Legislation Details (With Text)

File #:	12163	**Version:**	1	**Name:**	Nonrenewal of alcohol license
Type:	Ordinance			**Status:**	Passed
File created:	9/30/2008			**In control:**	ALCOHOL LICENSE REVIEW COMMITTEE
On agenda:	12/2/2008			**Final action:**	12/2/2008
Enactment date:	12/23/2008			**Enactment #:**	ORD-08-00137

Title: Creating New Sec. 38.10(1)(f), renumbering current Sec. 38.10(1)(f) to (g) and amending Renumbered Sec. 38.10(1)(g) of the Madison General Ordinances relating to nonrenewal of unissued or unused retail alcohol beverage licenses, upon the recommendation of the Alcohol License Review Committee.

Sponsors: Michael E. Verveer, Michael Schumacher

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/2/2008	1	COMMON COUNCIL	Adopt	Pass
11/19/2008	1	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/7/2008	1	COMMON COUNCIL	Referred	
9/30/2008	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There may be a fairly minimal impact on General Fund revenues derived from alcohol licensing fees. No significant fiscal impact is anticipated.

Title

Creating New Sec. 38.10(1)(f), renumbering current Sec. 38.10(1)(f) to (g) and amending Renumbered Sec. 38.10(1)(g) of the Madison General Ordinances relating to nonrenewal of unissued or unused retail alcohol beverage licenses, upon the recommendation of the Alcohol License Review Committee.

Body

DRAFTER'S ANALYSIS: This proposal makes it clear that the City may refuse to renew an alcohol license that has not been issued, a license whose usage has been discontinued for at least fifteen (15) days or where the licensee does not own or lease a premises from which business may be conducted. The City is not required to revoke a license under this provision and may exercise discretion.

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

1. New Subdivision (f) entitled "Unused Licenses" of Subsection (1) of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is created to read as follows:

"(f) Unused Licenses. Notwithstanding Sec. 38.10, Madison General Ordinances, the City may refuse to renew a license authorized under this Chapter and has not been issued, a license whose usage has been discontinued for at least fifteen (15) days or where the licensee does not own or lease a premises from which business may be conducted, pursuant to the procedures in Sec. 125.12, Wis. Stats. Prior to the time for renewal of the license, the City Clerk on behalf of the Alcohol License Review Committee, shall notify the licensee in writing of the City's intention not to renew the license and the Alcohol

License Review Committee shall provide the licensee with the opportunity for a hearing. The notice shall state the reasons for the intended action. The Alcohol License Review Committee shall be authorized to issue the notice under this subsection. The hearing shall be conducted as provided in Sec. 125.12(2)(b), Wis. Stats., and judicial review shall be as provided in Sec. 125.12(2)(d), Wis. Stats. The hearing shall be held before the Alcohol License Review Committee and the Committee shall make a report and recommendation as provided in Sec. 125.12(2)(b)3, Wis. Stats. and the Common Council shall follow the procedure specified under that subdivision in making its determination."

2. Current Subdivision (f) entitled "Other Provisions" of Subsection (1) of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is renumbered to (g).

3. Renumbered Subdivision (g) entitled "Other Provisions" of Subsection (1) of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is amended to read as follows:

"(~~f~~g) Other Provisions.

Any license issued pursuant to Chapter 38 of the Madison General Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Madison by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee. ~~If a license issued hereunder is not used within fifteen (15) days after its issuance or its usage is discontinued for a period of fifteen (15) days or more, such situation shall be grounds for cancellation of the license in accordance with the provisions of this section.~~"

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