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

RESOLUTION OF THE COMMON COUNCIL	
ALLOWING OUTDOOR SERVICE AND CONSUMPTION OF ALCOHOL WITHOUT FOOD SERVICE DURING A STATE OF EMERGENCY Committee Action: Fiscal Impact: None	
File Number: R-154-2020	**Date Introduced:** September 29, 2020

RECITALS

A. Pursuant to Wis. Stat. § 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 PHMDC Emergency Order #9, as amended, restaurants are limited to 25% capacity for indoor dining, and taverns are prohibited from offering indoor dining.

C. Under City of Stoughton Common Council Resolution No. 110-2020, outdoor alcohol service may not be offered without food service, which prevents taverns that do not offer food service from generating revenue, thus threatening the financial viability and continuing existence of such businesses.

D. Pursuant to Wis. Stat. § 323.14(4), 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.

E. On June 9, 2020, the Common Council adopted Resolution No. 99-2020, declaring a local state of emergency to preserve lives, and to protect the public peace, health, safety, and economic stability, which was extended through December 31, 2020, by adoption of Resolution No. 138-2020 on September 22, 2020.

RESOLUTION

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

1. Notwithstanding Resolution No. 110-2020 paragraph 1. k., 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 offer outdoor alcohol service without simultaneously offering food service, but only if otherwise operating in compliance with Resolution No. 100-2020, allowing outdoor dining during a state of emergency, and Resolution No. 110-2020, allowing outdoor service and consumption of alcohol during a state of emergency.

2. This resolution applies only to premises that are authorized to provide outdoor alcohol sales and service under Resolution Nos. 100-2020 and 110-2020, and does not apply to and has no impact on premises that were previously or are subsequently authorized to provide outdoor alcohol sales and service under any other City ordinances or resolutions.

3. This resolution, and the authorization for the service of alcohol in outdoor seating areas provided herewith, remain in effect for the duration of the local state of emergency declared under Resolution No. 99-2020 and under any extensions thereof adopted by the Common Council.

Approved by the Common Council of the City of Stoughton this 29th day of September, 2020.

Council Action: ____ Adopted ____ Failed Vote _____

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

_____

Tim Swadley, Mayor Date

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