



Legislation Text

File #: 83669, Version: 1

Fiscal Note

No City appropriation required.

Title

Amending Section 38.05(9)(a) and creating 38.05(b) and (c) 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 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 her/his license. The Common Council may revoke such license when such individual applicant ceases to be a resident of Wisconsin during the term of her/his 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 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, hospitals, and libraries.
 - b. If the site is within one thousand three hundred and twenty (1,320) feet of an entity 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. This distance shall be measured in a straight line from the nearest parcel boundaries of the establishment and the park.
2. Exemptions. The following establishments are not subject to the geographic limitations set forth in subsection (b):
 - 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."