Legislation Details (With Text)

File #:	45149	**Version:**	1	**Name:**	Requiring adult entertainment license applicants to pay costs related to noticing
Type:	Ordinance			**Status:**	Passed
File created:	11/15/2016			**In control:**	ALCOHOL LICENSE REVIEW COMMITTEE
On agenda:	2/7/2017			**Final action:**	2/7/2017
Enactment date:	2/21/2017			**Enactment #:**	ORD-17-00009

Title: Amending Sections 38.05(3)(b), 38.06(11)(j) & (k), 38.06(12)(d)2., 38.06(12)(e), 38.11(1) and 9.05(5) of the Madison General Ordinances to require applicants for “18 plus”, “21+” or Adult Entertainment licenses to follow the process for obtaining a permanent Class A or Class B alcohol license and establish that the fee for an adult entertainment license is an annual fee.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/7/2017	1	COMMON COUNCIL	Adopt	Pass
1/18/2017	1	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/22/2016	1	COMMON COUNCIL	Refer	Pass
11/15/2016	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The proposed ordinance change pertains to assessing fees associated with noticing neighborhood meetings regarding Adult Entertainment licenses. This revenue is currently collected by the Clerk’s Office and deposited to the General Fund. The proposed ordinance change will have no financial impact.

Title

Amending Sections 38.05(3)(b), 38.06(11)(j) & (k), 38.06(12)(d)2., 38.06(12)(e), 38.11(1) and 9.05(5) of the Madison General Ordinances to require applicants for “18 plus”, “21+” or Adult Entertainment licenses to follow the process for obtaining a permanent Class A or Class B alcohol license and establish that the fee for an adult entertainment license is an annual fee.

Body

DRAFTER'S ANALYSIS: This amendment would require that applicants for alcohol licenses or taverns seeking to obtain “18 plus”, “21+” or Adult Entertainment licenses to pay the City for the costs to notify the affected neighborhoods by mail and publication of the public hearing date for such applications. Additionally, such applicants would be required to place signage issued by the City in a publicly conspicuous location on the outside of their premise that notifies the public of the time, date and place of the public hearing on the license application. This process mirrors the current process for obtaining a permanent Class A or Class B alcohol license and would create a uniform process for notifying affected neighbors whenever an alcohol licensed establishment intends to make a change to their operations that may have significant impacts upon those neighbors. This amendment also establishes that the fee for an adult entertainment license is an annual and not a one-time fee.

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

1. Subdivision (b) entitled “Public Notification Fee” of Subsection (3) entitled “Application for Licenses” of Section 38.05 entitled “General Licensing Requirements” of the Madison General Ordinances is amended to read as follows:

“(b) Public Notification Fee. The applicant for a license shall, at the time of filing the application with the City Clerk, deposit a fee of one hundred dollars ($100), for a new license application or forty dollars ($40.00) for a renewal application. This fee shall cover the costs of publication as required by sub. (~~c~~d) and as such fee is set forth in Wis. Stats. §§ 125.04(3)(g) and 985.08. This fee shall also include the costs of providing further public notification as set forth in subs. (e), (g) and (h) below. If the costs of providing the public notification required under subs. (d), (e), (g) and/or (h) exceeds one hundred dollars ($100), the City Clerk shall bill the applicant for that portion of the cost that is in excess of one hundred dollars ($100). No application may be processed unless such fee has been posted with the City Clerk and such fee is non-refundable.”

2. Subdivision (j) entitled “Application” of Subsection (11) entitled “21 + Entertainment License” of Section 38.06 entitled “General Provisions and Hours” of the Madison General Ordinances is amended to read as follows:

“(j) Application. Upon application to the City Clerk, the City Clerk shall refer the entertainment license application to the ALRC for a public hearing pursuant to ~~Madison General Ordinance~~ Sections 38.05(3)(b), (c), (d), (e), (g), and (h), MGO. The ALRC shall make a determination and recommendation to the Common Council regarding the issuance of the entertainment license. The ALRC may recommend, and the Common Council may impose, restrictions on the entertainment license hours relating to presentation of live entertainment if the information or evidence available to and considered by the ARLC and/or Common Council reasonably establish that such restriction is necessary to protect the health, safety and welfare of the designated neighborhood or necessary to prevent underage patrons from purchasing, possessing or consuming alcohol beverages on the licensed premise.

1. If the ALRC denies a 21+ Entertainment License application, the applicant is prohibited from reapplying for another entertainment license for a period of twelve (12) months from the date the application is denied.”

3. Subdivision (k) entitled “Fee” of Subsection (11) entitled “21 + Entertainment License” of Section 38.06 entitled “General Provisions and Hours” of the Madison General Ordinances is amended to read as follows:

“(k) Fee. The annual license fee shall be three hundred dollars ($300.00) plus the applicable publication fee, if applicable, as set forth in Sec. 38.05(3)(b), MGO, and the license shall expire on June 30 following its issuance.”

4. Paragraph 2. of Subdivision (d) entitled “Application” of Subsection (12) entitled “18+ Centers For Visual And Performing Arts” of Section 38.06 entitled “General Provisions and Hours” of the Madison General Ordinances is amended to read as follows:

“2. Applications shall be referred to the ALRC for a public hearing in accordance with ~~Madison General Ordinance~~ Sections 38.05(3)(b), (c), (d), (e), (g), and (h), MGO. The recommendation of the committee shall be based upon information presented at the public hearing and contained in the application and accompanying documents. The ALRC shall also consider the following factors in making its recommendation:

a. Whether the applicant meets the criteria set forth in Subdivision (c);
b. The appropriateness of the location and premises where the Center For Visual and Performing Arts is to be located and whether the location will create undesirable neighborhood problems.
c. Applicants record in operating similarly licensed premises.
d. Whether the applicant has been charged with or convicted of any felony, misdemeanor,

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municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e. Any other factors which reasonably relate to the public health, safety and welfare."

5. Subdivision (e) entitled "Fee" of Subsection (12) entitled "18+ Centers For Visual And Performing Arts" of Section 38.06 entitled "General Provisions and Hours" of the Madison General Ordinances is amended to read as follows:

"(e) Fee. The annual fee for a Center For Visual and Performing Arts license shall be three hundred dollars ($300.00) and the publication fee, if applicable, as set forth in Sec. 38.05(3)(b), MGO."

6. Subsection (1) of Section 38.11 entitled "Adult Entertainment Tavern License" of the Madison General Ordinances is amended to read as follows:

"(1) License Require, Application.

(a) License.

No establishment licensed to sell alcohol beverages pursuant to these ordinances shall be operated or conducted as an adult entertainment tavern as defined in Section 28.211 without an adult entertainment tavern license.

(b) Application.

1. Application for an adult entertainment tavern license shall be filed with the City Clerk following the procedures set forth in Sec. 9.05(3), MGO.

2. Public Hearing.

Applications shall be referred to the ALRC for a public hearing in accordance with Sections 38.05(3)(b), (c), (d), (e), (g) and (h), MGO. The recommendation of the committee shall be based upon information presented at the public hearing and contained in the application and accompanying documents. The ALRC shall consider the factors set forth in Sec. 9.05(4), MGO, in making its recommendation.

7. Subsection (5) entitled "Fees" of Section 9.05 entitled "Adult Entertainment Establishments and Adult Entertainment Taverns" of the Madison General Ordinances is amended to read as follows:

"(5) Fees. ~~A~~The annual license fee of one thousand one hundred dollars ($1,100) plus the applicable publication fee as set for in Sec. 38.05(3)(b), MGO, shall be submitted with the application for an adult entertainment establishment license or an adult entertainment tavern license. If the application is denied, one half of the fee shall be returned."

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