

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

April 16, 2013
VOC, ALRC

Amending Sections 9.13(4)(m) and (r), (6)(j)3., (6)(i)1., and (6)(j)2.c. and creating Section 9.13(5)(h) of the Madison General Ordinances to make the closing time for sidewalk cafés with alcohol beverage licenses consistent city-wide and amending the rules for furniture removal for sidewalk cafés.

Drafted by: Lara Mainella

Date: April 9, 2013

SPONSOR: Aids. Verveer & Resnick

DRAFTER'S ANALYSIS: This ordinance makes consistent the hours of operation for sidewalk cafés at establishments holding an alcohol beverage license. Under the current ordinance, there are different closing times for different parts of downtown and other parts of the City. This amendment would require alcohol service to stop and all alcohol off the table of all sidewalk cafes by 1:00 a.m. unless another time is set on the establishment's liquor license. This amendment would also change the closing time for sidewalk cafes on the mall concourse from 1:00 a.m. to the closing time of the establishment. Patrons can remain in the café until the establishment closes but no alcohol can be served or consumed in the café after 1:00 a.m. This amendment also allows the establishment to leave sidewalk café equipment on the sidewalk until 30 minutes after the establishment closes. Finally, this amendment eliminates the option to require liquor liability insurance for sidewalk cafes because that option is never used, and deletes some redundant information regarding alcohol beverage licenses because those requirements are handled through the liquor license process and not the vending license.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (m) of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(m) All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited, unless a different restriction is established pursuant to a street use permit issued under Sec. 10.056 of these ordinances, ~~or pursuant to regulations adopted under this chapter, and except as specified for Mall/Concourse sidewalk cafes in Sec. 9.13(6)(l)1.d. and city-wide sidewalk cafes in Sec. 9.13(5)(h).~~"

2. Subdivision (r) entitled "Vending Hours Restricted in Residential Areas" of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(r) Vending Hours Restricted in Residential Areas. Street vending shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. on any street or sidewalk located within any residentially zoned district

Approved as to form:

listed under Sec. 28.021(1) and as indicated on official Zoning District Maps on file in the office of the City Zoning Administrator, except for city-wide sidewalk cafes which are subject to Sec. 9.13(5)(h)."

3. Subdivision (h) entitled "Hours of Operation, Alcohol Service" of Subsection (5) entitled "Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is created to read as follows:

"(h) Hours of Operation, Alcohol Service. Citywide sidewalk cafes shall operate only when the establishment is open for business, and are exempt from any earlier closing time for street vending in the area where the establishment is located. If the establishment holds an alcohol beverage license, alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the café by 1:00 a.m. unless an earlier closing time has been required on the establishment's alcohol beverage license."

4. Paragraph 3. entitled "Sidewalk Cafes with Alcohol Beverage License" of Subdivision (j) entitled "Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes" of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"3. Sidewalk Cafes with Alcohol Beverage License.

- a. Consumption of alcohol beverages in all sidewalk cafes shall be limited to persons seated at tables in the sidewalk cafe site. ~~In the case of sidewalk cafes having an alcohol beverage license, food service shall be required to be available at all times the sidewalk cafe is open.~~
- b. ~~Liability insurance covering the City of Madison and the sidewalk cafe owner for the licensed sidewalk cafe site will be required, including insurance to cover liquor liability, to the extent specified by the City of Madison Risk Management Department.~~
- c. ~~Each sidewalk cafe serving alcohol beverages shall be responsible for policing the area of the sidewalk cafe to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises.~~
- db. For sidewalk cafes within the State Street Mall/Capitol Concourse Vending Area (as defined in Sec. 9.13(6)(a)) alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the café by 1:00 a.m., unless an earlier closing time has been required on the establishment's alcohol beverage license. There shall be no sale of alcohol for consumption at a sidewalk cafe after 1:00 a.m. or the time approved by the ALRC and specifically indicated on the owner's alcohol beverage license, whichever is earlier, until normal opening of business each day. In addition, all containers of intoxicating beverages shall be removed from the tables of the sidewalk cafe and the sidewalk cafe area during those times.
 - i. ~~For the State Street Special Assessment District, with the exception of the Capitol Concourse, but including Gorham Street from Wisconsin Avenue to University Avenue and University Avenue to Park Street, service of alcohol in sidewalk cafes shall stop no later than 11:30 p.m., with all alcohol off the table by 12:00 a.m. and the sidewalk café closing at 1:00 a.m. (Am. by Ord. 13,613, 5-21-04)~~
 - ii. ~~In all other areas of the City of Madison, alcohol shall be off of the table by 1:00 a.m.~~
- e. ~~(R. by Ord. 13,616, 5-21-04)~~
- f. ~~All Sidewalk Cafe alcohol beverage licenses within the jurisdiction of the ALRC shall expire on June 30 each year and be subject to renewal pursuant to Chapter 38 of the Madison General Ordinances."~~

5. Paragraph 1. entitled "Hours" of Subdivision (l) entitled "Miscellaneous Vending Restrictions" of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

- "1. Hours. The permitted hours for all street vending on the State Street Mall/Capitol Concourse shall be from 5:00 a.m. to 1:00 a.m., with the following exceptions:
- a. Permitted hours in the 700 block of State Street shall be from 5:00 a.m. to 8:00 p.m., except that Mall/Concourse food vendors with a Late Night Vending License for their assigned site

- may continue vending from 8:00 p.m. through the Late Night Vending hours under Sec. 9.13(6)(n).
- b. Permitted hours in the Late Night Vending areas shall be as established in Sec. 9.13(6)(n).
 - c. Permitted hours for vending may be modified pursuant to a resolution adopted by the Common Council under Sec. 9.13(6)(k).
 - d. All vending equipment (including sidewalk cafés licensed under this section) shall be completely removed during the hours in which vending is not permitted, except that sidewalk café equipment shall be removed no later than thirty (30) minutes after the establishment closes.
 - e. Sidewalk cafes on the Mall/Concourse may remain open until the establishment closes, subject to the provisions of Sec. 9.13(6)(j)3. regarding alcohol service.

6. Subparagraph c. of Paragraph 2. entitled “Miscellaneous Restrictions on Sidewalk Cafes” of Subdivision (j) entitled “Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes” of Subsection (6) entitled “Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse” of Section 9.13 entitled “License for Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

- “c. Except in the case of sidewalk cafes having permanent facilities approved as a conditional use by the Plan Commission, all tables, chairs, and all other materials and equipment must be removed from the site ~~from~~ no later than thirty (30) minutes after the close of business until normal opening of business each day. Nothing herein shall in any way be deemed to limit the right of the Plan Commission to review any matters within the Plan Commission’s jurisdiction.”