**CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589**

| **RESOLUTION OF THE COMMON COUNCIL** | |
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| ALLOWING OUTDOOR DINING DURING A STATE OF EMERGENCY<br><br>Committee Action:<br>Fiscal Impact: None | |
| **File Number:** R-100-2020 | **Date Introduced:** June 9, 2020 |

RECITALS

A. Pursuant to Wis. Stats. §252.03 (1), (2), and (4), Public Health Madison and Dane County (PHMDC) has and is likely to continue issuing orders prohibiting or limiting certain activities in order to prevent, suppress, and control the spread of COVID-19.

B. Under these orders, restaurants and bars are required to significantly limit the number of patrons allowed inside their establishments at a time. This hinders their ability to generate revenue, threatening the financial viability and continuing existence of such businesses.

C. Expanding outdoor dining options would offer local restaurant and bar owners the opportunity to serve more patrons, thus mitigating the financial impact of the COVID-19 pandemic, but current City ordinances limit restaurant and bar owners' ability to establish outdoor seating areas near their establishments.

D. Pursuant to Wis. Stats. §323.14, during a declared state of emergency, the Common Council of the City of Stoughton is authorized to order whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the City of Stoughton.

RESOLUTION

The Common Council of the City of Stoughton hereby resolves as follows:

1. Notwithstanding any prohibition or any zoning requirement relating to a permit, conditional use review, or site plan review set forth in any City ordinance, the

owner or person in legal possession of a premises authorized for indoor commercial entertainment use may establish an outdoor seating area for the purpose of providing food and beverage sales and service on the premises or on the sidewalk within the public right-of-way immediately adjacent to the premises, but only in strict conformity and compliance with all of the following:

a. The premises and public sidewalk must be located within the Central Business District or the Planned Business District.

b. The outdoor seating area must comply with all social distancing and operational requirements imposed by PHMDC order.

c. The outdoor seating area may not pose a danger to pedestrians using the streets, alleys, or sidewalks.

d. The outdoor seating area may not obstruct, impede, or interrupt sidewalk traffic. Where a public sidewalk exists in the public right-of-way, the owner or person in legal possession of the premises shall preserve an unobstructed path with a minimum pavement width of five feet running the length of the property line.

e. No alcohol sale, consumption, or possession is permitted in an outdoor seating area, unless the City Council approves an amendment of the applicable Class B license premises description and the licensee obtains an outdoor consumption permit under Stoughton Code of Ordinances §14-40 (k) (6).

f. Before proceeding with an outdoor seating area and initiating food and beverage sales and service, the owner or person in legal possession of the premises must submit a plan to the City of Stoughton planning director or zoning administrator for review and approval. The plan must include the following:

    i. A written description of the proposed outdoor seating area, including the number of tables and chairs and their location in relation to the premises, the capacity of the outdoor seating area, and the plan for compliance with applicable PHMDC orders.

    ii. A diagram of the proposed outdoor seating area, roughly to scale, that includes the estimated property lines of the premises, the location and dimensions of any adjacent public right-of-way, the overall dimensions of the outdoor seating area, and the seating

arrangements, including the number of tables and the spacing between tables.

g. The planning director or the zoning administrator shall approve an outdoor seating plan that complies with the provisions above.

2. There shall be no fee for the review and processing of outdoor seating area plans.

3. This resolution does not apply to and has no impact on premises that were previously authorized to provide food and beverage sales and service in outdoor seating areas.

4. This resolution, and the authorization for any outdoor seating areas approved under this resolution, shall expire on September 30, 2020.

**Council Action: ____ Adopted ____ Failed Vote _____**

**Mayoral Action: ☐ Accept ☐ Veto**

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Tim Swadley, Mayor Date

**Council Action: _____ ☐ Override Vote _____**