

LEGISTAR #48616 - Body

DRAFTER'S ANALYSIS: Capacity violations have traditionally been prosecuted by the City Attorney's office via a long form complaint after referral by the Madison Police Department. It would be beneficial to the police department to have the ability to issue a citation for a capacity violation at the time of the offense, and this would also have a greater impact in terms of controlling future capacity violations. Issuing a citation on scene will more likely deter future such conduct on a more immediate basis. If a licensee has a citation in hand for a capacity violation one weekend, they are likely to be more diligent about monitoring their capacity the following weekend. The police department will still have the ability to refer cases to the City Attorney for a long form complaint if they so choose. Adding this offense to Chapter 1.08 will not affect referral to the Alcohol License Review Committee for point assessment.

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

Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Exceeding lawful occupancy capacity.	38.07(21)(a)	\$300
Exceeding lawful occupancy capacity by more than 30%."	38.07(21)(b)	\$750

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. These deposits have been so approved.