



## Legislation Details (With Text)

**File #:** 16435      **Version:** 1      **Name:** Chapter 38 minor changes  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/27/2009      **In control:** ALCOHOL LICENSE REVIEW COMMITTEE  
**On agenda:** 12/8/2009      **Final action:** 12/15/2009  
**Enactment date:** 12/31/2009      **Enactment #:** ORD-09-00169  
**Title:** Repealing Section 38.05(6)(b); creating Sec. 38.07(15); and amending Sec.38.10(2) of the Madison General Ordinances to repeal obsolete language regarding non-alcohol licenses, clarifying that a search warrant may be obtained for unlicensed beer sellers and adopting the State law, which already applies to the City, requiring that retail alcohol sales occur face-to-face at the licensed premises.  
**Sponsors:** Michael E. Verveer, Michael Schumacher  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/15/2009	1	COMMON COUNCIL	Adopt	Pass
11/18/2009	1	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/3/2009	1	COMMON COUNCIL	Referred	
10/28/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No fiscal impact is anticipated.

### Title

Repealing Section 38.05(6)(b); creating Sec. 38.07(15); and amending Sec.38.10(2) of the Madison General Ordinances to repeal obsolete language regarding non-alcohol licenses, clarifying that a search warrant may be obtained for unlicensed beer sellers and adopting the State law, which already applies to the City, requiring that retail alcohol sales occur face-to-face at the licensed premises.

### Body

DRAFTER'S ANALYSIS: This proposal makes minor changes in Chapter 38, repealing obsolete language regarding the date non-alcohol licenses expire, clarifying that a warrant may be obtained for unlicensed beer sellers along with liquor sellers and adopting the State law, which already applies to the City, requiring that retail alcohol sales occur face-to-face at the licensed premises.

\*\*\*\*\*

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

1. Subdivision (b) entitled "Other Permits" of Subsection (6) entitled "Expiration Dates" of Section 38.05 entitled "General Licensing Requirements" of the Madison General Ordinances is hereby repealed.

2. Subsection (15) entitled "Face-to-Face Retail Sales" of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is created to read as follows:

"(15) Face-to-face retail sales Except as provided in Sec. 125.26(2m), 125.26(2s), 125.51(3)(bm) and 125.51(bs) Wis. Stats., and except with respect to caterers, a retail alcohol license issued under this chapter authorizes only face-to-face sales to consumers at the premises described in the retail license."

3. Subsection (2) entitled "Search Warrants" of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is amended to read as follows:

“(2) Search Warrants.

- (a) When complaint shall be made to the judge of the Circuit Court that ~~intoxicating liquor is~~alcohol beverages are being sold or kept for sale in any particular building or premises in the City of Madison in violation of this section, said judge, if s/he be satisfied that there is reasonable cause for such belief, shall issue her/his warrant to search for such ~~intoxicating liquor~~alcohol beverage.
- (b) Such warrants shall be directed to any police officer of the City of Madison commanding such officer to search the building or premises designated and described therein, and to bring before the said judge of the County Court any such ~~intoxicating liquor~~alcohol beverages, found being kept, sold, or kept for sale in violation of the provisions of this section, and the person in whose possession the same are found.
- (c) When any officer, in the execution of a search warrant, shall seize any ~~intoxicating liquor~~alcohol beverages for which a search is authorized by this subsection, all such property or things shall be safely kept by the direction of the court so long as shall be necessary for the purpose of being produced as evidence on any trial and as soon as may be afterward returned to the owner, destroyed, or otherwise disposed of as the judge of said court may direct.”

EDITOR’S NOTE: Sec. 38.05(6)(b) currently reads as follows:

- “(b) Other Permits. All permits, other than those under Subdiv. (a), shall expire on December 31 of each year.”