



Legislation Text

File #: 47057, Version: 1

**Fiscal Note**

Fiscal note pending.

**Title**

Repealing Sections 38.09(5)(d)1. and 2. of the Madison General Ordinances to remove the City of Madison's Class B Reserve License economic development grant program.

**Body**

DRAFTER'S ANALYSIS: Recent amendments to the Wisconsin State Statutes have pre-empted and eliminated the ability of municipalities to directly or indirectly refund, rebate or in any manner, return any portion of the alcohol licensing fee to the applicant. This amendment repeals the City of Madison's Class B Reserve License economic development grant in accordance with such statutory changes.

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

Paragraphs 1. and 2. of Subdivision (d) of Subsection (5) entitled "Fees" of Section 38.09 entitled "Intoxicating Liquor" of the Madison General Ordinances are hereby repealed.

**EDITOR'S NOTES:**

Sections 38.09(5)(d)1. and 2. currently read as follows:

- "1. The City of Madison hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.
- 2. After the granting of any new reserve Class B license and payment of the ten thousand dollars (\$10,000) initial issuance fee, the applicant may file an application for an economic development grant of seven thousand five hundred dollars (\$7,500) with the Clerk. The Clerk shall determine whether the licensee is operating in compliance with the approved license. The Clerk may require the assistance of any other City agency in making said determination. If the Clerk determines that the licensee is so operating, the Clerk shall authorize the approval of the seven thousand five hundred dollars (\$7,500) economic development grant. If the Clerk determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized and the Clerk shall make such finding in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the Clerk's determination, the licensee may file a written notice of appeal upon the Clerk within 10 (ten) calendar days of the delivery of the written notice of the Clerk's findings. Upon receiving such notice from the licensee, the Clerk shall relay said notice to the ALRC which shall hold a hearing thereon. The ALRC may affirm or reverse the Clerk's determination. If the Clerk's determination is upheld, appeal thereof may be taken to circuit court pursuant to Wis. Stat. § 753.04. If the Clerk's determination is reversed, the Clerk shall authorize the payment of the economic development grant."