

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED October 20, 2009

REFERRED ALRC

Amending Sections 38.05(3)(g), 38.08(4) and 38.09(5) of the Madison General Ordinances to increase late fees related to filing a retail alcohol license application and paying the annual retail license fees.

RULES SUSPENSION _____

PUBLIC HEARING _____

Drafted by: Steven Brist

Date: October 5, 2009

SPONSORS: Ald. Verveer

DRAFTER'S ANALYSIS: This proposal changes the late fee charge for filing a late retail alcohol license application from 15% of the license fee or \$3, whichever is greater, to \$250. It also raises the late fee for failure to pay the annual retail license fee in a timely manner from 15% of the license fee or a minimum of \$3, to 25% of the license fee if the fee is paid less than 30 days late, and to 50% of the license fee if the fee is paid more than 30 days after the due date.

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

1. Subdivision (g) entitled "Time of Filing and Acting on Applications" of Subsection (3) entitled "Application for Licenses" of Section 38.05 entitled "General Licensing Requirements" of the Madison General Ordinances is amended to read as follows:

"(g) Time of Filing and Acting on Applications. All applications to be acted upon at the first meeting in June of each year must be filed on or before April 15 of each year. The Clerk may conditionally accept renewal applications offered for filing notwithstanding the deadline provided in this subsection but shall not forward to the Alcohol License Review Committee or the Common Council any application for which there is a deficiency or lack of compliance with any requirement in the application process. A late filing fee of ~~15% of the license fee or a minimum of three dollars (\$3), whichever is greater,~~ two hundred fifty dollars (\$250) shall be required paid prior to the Common Council granting the license for each of the following:

- 1. Each renewal application received by the City Clerk after April 15; and
2. Each application for which deficiencies in the application process are corrected after April 15.

The late-fee charge is imposed to recover the cost of processing the noncomplying application. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

2. Subsection (4) entitled "Fees" of Section 38.08 entitled "Fermented Malt Beverages" of the Madison General Ordinances is amended to read as follows:

"(4) Fees.

- (a) The fee for a Class A license shall be three hundred dollars (\$300) per year if the person also holds a Retail Class A liquor license for the same premises. The fee for a Class A

Approved as to form:

license shall be four hundred twenty-five dollars (\$425) per year if the person does not also hold a Retail Class A liquor license for the same premises. The fee for a Class A fermented malt beverage license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

- (b) The fee for a wholesaler's license shall be twenty-five dollars (\$25) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (c) The fee for a Class B license shall be one hundred dollars (\$100) per year. The fee for a Class B fermented malt beverage license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (d) The fee for a Class B permit as provided for in Section 38.05(9)(e) hereof shall be ten dollars (\$10).
- (e) The fee for an operator's license shall be thirty-five dollars (\$35.00) per year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (f) Brewers may, without license therefore, furnish fermented malt beverages free of charge to customers, visitors and employees on the brewery premises and no license fee shall be required of any such brewer, if such fermented malt beverage so furnished shall be consumed on the brewery premises and if fermented malt beverages shall not be furnished or consumed in or about any room or place where intoxicating liquors, as defined by Section 38.02, are sold."

3. Subdivisions (a) and (b) of Subsection (5) entitled "Fees" of Section 38.09 entitled "Intoxicating Liquor" of the Madison General Ordinances are amended to read as follows:

- "(a) The fee for a Retail Class A liquor license shall be five hundred dollars (\$500) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (b) The fee for a Retail Class B liquor license shall be five hundred dollars (\$500) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of ~~15% of the license fee or a minimum of \$3.00, whichever is greater~~25% of the license fee, unless the fees are paid more than 30 days after the due date, in

which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.”