

BODY – LEGISTAR # 31658

DRAFTER'S ANALYSIS: Occupancy capacity violations are serious public safety-related violations. Chapter 38 currently does not have an ordinance specifically regulating occupancy capacities of license establishments. This ordinance allows licensees and anyone in charge of monitoring occupancy capacity to be cited for such violations.

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

1. Subsection (21) entitled "Exceeding Lawful Occupancy Capacity" of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is created to read as follows:

"(21) Exceeding Lawful Occupancy Capacity.

- (a) No licensee or person shall permit or allow occupancy of the licensed premise in excess of the lawfully established occupancy capacity. Occupancy capacity includes all staff and persons on the premise.
- (b) Exceeding lawful occupancy capacity by more than thirty percent (30%) shall result in an enhanced penalty.
- (c) Penalty. Any licensee or person who violates sub. (a) shall be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500). Any person violating sub. (b) shall be subject to a forfeiture of no less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1500)."

2. 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 and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Exceeding posted occupancy.	38.07(21)(a)	\$300
	38.07(21)(b)	\$750"