

ORDINANCE NO. 2008-07

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 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 Outdoor Alcoholic Beverage License.
- (b) **Limitations on Issuance of Outdoor Alcoholic Beverage License.** ~~No Outdoor Alcoholic Beverage License shall be issued if any part of the 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 if the described outdoor seating area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises.~~ In making their determination on whether or not to approve an Outdoor Alcoholic Beverage License, the Common Council shall, on a case-by-case basis, take into consideration the size of the outdoor seating area and its location with respect to adjacent residential uses. Each applicant for an Outdoor Alcoholic Beverage License shall accurately describe the outdoor seating area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor seating area. 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. 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 the Plan Commission and the Landmarks Commission are met prior to issuance of an 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 outdoor seating area. There shall be a licensed operator with the outdoor seating area at all times while in operation. There shall be a Fifty (\$50.00) Dollar fee for an 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 outdoor seating area shall be notified by

first class mail of the pendency of application for an Outdoor Alcoholic Beverage License by the City Clerk's Office.

- (d) **State Statutes Enforced Within 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 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 28th day of April 2008.

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Gregory P. Myers, Mayor

Countersigned:

Constance K. McHugh

Approved as to form:

Kaye K. Vance, City Attorney