



Legislation Details (With Text)

File #: 14171 **Version:** 4 **Name:** Fermented beverages
Type: Ordinance **Status:** Filed
File created: 3/25/2009 **In control:** COMMON COUNCIL
On agenda: 2/2/2010 **Final action:** 2/2/2010
Enactment date: **Enactment #:**

Title: THIRD SUBSTITUTE - Creating 38.07(15) of the Madison General Ordinances to prohibit the sale of beer or malt liquor in amounts less than the amount contained in a six pack of bottles or cans, intoxicating liquor in amounts of two hundred (200) milliliters or less in volume, malt based flavored coolers in less than a four pack, and the sale of fortified wines for consumption off premises.

Sponsors: Michael Schumacher, Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. Version 1, 2. Version 2, 3. Version 3, 4. 14171 correspondence Tavern League etal.pdf, 5. 14171 Registration Stmt.pdf, 6. 14171 Registration Stmt 6.2.09.pdf, 7. Registration Forms 4-15-09.pdf

Date	Ver.	Action By	Action	Result
2/2/2010	4	COMMON COUNCIL	Place On File Without Prejudice	Pass
1/20/2010	4	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE - REPORT OF OFFICER	Pass
12/15/2009	4	COMMON COUNCIL	Referred	Pass
6/2/2009	4	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
5/5/2009	4	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
4/15/2009	2	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/31/2009	2	COMMON COUNCIL	Referred	
3/25/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No significant fiscal impact is anticipated.

Title

THIRD SUBSTITUTE - Creating 38.07(15) of the Madison General Ordinances to prohibit the sale of beer or malt liquor in amounts less than the amount contained in a six pack of bottles or cans, intoxicating liquor in amounts of two hundred (200) milliliters or less in volume, malt based flavored coolers in less than a four pack, and the sale of fortified wines for consumption off premises.

Body

DRAFTER'S ANALYSIS: This proposal prohibits the sale of beer or malt liquor (fermented malt beverages) in amounts less than the amount contained in a six pack of bottles or cans. The proposal also prohibits the sale of intoxicating liquor in amounts of 200 milliliters or less, the sale of fortified wines, and the sale of malt based flavored coolers in amounts less than the amount contained in a four pack of bottles or cans. These prohibitions do not apply to the sale of micro brewed beers imported beers, vermouth, port, sherry or table wines sealed with a cork and aged two years or more. The proposal defines micro brewed and imported beers and malt based flavored coolers. This proposal applies to all retail alcohol licensees. This proposal contains a sunset provision that repeals this ordinance on December 31, 2012. Also, this ordinance has a delayed

effective date of September 1, 2009.

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

Subsection (15) of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is created to read as follows:

"(15) Volume Regulated.

(a) Definitions.

1. Imported Malt Beverages. A fermented malt beverage that is manufactured and bottled outside the United States of America or its territories.
2. Microbrewery. A brewer where not more than five hundred thousand (500,000) barrels of fermented malt beverages are manufactured in a calendar year by the permittee's brewery group.
3. Malt Based Flavored Cooler. A flavored malt beverage where fruit flavoring has been added to a malt base, containing not more than 4.1% of alcohol by volume, sometimes referred to as a 'wine cooler.'

- (b) No retailer licensed under this chapter shall be permitted to sell, dispense or give away fermented malt beverages in the original container in amounts less than the amount contained in a six pack of bottles or cans, for consumption off the licensed premises. Malt based flavored coolers may not be sold, dispensed or given away in the original container in amounts less than a four pack of bottles or cans, for consumption off the premises. This prohibition shall not apply to the sale of microbrewery fermented malt beverages or imported malt beverages.
- (c) No retailer licensed under this chapter shall be permitted to sell, dispense or give away intoxicating liquor in the original container in amounts of two hundred (200) milliliters or less in volume, for consumption off the licensed premises. "Intoxicating liquor" in this Subsection (15) shall not include wine in the original container with an alcohol content of 15% or less by volume.
- (d) No retailer licensed under this chapter shall be permitted to sell, dispense or give away wine in the original container with an alcohol content of more than 15% alcohol by volume, where spirits have been added to the wine that have not been produced from the same fruit as the wine, for consumption off the licensed premises. This prohibition shall not apply to vermouth, port, sherry, and wine sealed with a cork and aged two years or more, and wine with 15% or less alcohol by volume where the alcohol is produced by natural fermentation.
- (e) Sunset. This ordinance shall automatically repeal on December 31, 2012.
- (f) This ordinance shall become effective September 1, 2009."