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

ORDINANCE OF THE COMMON COUNCIL			
Creating an Ordinance to Allow for Sidewalk Cafes in the City of Stoughton			
Committee Action:	Public Safety Committee Recommended approval 7-0 on April 28, 2021		
Fiscal Impact:	None		
File Number:	O-12- 2021	**First Reading:** **Second Reading**:	May 11, 2021 May 25, 2021

The Common Council of the City of Stoughton do ordain as follows:

Section 1. Sec. 14-4 is renumbered 14-4(a) and (b) amended to read:

(a) Upon receipt of each such application, the chief of police shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good, endorse his approval or disapproval upon such application within 72 hours after it has been filed with the clerk and shall recommend the license be issued or denied in accordance with his findings after presentation by the applicant of a receipt of the city treasurer showing payment of the required fee.

(b) The department of planning and development shall review each application for a sidewalk café license for general compliance with subsections 14-481 (c) and (d) and, on that basis alone, shall recommend that the license be issued or denied within 72 hours after it has been filed with the clerk.

Section 2. Sec. 14-7(d) is created to read:

(d) The city clerk may issue the following licenses subject to report and approval from the chief of police and the department of planning and development: sidewalk café.

Section 3. Sec. 14-461(25) is created to read:

(25) Sidewalk cafés…100.00.

Section 4. Chapter 14, Article XIX is created to read:

ARTICLE XIX. – SIDEWALK CAFÉS

Sec. 14-481 – Sidewalk cafés.

(a) *Definitions*. In this subsection, a "sidewalk café" is an outdoor dining area located in any public sidewalk or right-of-way that is operated adjacent to and in conjunction with an indoor commercial entertainment use as defined under subsection 78-206(4)(h) of this code.

(b) *License required***.** The owner or person in legal possession of a premises authorized for indoor commercial entertainment use within the Central Business District may apply to the city clerk for a license to operate a sidewalk café.

(c) *Application.* Application for a license to operate a sidewalk café shall including the following information:

(1) A completed City application form.

(2) A written description of the proposed outdoor dining area, including the number of tables and chairs and their location in relation to the premises and the capacity of the outdoor dining area.

(3) A site plan that accurately depicts the dimensions of the existing sidewalk area or other public property and adjacent private property, the proposed location of the sidewalk café, and the size and location of existing or proposed tables, chairs, steps, planters, barricades, external lighting, entryway locations, trees, sign posts, hydrants, sidewalk benches, trash receptacles, traffic signal poles, light poles, and any other obstructions.

(4) A current certificate of insurance demonstrating that the sidewalk café area is covered by a commercial general liability insurance policy with limits of not less than $1,000,000 per occurrence and naming the City as an additional insured.

(d) *Standards and Requirements*.

(1) The premises and public sidewalk or right-of-way must be located entirely within the Central Business District.

(2) The sidewalk café 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.

(3) The sidewalk café must be clearly delineated by suitable portable barricades, such as decorative chains or ropes and posts. The barricades may not be affixed to the sidewalk or ground. Barricades are not required to

completely enclose a sidewalk café and may be placed to allow the public to enter from the outside as well as from the building.

(4) All materials, equipment, and furniture comprising the sidewalk café must be removed from the public right-of-way and from any public property from the close of business until the opening of business each day.

(5) No public amenities such as light poles or utility poles, flower planters, trees, or other amenities shall be used as a point of attachment for any rope, wiring, lighting, signage, or other device as part of the sidewalk café.

(6) Service of food and beverages in a sidewalk café shall be limited to persons seated at tables in the outdoor dining area. Signs shall be posted stating that possession and consumption of food and beverages is restricted to customers within the designated outdoor dining area. Such signs shall be clearly visible to both seated customers and to the public.

(7) No alcohol sale, consumption, or possession is permitted in a sidewalk café area unless the following conditions are satisfied:

a. The owner or person in legal possession of the premises possesses a Class B alcohol beverage license for that premises.

b. The City Council approves an amendment of the applicable Class B alcohol beverage license premises description.

c. The alcohol beverage licensee obtains an outdoor consumption permit under subsection 14-40(k)(6).

(8) Alcohol may be served in the sidewalk café only by the Class B license holder or an employee holding a valid operator's license.

(9) Alcohol may be served only in single serving containers.

(10) The sidewalk café shall be supervised at all times by the Class B license holder or an employee holding a valid operator's license.

(11) The owner or person in legal possession of a premises with an approved sidewalk café 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 sidewalk café remain unobstructed.

(12) No food or beverages may be served, possessed, or consumed in a sidewalk café before 8:00 a.m. or after 11:00 p.m. on Fridays and Saturdays and before 8:00 a.m. or after 10:00 p.m. all other days.

(13) The owner or person in legal possession of a premises with an approved sidewalk café shall be responsible for removing all dishes, debris, and unused food promptly following a customer's departure and promptly after close of business each day.

(e) *Use of Public Right-of-Way*. The use of a portion of the public right-of-way as a sidewalk café shall not be an exclusive use. All public improvements, including trees, light poles, traffic signals, pull boxes, or manholes, are any public improvement or maintenance projects shall take precedence over the sidewalk café use. The chief of police, or designee, may temporarily order removal of the sidewalk café for special events licensed under Ch. 14, Art. XVIII or for public health and safety.

(f) *Revocation or Suspension*. Notwithstanding subsection 14-12, the chief of police, or the chief of police's designee, may temporarily suspend a sidewalk café license at any time deemed appropriate to protect the public health, safety, or general welfare. The city council or the public safety committee may revoke a sidewalk café license at any time without cause. A sidewalk café permit is a privilege, not a right, to use the public right-of-way or other public property.

(g) *Penalty*. Any person who violates any provisions of this article or any license issued under this article shall be subject to a penalty as provided in section 1-3. Failure to comply with any provisions of this article may result in the withholding of approval on any subsequent license applications for this or other licenses required by the City.

Section 5. Sec. 64-9(b)(2)f. is created to read:

f. Sidewalk cafés permitted under section 14-481

Dates

Council Adopted:_____

Mayor Approved: _____ _____

Tim Swadley, Mayor

Published:_____

Attest:_____ _____

Holly Licht, City Clerk