

Sec. 6-97. - Class "A" and "Class A" licenses quota and geographic restrictions.

(a)

Number of licenses. At the time of the enactment of this section, there were 40 Class "A" license holders and 26 "Class A" holders. As part of a comprehensive effort to decrease the incidence of alcohol-related problems, to protect the safety and welfare of the community from increasing rates of alcohol-related crime and violence and to reduce the strain on public resources, the common council seeks to reduce the number of "Class A" and Class "A" alcohol beverage licenses in the city in accordance with the following prospective quotas:

The total number of Class "A" licenses shall not exceed 36, and

The total number of "Class A" licenses shall not exceed 24.

(b)

Geographic restrictions. Notwithstanding any other provisions of this chapter, no new retail "Class A" or Class "A" intoxicating liquor license shall be issued for any establishment located within a radius of 1,000 feet from any other licensed establishment (regardless of the type of Class A alcohol license held) or within a radius of 300 feet of any active place of worship, licensed day care center, school, community center or other facility predominantly attended by individuals under the age of 21. Said distances are measured from lot line to lot line.

(c)

Public hearing. The common council shall hold a public hearing upon every Class "A" and "Class A" license application and/or petition in order to exceed the quota and shall notify all property owners within a radius of five-tenths of a mile of the proposed site of the date of the hearing. The notice shall be given at least five days before the hearing and may be given by mail or other publication.

(d)

Exceeding quota or geographic concentration restrictions. Notwithstanding the provisions of this chapter, the common council may, by a two-thirds vote of all the members present of the common council, grant a new retail Class "A" fermented malt beverage or a new retail "Class A" intoxicating liquor license in excess of the quota set forth in subsection (c) or the geographic concentration restrictions set forth in subsection (d). This license is not intended to permanently increase the quota, but rather to temporarily exceed the quota for reasons of benefiting the community as set forth in subsections (1)—(4).

It having been found by the common council in imposing the quotas or in exceeding the geographic concentration restrictions in this section that the proliferation of taverns and liquor stores can be a detriment to the city and the community by reducing property values, deteriorating the quiet enjoyment of neighborhoods and costing considerable tax dollars to police said business, it is determined that quota may be exceeded if the establishment meets the provisions set forth in this chapter and the following criteria be met:

(1)

The applicant shall submit to the city clerk a petition for exceeding quota. The petition shall include a business plan of operation and the relevant experience, background and signatures of the individual, partners or directors, officers and agent of a corporation or limited liability company, as well as the signature of the owner or owners of the building or land and any and all other information required in section 6-54;

(2)

The applicant shall supply proof of ownership or lease of options to purchase or lease of land or a building that is properly zoned for the proposed venture;

(3)

The applicant shall show that the proposed establishment will have a greater economic impact upon the community than simply the addition of another tavern, liquor store, convenience store or restaurant; and

(4)

The applicant shall show that the proposed establishment will benefit the community by substantially improving the tax base (i.e. the establishment will extensively rehabilitate a blighted or deteriorated building, construct a new building on vacant land, or benefit the community by conferring some other tangible and substantial improvement for the area).

(e)

Exemptions. When an establishment with a valid "Class A" or Class "A" license as of June 30, 2009, is thereafter sold, the subsequent buyer shall not be subject to either the quota or geographic restrictions set forth in this article when applying for a new license. New licenses may be granted in such instances, contingent upon surrender of the existing license by the seller and upon the buyer's meeting all other requirements established by the city. An establishment whose license has been denied renewal or revoked or has otherwise expired, does not qualify for this exemption. Any conditions previously placed on the seller's licensed premises transfer to the buyer's licensed

premises in addition to any new conditions that may be imposed. This exemption only applies if there is no change to the location of the premises.

(Ord. No. 0003-18, pt. 1, 5-15-18)

State Law reference— License authority, Wis. Stats. §§ 125.25(1), 125.51.