



Legislation Text

File #: 05065, **Version:** 1

Fiscal Note

It is not anticipated that enactment of the Alcohol License Density Plan will significantly affect overall General Fund revenues associated with alcohol licenses.

Title

Establishing an Alcohol License Density Plan for Police Sectors 403, 404, 405 and 406.

Body

WHEREAS, scientific research has shown a strong relationship between the density of alcohol licenses and the frequency of alcohol-related problems; and

WHEREAS, Police Sectors 403, 404, 405 and 406 currently contain a total of 27% of all alcohol licenses issued by the City and 34% of all Class B combination licenses issued by the City and consequently experience a high volume of alcohol-related problems, as detailed in the Madison Police Department's 2005 report that forms a basis for this resolution, "Alcohol-Related Violence in Downtown Madison;" and

WHEREAS, the City, through the licensing powers of its Alcohol License Review Committee and Common Council, seeks to decrease the incidence of alcohol-related problems by gradually reducing both the number of alcohol licenses and the overall capacity of alcohol-licensed establishments in the area included in this Alcohol License Density Plan; and

WHEREAS, the City seeks to reap the collateral benefits of such a decrease in the density and capacity of alcohol licenses, namely decreasing the strain on public resources caused by a high density of alcohol-related businesses while simultaneously providing opportunities in the downtown area for businesses not associated with the sale of alcohol;

NOW, THEREFORE, BE IT RESOLVED, that in order to achieve the above-stated goals, the Common Council approves this Alcohol License Density Plan and directs the Alcohol License Review Committee to implement said plan; and

BE IT FURTHER RESOLVED, that Police Sectors 403, 404, 405 and 406 comprise the area included in this Alcohol License Density Plan and that new police sectors may be added to this policy at any time by the Common Council upon a recommendation of the Alcohol License Review Committee based upon analysis modeled after the Madison Police Department's 2005 report "Alcohol-Related Violence in Downtown Madison;" and

BE IT FURTHER RESOLVED, that applications for a new Class A alcohol license in the area included in this Alcohol License Density Plan will be entertained only in the following circumstances: the sale of an existing business that holds a valid Class A license and is operating at the time of the sale; any of the circumstances provided for in Sec. 38.05(8)(b)1, M.G.O. (i.e., death of the original licensee, bankruptcy, assignment for the benefit of creditors, or disability of the original licensee); or the proposed establishment is a full-service grocery store; and

BE IT FURTHER RESOLVED, that applications for a new Class B Beer, Class C Wine or Class B Combination alcohol license in the area included in this Alcohol License Density Plan will be entertained only in the following circumstances: the sale of an existing business that holds a valid Class B Beer, Class C Wine or Class B Combination license and is operating at the time of the sale; any of the circumstances provided for in Sec. 38.05(8)(b)1, M.G.O. (i.e., death of the original licensee, bankruptcy, assignment for the benefit of creditors, or disability of the original licensee); the proposed establishment is a bona fide restaurant; the proposed establishment is a new hotel; the proposed establishment is part of an existing hotel wishing to expand or modify its licensed premise(s); or the proposed establishment plans to generate no more than two percent (2%) of its gross revenues from the sale of alcohol and is willing to provide evidence of its revenues upon the request of the City; and

BE IT FURTHER RESOLVED, that in determining whether an existing or proposed establishment is a bona fide restaurant, the Alcohol License Review Committee and Common Council will vigorously evaluate all of the circumstances relevant to the license, including, but not limited to: the reported percentages of food, alcohol, and other revenues; hours

of operation; hours of food service; types of food offered; frequency, duration, timing and magnitude of entertainment; seating arrangement for patrons (i.e., prevalence of vertical drinking space); staff scheduling; use of security staff; and advertisement; and

BE IT FURTHER RESOLVED, that any establishment representing itself as a bona fide restaurant will be required to maintain that status throughout the existence of its alcohol license and may be required to provide evidence substantiating its status as a bona fide restaurant upon request of the City pursuant to Sec. 38.05(10), M.G.O.; and

BE IT FURTHER RESOLVED, that any new licenses granted as part of the sale of an existing and operational business will be eligible for a licensed capacity no higher than the licensed capacity of the former business at the time of sale; and

BE IT FURTHER RESOLVED, that requests for an increased capacity for an existing alcohol license in the area included in this Alcohol License Density Plan will be entertained only if the establishment is a bona fide restaurant or hotel; and

BE IT FURTHER RESOLVED, that if an existing alcohol license in the targeted area is surrendered for a reason other than the sale of an existing and operational business or transfer under Sec. 38.05(8), M.G.O., a new alcohol license application for that location will be entertained only if the proposed establishment is a bona fide restaurant; and

BE IT FURTHER RESOLVED, that an application to transfer an existing alcohol license from outside the targeted area to a location within the targeted area will not be entertained.