

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

PRESENTED

April 13, 2010 (Intro from  
Floor)

Amending Sections 38.05(9)(o)5.a.v.  
38.05(9)(o)5.b.vii, and 38.05(9)(o)6. of the  
Madison General Ordinances to eliminate the  
365 day limit in the downtown Alcohol Beverage  
License Density Plan area.

REFERRED

ALRC

Drafted by: Steven Brist

Date: April 12, 2010

SPONSOR: Alder Verveer

DRAFTER'S ANALYSIS: This proposal eliminates the 365 day limit for a new retail alcohol business that replace a former alcohol business that ceased operations, so long as there is no intervening non alcohol business existing between the two licensed alcohol retailers at the premise. This applies only in the downtown Alcohol Beverage License Density Plan area.

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

1. Subsubparagraph v. of Subparagraph a. entitled "Class A' Alcohol Beverage Licenses" of Paragraph 5. entitled "Restrictions" of Subdivision (o) entitled "Alcohol Beverage License Density Plan" of Subsection (9) entitled "Limitation Upon Issuance of Licenses" of Section 38.05 entitled "General Licensing Requirements" of the Madison General Ordinances is amended to read as follows:

"v. The proposed establishment is intended to replace a former 'Class A' alcohol beverage license that has ceased regular operations ~~no more than three hundred sixty five (365) days prior to the filing date of the new alcohol beverage license application. In the case of leased property, this three hundred sixty five (365) day grace period begins tolling on the first day that the property owner regains full possession and control of the affected property, as evidenced by competent evidence provided by the property owner at the same premise and no other business has occupied the premise since the closing of the former licensed establishment.~~"

2. Subsubparagraph vii. of Subparagraph b. entitled "Class 'B' Beer, Class 'C' Wine, or 'Class B' Combination Alcohol Beverage Licenses" of Paragraph 5. entitled "Restrictions" of Subdivision (o) entitled "Alcohol Beverage License Density Plan" of Subsection (9) entitled "Limitation Upon Issuance of Licenses" of Section 38.05 entitled "General Licensing Requirements" of the Madison General Ordinances is amended to read as follows:

"vii. The proposed establishment is intended to replace a former Class 'B' Beer, Class 'C' Wine, or 'Class B' Combination alcohol beverage license that has ceased regular operations ~~no more than three hundred sixty five (365) days prior to the filing date of the new alcohol beverage license application. In the case of leased property, this three hundred sixty five (365) day grace period begins tolling on the first day that the property owner regains full possession and control of the affected property, as evidenced by competent evidence provided by the property owner at the same premise and no other business has occupied the premise since the closing of the former licensed establishment.~~"

Approved as to form:

3. Subparagraph a. of Paragraph 6. entitled "Capacity" of Subdivision (o) entitled "Alcohol Beverage License Density Plan" of Subsection (9) entitled "Limitation Upon Issuance of Licenses" of Section 38.05 entitled "General Licensing Requirements" of the Madison General Ordinances is amended to read as follows:

- "a. Any new licenses granted pursuant to the sale of an existing and operational business or ~~under the three hundred sixty five (365) day window~~ or replacing a former licensee that ~~ceased regular operations as~~ described in sections 5(a) and (b) above will be eligible for a licensed capacity no greater than the licensed capacity of the former business at the time that regular operations were ceased."