



### Legislation Details (With Text)

**File #:** 66772      **Version:** 1      **Name:** Restricting live outdoor music performances with amplified sound at any Streatery located within 100 feet of a structure containing a residential dwelling unit

**Type:** Resolution      **Status:** Filed

**File created:** 8/2/2021      **In control:** Council Office

**On agenda:** 8/31/2021      **Final action:** 8/31/2021

**Enactment date:**      **Enactment #:**

**Title:** Restricting live outdoor music performances with amplified sound at any Streatery located within 100 feet of a structure containing a residential dwelling unit

**Sponsors:** Brian Benford

**Indexes:**

**Code sections:**

**Attachments:** 1. Written Public Comment #66772.pdf, 2. Madison\_Arts\_Commission\_Memo\_08-27-2021.pdf, 3. CC memo SSOM 8-31-21.pdf

| Date      | Ver. | Action By      | Action                             | Result |
|-----------|------|----------------|------------------------------------|--------|
| 8/31/2021 | 1    | COMMON COUNCIL | Place On File                      | Pass   |
| 8/3/2021  | 1    | COMMON COUNCIL | Refer to a future Meeting to Adopt | Pass   |
| 8/2/2021  | 1    | Council Office | Referred for Introduction          |        |

**Fiscal Note**

The proposed resolution restricts live outdoor music performances with amplified sound at any Streatery located within 100 feet of a structure containing a residential dwelling unit. Any enforcement efforts will be absorbed in agency budgets. No appropriation is required.

**Title**

Restricting live outdoor music performances with amplified sound at any Streatery located within 100 feet of a structure containing a residential dwelling unit

**Body**

WHEREAS, by enacting # RES-20-00439, # RES-20-0681, # RES-21-00156 the Common Council created a temporary Streatery Program to allow expanded outdoor food and drink service options for restaurants, and taverns as a component of Madison’s COVID-19 recovery strategy; and,

WHEREAS, pursuant to # RES-21-00374 (as amended) enacted on May 18, 2021, the Common Council authorized licensed Streateries that hold Entertainment licenses or otherwise qualify (i.e. one solo performer) to provide live outdoor music performances with amplified sound between the hours of 3:00 p.m. and 8:00 p.m. on Thursdays and between 3:00 p.m. and 9:00 p.m. on Fridays and Saturdays, in addition to the hours for amplified sound already authorized by MGO § 24.04(3), and also added Concert Halls to this program; and,

WHEREAS, the # RES-21-00374 suspended MGO 24.04(3) in its entirety for qualified Streateries; and,

WHEREAS, since the Common Council authorized amplified outdoor music at Streateries, some nearby residents have complained specifically about the noise associated with amplified outdoor music; and,

WHEREAS, providing a distance separation between amplified outdoor music at Streateries and nearby residential dwellings could minimize the noise impact on those dwellings;

NOW, THEREFORE, BE IT RESOLVED, that amplified outdoor music shall still be allowed at Streateries as authorized by # RES-21-00374, except any Streatory located within 100 feet of a structure containing a residential dwelling unit (as measured from the nearest boundary of the approved Streatory area) shall not have amplified outdoor music at any time.

BE IT FINALLY RESOLVED, that this Resolution and all other aspects of the program allowing music in Streateries authorized in # RES-21-00374 (as amended) not modified by this Resolution shall remain in full force and effect until April 14, 2022.