City of Madison

Legislation Details (With Text)

File #:	05600	**Version:**	1	**Name:**	carrying alcohol beverages at sidewalk cafes
Type:	Ordinance			**Status:**	Passed
File created:	2/6/2007			**In control:**	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)
On agenda:	5/1/2007			**Final action:**	5/1/2007
Enactment date:	5/18/2007			**Enactment #:**	ORD-07-00062

Title: Amending Section 9.13(6)(j)3. of the Madison General Ordinances to repeal the requirement that restaurant wait staff must carry and serve all food, beverage and alcohol beverages to patrons within a sidewalk caf?.

Sponsors: Austin W. King, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/1/2007	1	COMMON COUNCIL	Adopt	Pass
4/25/2007	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
3/28/2007	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/21/2007	1	ALCOHOL LICENSE REVIEW COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/21/2007	1	ALCOHOL LICENSE REVIEW COMMITTEE	Refer	Pass
2/13/2007	1	PUBLIC SAFETY REVIEW COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/6/2007	1	Attorney's Office/Approval Group	Approved As To Form	
2/6/2007	1	Attorney's Office	Fiscal Note Required / Approval	
2/6/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
2/6/2007	1	Attorney's Office	Referred for Introduction	
2/6/2007	1	COMMON COUNCIL	Refer	Pass
2/6/2007	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	Refer	
2/6/2007	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	Refer	

Fiscal Note

No expenditure required.

Title

Amending Section 9.13(6)(j)3. of the Madison General Ordinances to repeal the requirement that restaurant wait staff must carry and serve all food, beverage and alcohol beverages to patrons within a sidewalk café.

Body

DRAFTER'S ANALYSIS: This ordinance would make permanent the 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. The temporary repeal was enacted by ORD-06-00047.
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The Common Council of the City of Madison do hereby 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" 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.~~ 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.

~~c.~~ 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.

~~d.~~ 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.

~~e.~~ d. 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.~~ e. (R. by Ord. 13,616, 5-21-04)

~~g.~~ 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 Ordinance."