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

RESOLUTION OF THE COMMON COUNCIL	
ALLOWING OUTDOOR SERVICE AND CONSUMPTION OF ALCOHOL DURING A STATE OF EMERGENCY Committee Action: Fiscal Impact: None	
File Number: R-110-2020	**Date Introduced:** June 30, 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. With the adoption of Resolution No. 100-2020, the Common Council temporarily expanded outdoor dining options to offer local restaurant and bar owners the opportunity to serve more patrons, thus mitigating the financial impact of the COVID-19 pandemic. However, current City ordinances limit restaurant and bar owners' options for serving alcohol outside, thus limiting their potential revenue.

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 Stoughton Code of Ordinances §§14-40 (k) (6) and 50-6, Resolution No. 100-2020 paragraph 1. e., and any other prohibition or requirement

set forth in any City ordinance, the owner or person in legal possession of a premises authorized for indoor commercial entertainment use may serve alcohol in an outdoor seating area, but only in strict conformity and compliance with all of the following:

a. The premises must be located entirely within the Central Business District.

b. The outdoor seating area must be approved under Resolution No. 100-2020.

c. The owner or person in legal possession of the premises must possess a Class B license for that premises.

d. The Class B license premises description must include, or be amended to include, a description of the outdoor seating area. Any amendment to the license premises description must be approved by the Common Council before any alcohol service or consumption may begin under this resolution.

e. The outdoor seating area must be clearly delineated by suitable barricades, such as decorative chains or ropes and posts, that are portable, meaning that they may not be affixed to the sidewalk or ground. Such barricades are not required to completely enclose an outdoor seating area and may be placed to allow the public to enter from the outside as well as from the building.

f. Service of food and alcohol in an outdoor seating area shall be limited to persons seated at tables in the outdoor seating area. Signs shall be posted stating that possession and consumption of food and alcohol is restricted to customers within the designated outdoor seating area. Such signs shall be clearly visible to both seated customers and to the public.

g. Alcohol may be served in the outdoor seating area only by the Class B license holder or an employee holding a valid operator's license.

h. Alcohol may be served only in single serving containers.

i. The outdoor seating area shall be supervised at all times by the Class B license holder or an employee holding a valid operator's license.

j. The owner or person in possession of a premises with an approved outdoor seating area shall be responsible for ensuring that alcohol beverages are not removed from the premises and that any public sidewalk or right-of-way adjacent to the outdoor seating area remain unobstructed in conformance with Resolution No. 100-2020.

k. No food or alcohol may be served, possessed, or consumed in an outdoor seating area before 8:00 a.m. or after 10:00 p.m. daily. At no time may alcohol service be offered without food service.

l. The owner or person in possession of a premises with an approved outdoor seating area shall be responsible for removing all dishes, debris, and unused food promptly following a customer's departure and before the close of business each day.

m. Before proceeding with the service of alcohol in an outdoor seating area, the owner or person in legal possession of the premises must submit an application to the City Clerk for review and approval. The application must demonstrate that the applicant is in compliance with pars. 1. a. to f. of this resolution. To demonstrate compliance with pars. 1. e. and f., the applicant must submit a diagram of the outdoor seating area that includes the location of the proposed barricades and signs.

n. The City Clerk may approve an application for the service of alcohol in an outdoor seating area that complies with pars. 1. a. to f. of this resolution. An applicant may appeal a denial to the Common Council.

2. There shall be no fee for the review and processing of applications for the service of alcohol in outdoor seating areas.

3. The possession and consumption of alcohol in an outdoor seating area pursuant to and in strict conformance with this resolution does not constitute a violation under Stoughton Code of Ordinances §50-6.

4. Approval to serve alcohol in an outdoor seating area under this resolution is a privilege which may be revoked by the Common Council at its pleasure at any time, including for failure to comply with any of the conditions under this resolution.

5. This resolution does not apply to and has no impact on premises that were previously authorized to provide outdoor alcohol sales and service.

6. This resolution, and the authorization for the service of alcohol in outdoor seating areas approved under this resolution, shall expire on September 30, 2020.

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

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Tim Swadley, Mayor Date

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