



Legislation Details (With Text)

File #: 18113 **Version:** 2 **Name:** Eliminating 365 day limit
Type: Ordinance **Status:** Passed
File created: 4/13/2010 **In control:** ALCOHOL LICENSE REVIEW COMMITTEE
On agenda: 4/13/2010 **Final action:** 5/4/2010
Enactment date: 5/12/2010 **Enactment #:** ORD-10-00045
Title: SUBSTITUTE Creating Sections 38.05(9)(o)5.a.vi. and 38.05(9)(o)5.b.viii. and amending Section 38.05(9)(o)6.a. of the Madison General Ordinances to temporarily suspend the 365 day limit in the downtown Alcohol Beverage License Density Plan area.
Sponsors: Michael E. Verveer, Shiva Bidar, Michael Schumacher

Indexes:

Code sections:

Attachments: 1. Version 1, 2. 18113 - Registration Forms 5-4-2010.pdf, 3. 18113 - Registration Forms 4-21-10.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------------|---|--------|
| 5/4/2010 | 2 | COMMON COUNCIL | Adopt | Pass |
| 4/21/2010 | 1 | ALCOHOL LICENSE REVIEW COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | |
| 4/20/2010 | 1 | COMMON COUNCIL | Referred | Pass |
| 4/13/2010 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |
| 4/13/2010 | 1 | COMMON COUNCIL | Referred | |

Fiscal Note

There may be a minimal increase in General Fund revenues if additional licenses are granted, but no significant fiscal impact is anticipated.

Title

SUBSTITUTE Creating Sections 38.05(9)(o)5.a.vi. and 38.05(9)(o)5.b.viii. and amending Section 38.05(9)(o)6.a. of the Madison General Ordinances to temporarily suspend the 365 day limit in the downtown Alcohol Beverage License Density Plan area.

Body

DRAFTER'S ANALYSIS: This proposal temporarily suspends the 365 day limit for a new retail alcohol business that replace a former alcohol business that has ceased operations, so long as there is no intervening non alcohol business existing between the two licensed retailers at the premise. The suspension is effective from the effective date of this proposal until October 4, 2010, one day before the sunset date of the downtown Alcohol Beverage Density Plan Ordinance. This is applicable only to licenses in the downtown Alcohol Beverage License Density Plan area.

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

1. Subsubparagraph vi. 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 created to read as follows:

"vi. Notwithstanding the 365 day restriction contained in Sec. 38.05(9)(o)5.a. v., MGO, the ALRC may recommend approval of applications for 'Class A' alcohol beverage licenses intended to be located in the Density Plan area, so long as the application is filed on or before October 4, 2010, and the

proposed establishment is intended to replace a former "Class A" alcohol beverage license that has ceased regular operations at the same premise and no other business has occupied the premise since the closing of the former licensed establishment."

2. Subsubparagraph viii. 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 created to read as follows:

"viii. Notwithstanding the 365 day restriction contained in Sec. 38.05(9)(o)5.b vii., MGO, the ALRC may recommend approval of applications for Class 'B' Beer, Class 'C' Wine or 'Class B' Combination alcohol beverage licenses so long as the application is filed on or before October 4, 2010, and 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 at the same premise and no other business has occupied the premise since the closing of the former licensed establishment."

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."