

CITY OF CEDARBURG

ORDINANCE NO. 2015-14

The Common Council of the City of Cedarburg, Ozaukee County, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 7-2-17(b) of the City Code of the City of Cedarburg is amended to read as follows:

SEC. 7-2-17 OUTDOOR ALCOHOL BEVERAGE LICENSES REQUIRED FOR OUTDOOR CONSUMPTION AT CLASS “B” PREMISES

- (b) **Limitations on Issuance of Outdoor Alcohol Beverage License.** In making their determination on whether or not to approve an Outdoor Alcohol 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 Alcohol 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 City of Cedarburg Licensing and Regulation Outdoor Alcohol 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 by the Plan Commission and the Landmarks Commission are met prior to issuance of an Outdoor Alcohol 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, subject to Section (e) herein. 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 Alcohol Beverage License.

SECTION 2. Section 7-2-17(e) of the City of Code of the City of Cedarburg is created to read as follows:

- (e) **Outdoor Amplified Sound and Music Permit.** As an exception to the amplified sound and music prohibition of subsection (b) herein, Outdoor Alcohol Beverage License holders whose underlying Class “B” liquor license(s) were granted to a club, society or lodge holding a current 501(c)(3) status may apply for an annual permit allowing outdoor amplified sound and music subject to the following limitations:
1. Amplified sound or music may only be generated in the outdoor seating area for which the Outdoor Alcohol License was issued.

2. An annual permit fee of \$250.00 shall be required prior to issuance of any Outdoor Amplified Sound or Music Permit.
3. Permit holders shall be limited to 6 outdoor amplified sound or music events per calendar year. An "event" is defined as a single performance, occurrence, or presentation using amplified music or sound that occurs within a 24-hour period and lasts for duration of five (5) or fewer hours. An "event" shall not include any amplified sound or music generated on dates for which Festivals of Cedarburg sponsors a festival within the festival footprint as defined by City Code.
4. Amplified sound and music may be generated only between the hours of 11 a.m. and 9 p.m.
5. Amplified music or sound may not be played at such a level to unreasonably disturb the peace and quiet of persons in the vicinity thereof.
6. Notice of permitted events, and a brief description of the event, shall be given, in writing, by permit holders to the Cedarburg Police Department and all property owners within 150 feet of the outdoor seating area, by regular mail, at least seven days prior to the event.
7. All other restrictions and limitations of Section 7-2-17 remain in full force and effect.

SECTION 3. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 14th day of September, 2015.


Kip Kinzel, Mayor

Countersigned:


Constance K. McHugh, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney