley, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
<b>Notes:</b> Re-refer to the March 19, 2025 Alcohol License Review Committee, Common Council April 15, 2025.					
Role Call Vote:					

Ayes (4): Martinez-Rutherford, Verveer, Barushok, Farley  
Nos (2): Knox, Carter  
Abstain (1): Westra

Ayes: 4 Dina Nina Martinez-Rutherford; Michael E. Verveer; Colin R.  
Barushok and Kathryn M. Farley  
Noes: 2 Isadore Knox Jr. and Sheri Carter

Abstentions: 1 Amy L. Westra

1	COMMON COUNCIL	01/28/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Figueroa Cole, seconded by Duncan, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Re-refer		Pass
<b>Action Text:</b> A motion was made by Barushok, seconded by Verveer, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE meeting on June 18, 2025. The motion passed by voice vote/other.					
<b>Notes:</b> Re-refer to the Alcohol License Review Committee meeting on June 18, 2025.					
1	COMMON COUNCIL	04/15/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	Pass
<b>Action Text:</b> A motion was made by Vidaver, seconded by Govindarajan, to Re-refer to the June 18, 2025 meeting of the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					

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## Text of Legislative File 83669

### Fiscal Note

No City appropriation required.

### Title

SUBSTITUTE: Amending Section 38.05(9)(a) and creating 38.05(9)(a)1. and 38.05(9)(a)2. of the Madison General Ordinances related to Class A and Class "A" alcohol beverage licenses to impose geographic limitations on "Class A" and Class "A" license applications considered by the Common Council after adoption of this ordinance for purposes of regulating density of such alcohol beverage licenses.

### Body

DRAFTER'S ANALYSIS: This ordinance provides an objective basis for limiting the granting of liquor licenses for "Class A" and Class "A" establishments for the purpose of limiting density and proximity of such licenses to sensitive sites. A "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the licensed premises where sold in the original packages and containers (also authorizes on premises free taste samples in limited quantities). A Class "A" license authorizes retail sales of fermented malt beverages (e.g. beer, wine coolers) for consumption off the licensed premises where sold and in the original packages, containers, and bottles (also authorizes on premises free taste samples in limited quantities). No sale of alcohol beverages is permitted between the hours of 9 pm and 8 am. Currently there are no limitations on how many "Class A" and Class "A" alcohol beverage licenses can be approved and issued by a municipality. The decision to limit such licenses lies within the individual municipality. The City of Madison currently has 131 active Class A licenses. An applicant has no legal right to the issuance of an alcohol beverage license. Such license is a privilege, not a right. This amendment seeks to limit density and concentration of "Class A" and Class "A" alcohol beverage licenses near sensitive sites by imposing geographic limitations. Research has shown that an over-concentration of alcohol outlets increases the level of alcohol-related disorder and crime. High alcohol outlet density is associated with many social harms among neighborhoods in and around the alcohol outlets, such as disorderly conduct, noise, neighborhood disruption, public nuisance, and property damage. High alcohol outlet

density is also linked with many alcohol-attributable effects among neighborhoods further away from alcohol outlets, such as alcohol-impaired driving, pedestrian injuries, domestic violence, and child abuse and neglect. The Task Force on Community Preventive Services (Campbell et al., 2009) recommended that “limiting alcohol beverage outlet density-either by reducing density levels or limiting density growth-can be an effective means of reducing the harms associated with excessive alcohol consumption.” This ordinance would apply to all Class A license applications filed with the City of Madison Clerk’s Office, or already on file in the Clerk’s Office but not yet granted, upon adoption.

The substitute clarifies which types of entities would create a geographic limitation for a Class A license. The substitute updates the word “churches” to “places of worship”. It clarifies that entities serving the unhoused must be entities with “a primary purpose of providing services to unhoused individuals” in order to create a geographic limitation. The substitute also removes parks and adds other Class A entities as places that create a geographic limitation for Class A licenses. The substitute clarifies that geographic limitations apply to all new Class A applicants, but there are two situations in which the ALRC could make an exception: for pharmacies and grocery stores. Even if an entity qualifies as a pharmacy or grocery store, the ALRC would need three-fourths (3/4) of its members to approve an exception to grant a Class A license that would normally be prohibited due to geographic limitations.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) entitled “Class A License” of Subsection (9) entitled “Limitation Upon Issuance of Licenses” of Section 38.05 entitled “General Licensing Requirements” of the Madison General Ordinances is amended as follows:

- “(a) Class A License- Applicant Qualifications: No Class A license shall be granted except to a person who is ~~of good moral character~~ qualified under Wis. Stat. s. 125.04(5), and who has resided in the State of Wisconsin continuously for not less than ninety (90) days prior to the date of filing the application for license. No such license shall be issued to any person acting as agent for or in the employ of another. The individual licensee of a Class A license shall continue to be a resident of Wisconsin during the term of their license. The Common Council may revoke such license when such individual applicant ceases to be a resident of Wisconsin during the term of their license, but such revocation shall only be had following the giving of proper notice to the licensee and a proper hearing before the Alcohol License Review Committee.

2. Paragraph 1. entitled “Geographic Limitations” and Paragraph 2. entitled “Exemptions” of Subdivision (a) entitled “Class A License” of Subsection (9) entitled “Limitation Upon Issuance of Licenses” of Section 38.05 entitled “General Licensing Requirements” of the Madison General Ordinances are created as follows:

- “1. Geographic Limitations. No “Class A” or Class “A” license shall be granted or issued for an establishment under the following conditions:
- a. If the site is within the distance restriction, and other provisions in MGO 38.05(3)(f) related to schools, ~~churches~~ places of worship, hospitals, and libraries.
  - b. If the site is within one thousand three hundred and twenty (1,320) feet of an entity with a primary purpose of providing services to unhoused

- individuals. This distance shall be measured in a straight line from the two entities' nearest parcel boundaries.
- c. If the site is within one thousand three hundred and twenty (1,320) feet of the boundary of any parcel occupied by a treatment facility as defined in Wisconsin State Statute Chapter 51. This distance shall be measured in a straight line from the two entities' nearest parcel boundaries.
  - d. If the site is within one thousand three hundred and twenty (1,320) feet of any ~~public park entity with an existing Class A license~~. This distance shall be measured in a straight line from the two entities' nearest parcel boundaries ~~of the establishment and the park~~.
2. Exemptions. The following establishments All applicants for a Class A license are ~~not~~ subject to the geographic limitations set forth in ~~subsection (b) paragraph 1~~ except if they are one of the following types of entities and they are exempted by at least three-fourths (3/4) of the voting members of the Alcohol License Review Committee and:
- a. Drug stores/pharmacies that are licensed by the Pharmacy Examining Board pursuant to § 450.05, Wis. Stat.
  - b. Grocery stores that regularly and customarily sell grocery items for off-premises consumption. These establishments shall have and maintain groceries that are readily available to the public. "Grocery stores" shall not include establishments that ~~provide automobile services, such as gasoline sales, automobile service, or repair~~ sell motor vehicle fuels.

**Editor's note:**

**Title:** SUBSTITUTE: Amending Section 38.05(9)(a) and creating 38.05(9)(~~b~~) (a)1. and ~~(e)~~ (a)2. of the Madison General Ordinances related to Class A and Class "A" alcohol beverage licenses to impose geographic limitations on "Class A" and Class "A" license applications considered by the Common Council after adoption of this ordinance for purposes of regulating density of such alcohol beverage licenses.