

Agenda Item No. _____

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City of Madison, Wisconsin

A SUBSTITUTE ORDINANCE _____

Presented October 5, 1999

Referred VOC, ALRC

Rereferred _____

Reported Back 3/7/00

Adopted POF

Rules Susp. _____ Tabled _____

Public Hrg. _____

amending Section 9.13(6)j.3. of the Madison General Ordinances to eliminate the requirement that all sidewalk cafes having an alcohol beverage license meet the definition of a restaurant under the applicable statutes and ordinances.

Drafted by: Eunice Gibson
City Attorney

Date: February 9, 2000

Fiscal Note: Minimal increase in General Fund revenues.

SPONSOR(S): Alds. Staude, Verveer, Palmer and Bruer

Mayor Signed MAR 09 2000
Published MAR 22 2000

APPROVAL OF FISCAL NOTE BY THE
COMPTROLLER'S OFFICE IS NEEDED

Approved by:

Debra Simon

Comptroller's Office

A SUBSTITUTE ORDINANCE NO. 12608

ID NO. 26355

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

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" is amended to read as follows:

"3. Sidewalk Cafes with Alcohol Beverage License.

- a. All sidewalk cafes having an alcohol beverage license must meet the definition of a restaurant under the applicable statutes and ordinances.
- b.a. All sidewalk cafes having an alcohol beverage license shall be required to have staff of the establishments owning such sidewalk cafes serve all food, beverages, or other items in the sidewalk cafe area.
- c.b. Service 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.
- d.c. 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.

APPROVED AS TO FORM:

Eunice Gibson
Eunice Gibson, City Attorney

- e.d. 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.
- f.e. There shall be no sale of alcohol for consumption at a sidewalk cafe after the time approved by the ALRC and specifically indicated on the owner's alcohol beverage license 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. ~~The specific alcohol service closing time approved by the ALRC shall be established after consideration of all the relevant circumstances including but not limited to the impact on the neighborhood and the proximity of the sidewalk cafe to a residential district, provided that in no case shall this time be later than 1:00 a.m.~~
- 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 10:30 p.m., with all alcohol off the table by 11:00 p.m.
- ii. In all other areas of the City of Madison, alcohol shall be off of the table by 1:00 a.m.
- f. Establishments serving alcohol shall have barriers on three sides of their sidewalk cafes."