



Legislation Details (With Text)

File #: 29150 **Version:** 1 **Name:** Unused licenses
Type: Ordinance **Status:** Passed
File created: 2/14/2013 **In control:** ALCOHOL LICENSE REVIEW COMMITTEE
On agenda: 4/16/2013 **Final action:** 4/16/2013
Enactment date: 4/25/2013 **Enactment #:** ORD-13-00057

Title: Amending Section 38.10(1)(f) of the Madison General Ordinances to provide that any license revoked due to the license never being issued by the City Clerk or revoked for non-use due to the business not operating for a period of at least fifteen (15) consecutive days shall be eligible for reissue to a new applicant subject to the standard application process and Alcohol License Review Committee and Common Council approval and to delete the provision that allows suspension or revocation for not having a premise from which to conduct business as that is not a ground for suspension or revocation authorized by Wis. Stat. § 125.12.

Sponsors: Lisa Subeck, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/16/2013	1	COMMON COUNCIL	Adopt	Pass
3/20/2013	1	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/26/2013	1	COMMON COUNCIL	Referred	
2/14/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No significant fiscal impact is anticipated.

Title

Amending Section 38.10(1)(f) of the Madison General Ordinances to provide that any license revoked due to the license never being issued by the City Clerk or revoked for non-use due to the business not operating for a period of at least fifteen (15) consecutive days shall be eligible for reissue to a new applicant subject to the standard application process and Alcohol License Review Committee and Common Council approval and to delete the provision that allows suspension or revocation for not having a premise from which to conduct business as that is not a ground for suspension or revocation authorized by Wis. Stat. § 125.12.

Body

DRAFTER'S ANALYSIS: As Chapter 38 currently reads, any liquor license revoked results in the current licensee and the premises not being eligible for a new license for a period of twelve months from the date of revocation. This penalty is appropriate when a license is revoked for any of the reasons enumerated in Sec. 38.10(1)(a), however, it unfairly penalizes the property owner when the license is revoked due to the license never being issued by the City Clerk or for non-use. The provision that allows for suspension or revocation for not having a premise from which to conduct business is being deleted because that is not cause for suspension or revocation authorized by Wis. Stat. § 125.12.

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

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 amended to read as follows:

“(f) Unused Licenses. Notwithstanding Sec. 38.10, MGO, the City may revoke, suspend or refuse to renew a license authorized under this Chapter that has not been issued, by the City Clerk or a license whose usage has been discontinued for that has been issued by the City Clerk but the licensed premise for which it has been issued has not been open for business for a period of at least fifteen (15) consecutive days or where the licensee does not own or lease a premises from which business may be conducted, pursuant to the procedures in Wis. Stat. § 125.12. 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 Wis. Stat. § 125.12(2)(b), and judicial review shall be as provided in Wis. Stat. § 125.12(2)(d). The hearing shall be held before the Alcohol License Review Committee and the Committee shall make a report and recommendation as provided in Wis. Stat. § 125.12(2)(b)3, and the Common Council shall follow the procedure specified under that subdivision in making its determination. Any license revoked under this paragraph shall be immediately eligible for reissue to a qualified new applicant subject to the standard application process and Alcohol License Review Committee and Common Council approval. A license revoked under this paragraph is exempt from the posting requirements in Sec. 38.10(1)(h).”