



Legislation Text

File #: 00876, Version: 2

**Fiscal Note**

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**Title**

SUBSTITUTE - Amending Section 38.02 and creating Section 38.07(14) of the Madison General Ordinances to create a definition for keg and to regulate the sale and possession of alcohol beverages sold in kegs in the City of Madison.

**Body**

DRAFTER'S ANALYSIS: This substitute provides a limitation on the number of kegs that can be possessed in a residentially zoned district with an exception for any person or premise holding a license to sell alcohol beverages. The substitute retains the provisions of the original draft relating to keg registration.

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

1. Section 38.02 entitled "Definitions" of the Madison General Ordinances is amended by amending therein the following:

"Keg" means any container designed for and capable of holding at least four (4) gallons of alcohol beverages to be dispensed from a tapper or tapper-like device."

2. Subsection (14) entitled "Keg Registration" of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is hereby created to read as follows:

"(14) Keg Registration.

(a)

1. Any retail establishment selling alcoholic beverages by the keg within the City of Madison shall be required to affix to the keg at the time of sale a permanent identification label or tag approved by the Madison Police Department. Such identification label or tag shall include the retailer's name, address and telephone number; a unique keg number assigned by the retailer; and a prominently visible warning that intentional removal or defacement of the label or tag subjects the violator to a forfeiture of not less than five hundred dollars (\$500).

2. Any retail liquor establishment selling alcoholic beverages by the keg within the City shall be required at the time of sale to require a valid photographic identification from the purchaser and completion of a written identification form. The form must contain the purchaser(s) name, address, date of birth, driver's license number or other identifying number if identification is not a driver's license, detailed description of purchase and date of sale and the address where the keg will be consumed. The retailer shall also require the purchaser to sign a sworn statement, declaring that: (1) The purchaser is of legal age to purchase or consume alcoholic beverages; (2) the purchaser will not allow any person under the age of twenty-one (21) to consume the beverage; and (3) The purchaser will not remove, obliterate or otherwise tamper with the identification label or tag required by this ordinance to be affixed to the keg. These records shall be maintained for one (1) year and shall be open to inspection by the Madison Police Department during normal business hours.

(b) Failure To Affix Label or Tag or Obtain Identification.

1. Any retail liquor establishment or employee or agent of such who fails to affix an approved identifying label or tag required in subsection 1(a) or fails to complete and maintain the forms required in subsection 1(b) shall be in violation of this section.

2. Any owner or operator of any retail liquor establishment who, through act of omission or commission, fails to ensure that the owner's employees properly comply with subsection 1(b) shall be in violation of this section.

(c) Limitation on Possession

1. No more than one (1) keg may be possessed within, or on the premises on which is located, any dwelling unit, lodging house, fraternity house or sorority house located within a residentially zoned area within the City. No dwelling owner or lessee shall possess or allow any other person to possess a keg contrary to this section.

2. Exceptions. Any person or premises licensed to sell alcohol beverages under any other provision of state law or local ordinance may possess more than one (1) keg and is specifically exempted from the provisions of this section.

(d) Unlawful Removal of Label or Tag.

1. It shall be unlawful for any person who has purchased alcoholic beverages by the keg within the City of Madison to remove or alter the identification label or tag required in subsection 1(a). However, it shall not be a violation of this section if the person removing the identification label or tag is an employee or an owner or operator of a retail or wholesale alcoholic beverages establishment who removes the label or tag after the return of the keg to the retail establishment and after any deposit has been returned to the consumer.

2. It shall be unlawful for the purchaser of a keg of alcoholic beverage to allow anyone to remove or alter the permanent identification label or tag from the keg prior to its return to the retail liquor establishment that sold the keg.

(e) Inspection and Possession of Kegs.

1. Any owner or operator of any retail liquor establishment, or any employee thereof, who receives a keg being returned by any consumer of the alcoholic beverage, shall inspect the returned keg. If the identification label or tag has been removed, altered or tampered with, the owner or operator shall immediately notify the Madison Police Department of that fact.

2. It shall be unlawful for any person to be in possession of a keg of alcoholic beverage if that keg was purchased within the City and if that Keg does not contain the appropriate permanent identification label or tag as required by subsection.

(f) Penalty. Any person violating any provision of this subsection is subject to a forfeiture of not less than five hundred dollars (\$500).”