



## Legislation Details (With Text)

**File #:** 03243      **Version:** 2      **Name:** Sidewalk cafe  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/22/2006      **In control:** COMMON COUNCIL  
**On agenda:** 4/4/2006      **Final action:** 4/4/2006  
**Enactment date:** 4/22/2006      **Enactment #:** ORD-06-00047  
**Title:** AMENDED - Repealing Section 9.13(6)(j)2.b., and amending Section 9.13(6)(j)3. of the Madison General Ordinances to temporarily repeal the requirement that restaurant wait staff must carry and serve all food, beverage and alcohol beverages to patrons within a sidewalk cafe, and to allow patrons of all types of sidewalk cafes to carry out their own food, beverage and alcohol beverages from the restaurant to the sidewalk caf?, and to make the temporary repeal effective from April 15, 2006 to December 31, 2006.  
**Sponsors:** Austin W. King, Jed Sanborn, Noel T. Radomski, Larry Palm  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 03243 amendment.pdf

Date	Ver.	Action By	Action	Result
4/10/2006	2	Attorney's Office/Approval Group	Approved As To Form	
4/4/2006	2	COMMON COUNCIL	Refer to a future Meeting to Adopt	Fail
4/4/2006	2	COMMON COUNCIL	Adopt	Pass
3/24/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office (AFTER CC INTRO)	
3/22/2006	1	Attorney's Office/Approval Group	Approved As To Form	
3/22/2006	1	Clerk's Office	Fiscal Note Required / Approval	
3/21/2006	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass

### Fiscal Note

No expenditure required.

### Title

AMENDED - Repealing Section 9.13(6)(j)2.b., and amending Section 9.13(6)(j)3. of the Madison General Ordinances to temporarily repeal the requirement that restaurant wait staff must carry and serve all food, beverage and alcohol beverages to patrons within a sidewalk cafe, and to allow patrons of all types of sidewalk cafes to carry out their own food, beverage and alcohol beverages from the restaurant to the sidewalk café, and to make the temporary repeal effective from April 15, 2006 to December 31, 2006.

### Body

#### DRAFTER'S ANALYSIS:

Item 1 of this ordinance would repeal the general requirement that only wait staff can serve food and nonalcoholic beverages at sidewalk cafes, therefore allowing customers to carry out food and non-alcoholic beverages to a sidewalk café.

Item 2 of this ordinance would create a temporary repeal of the requirement that only waitstaff can serve alcohol beverages to customers in a sidewalk café, thus allowing customers to carry out their own alcoholic beverage to the sidewalk café. This ordinance would render sec. 9.13(6)(j)3.a. ineffective for a trial period from April 15, 2006 (the start of the vending season) through the end of the year. This amendment also clarifies that customers must be seated in the sidewalk café in order to consume alcoholic beverages - regardless of whether the wait staff or the customer carried the

beverage to the café.

\*\*\*\*\*

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

1. Subparagraph b. 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 hereby repealed.

EDITOR'S NOTE: Section 9.13(6)(j)2.b. currently reads as follows:

"b. All sidewalk cafes, except those of establishments with solely over-the-counter service, shall be required to have staff of the establishments owning such sidewalk cafes serve all food, beverages, or other items in the sidewalk cafe site."2. 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. All sidewalk cafes having an alcohol beverage license shall be required to have staff of the establishments owning such sidewalk cafes serve all food, alcohol and non-alcoholic beverages in the sidewalk cafe area; except that establishments with solely over-the-counter service may allow patrons to carry out food, non-alcoholic beverages and other non-alcoholic items. This subsection (3)(a) shall be ineffective from April 15, 2006 through December 31, 2006. A report prepared by the Vending Oversight Committee, with input from the Madison Police Department, shall be submitted to the ALRC, PSRB and Common Council by March 1, 2007 analyzing the impact of this temporary repeal on the operation of the sidewalk cafes.
- b. Service 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.
- 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.
- 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.
- 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.
  - 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.
  - ii. In all other areas of the City of Madison, alcohol shall be off of the table by 1:00 a.m.
- f. (R. by Ord. 13,616, 5-21-04)
- g. 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 Ordinance."