

ORDINANCE NO. 2006-28

An Ordinance Relating to Outdoor Alcoholic Beverage Regulations

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 7-2-17 of the Municipal Code of the City of Cedarburg is hereby amended as follows:

**“SEC. 7-2-17 ~~BEER GARDEN~~ OUTDOOR ALCOHOLIC BEVERAGE LICENSES
REQUIRED FOR OUTDOOR CONSUMPTION AT CLASS "B"
PREMISES.**

- (a) **Required for Outdoor Consumption.** No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under license granted by the Common Council. The licenses are a privilege in which no rights vest and, therefore, may be revoked by the Common Council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of the licensed premises which is not described in possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid ~~Beer Garden~~ Outdoor Alcoholic Beverage License.
- (b) **Limitations on Issuance of ~~Beer Garden~~ Outdoor Alcoholic Beverage License.** No Outdoor Alcoholic Beverage License shall be issued for a ~~Beer Garden~~ if any part of the ~~Beer Garden~~ described outdoor seating area is within one hundred (100) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. No Outdoor Alcoholic Beverage License shall be issued for a ~~Beer Garden~~ if the ~~Beer Garden~~ described outdoor seating area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises. Each applicant for an ~~Beer Garden~~ Outdoor Alcoholic Beverage License shall accurately describe the ~~area intended for use as a Beer Garden~~ outdoor seating area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the ~~Beer Garden~~ outdoor seating area. ~~The Building Inspector shall review the site prior to approval. The nature of fencing or other measures shall be approved by The Chief of Police and The Plan Commission shall review all proposed Outdoor Alcoholic Beverage Licenses to determine if they are harmful, offensive or otherwise adverse to the surrounding neighborhood and shall recommend that the license be granted as requested, modified or denied, and also The Landmarks Commission.~~ If the premises is within the Historic District, the Plan Commission shall take into consideration the recommendation of the Landmarks Commission. The Building Inspector shall verify that criteria established by ~~the Chief of Police~~, the Plan Commission and the Landmarks Commission are met prior to issuance of an ~~Beer Garden~~ Outdoor Alcoholic Beverage License. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the ~~Beer Garden~~ outdoor seating area. There shall be a licensed operator with the ~~Beer Garden~~ outdoor seating area at all

times ~~the Beer Garden is~~ while in operation. There shall be a ~~Thirty (\$30.00)~~ Fifty (\$50.00) Dollar fee for an ~~Beer Garden~~ Outdoor Alcoholic Beverage License.

- (c) **Adjoining Property Owners to be Notified of Pendency of Applications.** All property owners within one hundred fifty (150) feet of the ~~proposed beer garden outdoor seating area~~ shall be notified by first class mail of the pendency of application for an ~~Beer Garden~~ Outdoor Liquor License by ~~first class mail~~ the City Clerk's Office.
- (d) **State Statutes Enforced Within Beer Garden Outdoor Seating Area.** Every licensee under this Section shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for immediate revocation of the ~~Beer Garden~~ Outdoor Alcoholic Beverage License by the Common Council."

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 31st day of July 2006.

Gregory P. Myers, Mayor

Countersigned:

Sandra M. Ingram, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney