



Common Council Chambers – City Hall Room 100
7325 W Forest Home Ave, Greenfield, Wisconsin

COMMON COUNCIL MEETING AGENDA

Thursday, April 18, 2024 - 6:00 PM

- A. Call to Order & Roll Call
- B. Old Business
 - 1. Election of Council President for a one year term (currently Saryan), (CC:4/16/24)
- C. New Business
 - 1. Discussion and possible adoption of Ordinance regarding Creating Subsection 13.03 (18) Relating to Alcohol Licensing. (City Attorney)
- D. Adjourn

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Department of Human Resources at 329-5208, (FAX) 543-6158, TDD 1-800-947-6644 (Wisconsin Telecommunications Relay System), or by writing to the Director of Human Resources/ADA Coordinator at Greenfield City Hall, 7325 West Forest Home Avenue, Room 101, Greenfield, WI 53220. Greenfield City Hall is wheelchair accessible from the west and south entrances.

ORDINANCE CREATING SUBSECTION 13.03 (18) OF THE CITY OF GREENFIELD
MUNICIPAL CODE RELATING TO ALCOHOL LICENSING

The Common Council of the City of Greenfield do ordain as follows:

PART I. Subsection 13.03 (18) of the Greenfield Municipal Code is hereby created to read as follows:

13.03 - Intoxicating liquors and fermented malt beverages.

.....

“(18) *Temporary moratorium on receipt of new retail license applications.*

WHEREAS, the Common Council has noticed an increase in the number of businesses not traditionally associated with the sale of alcohol now applying for alcohol licenses; and,

WHEREAS, the City currently has 80 retail alcohol licenses issued, in total, providing significant availability of alcohol to a city with a population of approximately 37,000; and,

WHEREAS, the Common Council is concerned that a significant proliferation of new alcohol sales businesses, and new types of alcohol sales businesses, throughout the City could negatively impact property values by making nearby locations less attractive to businesses that do not want to locate in the immediate vicinity of businesses promoting the sale of alcohol; and,

WHEREAS, the Common Council is also concerned that a proliferation of businesses selling alcohol, including businesses that have not traditionally sold alcohol, will render underage alcohol sales enforcement more difficult and could render it easier for those under the age of 21 to purchase alcohol illegally; and,

WHEREAS, the Common Council is cognizant of the facts that alcohol abuse is a public health problem, that Wisconsin has one of the nation’s highest per capita rates of alcohol consumption (see, e.g., www.niaaa.nih.gov/sites/default/files/surveillance-report120.pdf), that impaired driving is also a health hazard, which can be impacted by convenience of purchase (www.cdc.gov/transportationsafety/impaired_driving/impaired-driv_factsheet.html#states), and the Common Council believes that the proliferation of locations at which alcohol can be purchased could exacerbate the public health ramifications of alcohol abuse; and,

WHEREAS, an alcohol license is a privilege, not a right, and whether a license should be issued to any particular applicant is a matter of local concern. See *State ex rel. Smith v. City of Oak Creek*, 139 Wis.2d 788, 801, 407 N.W.2d 901, 906 (1987). Moreover, municipalities, "under the broad sweep of the Twenty-first Amendment, are endowed with “something more than the normal” police power in regulating the sale of liquor in the interests of the public health, safety, morals, and general welfare." *State ex rel. Grand Bazaar Liquors, Inc. v. City of Milwaukee*, 105 Wis.2d 203, 217, 313 N.W.2d 805, 812 (1982) (citing *California v. LaRue*, 409 U.S. 109, 114 (1972)), and moreover the City’s discretion in regulating the licensing of intoxicants is also statutorily recognized. Sec. 125.51(1)(a), Wis. Stats.; and,

WHEREAS, for the reasons stated above, the Common Council has determined that it is appropriate, advisable, and in the best interests of protecting the safety and welfare of Greenfield residents and businesses to enact a reasonable, temporary moratorium on the issuance of any new retail alcohol licenses in order to allow time for the Common Council to expeditiously study current alcohol licensing trends, to assess the potential impacts thereof, and to discuss, determine and implement appropriate changes, if any, to the City's current alcohol licensing ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Greenfield that:

- (a) There is hereby imposed a temporary moratorium on the receipt or acceptance, by any City official or department, of any applications for new Class "A," retail "Class A," Class "B," retail "Class B," Reserve "Class B," retail "Class C," "Class A" combination, "Class B" combination, and provisional retail alcohol licenses; and,
- (b) This temporary moratorium shall become effective on the effective date of the adopting ordinance and shall remain in effect for 90 days thereafter, or until the date that this subsection is repealed by the Common Council, whichever event is sooner; and,
- (c) This temporary moratorium shall not apply to the receipt and processing of the following applications:
 - 1. Applications for the renewal of currently-issued alcohol licenses;
 - 2. Applications made as a result of the purchase of an existing licensed business;
 - 3. Applications for temporary Class "B" or "Class B" alcohol licenses;
 - 4. Applications for operator licenses, manager licenses, or any other license other than those listed in sub (a) that is otherwise provided for by City ordinance and by Chapter 125, Wis. Stats.
 - 5. Applications for restaurants with seating capacity in excess of 50 people.

PART II. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield April 18, 2024.

APPROVED:

ATTEST:

Michael J. Neitzke, Mayor

Jennifer Goergen, City Clerk