ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF STEVENS POINT, WISCONSIN

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: Section 16.12 of the Revised Municipal Code, is hereby created to read as follows:

16.12 CENTRAL BUSINESS DISTRICT SIDEWALK CAFÉ LICENSES.

(1). Central Business District Sidewalk Café Licenses. Establishments holding a restaurant license issued by Portage County and located in the Central Business District may be eligible for a Sidewalk Café License, to allow sidewalk café seating for service of food and beverages on the public sidewalk directly adjacent to the establishment.

(a) Eligibility. An establishment holding a food and drink permit is eligible for a Central Business District sidewalk café only if it meets all of the following eligibility criteria:

1. The entire sidewalk surface for the proposed sidewalk café must be paved. For purposes of this section, a paved surface includes concrete, asphalt, brick pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the boundary of the proposed café, if immediately adjacent to the paved public sidewalk.

2. The paved portion of the adjacent public sidewalk must be at least eight feet (8') wide.

3. An establishment is not eligible if sidewalk café placement would result in less than a minimum of a five feet (5') wide unobstructed public pedestrian walkway on the public sidewalk adjacent to the café site.

4. An establishment is not eligible if, in the opinion of the Director of Public Works, immovable, obtrusive or too numerous public amenities on the adjacent sidewalk make café placement impractical, or when existing amenities would create obstacles to accessibility if a sidewalk café were added to that location.

5. An establishment is not eligible if, in the opinion of the Director of Public, the grade or slope of the adjacent public sidewalk is prohibitive, if the sidewalk does not offer a sufficiently level surface for food and drink service, or if café placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or square footage of the adjacent public sidewalk.

(b) Application. Establishments holding a restaurant license and meeting the eligibility requirements in sub. (a), "Eligibility", may apply for a Central Business District

Sidewalk Café License. The Director of Public Works or designee shall inspect the proposed café location for compliance with sub. (a), “Eligibility”, and to make placement suggestions upon receipt of application, or prior to submission, if requested by the applicant.

(c) License Fees. The fee for a Central Business District Sidewalk Café License shall be thirty dollars ($30.00) per license year.

(d) Café Placement and Dimensions. Sidewalk cafés permitted under this section shall be located next to the building, except as allowed in sub.(e), “Alternate Placement”. All sidewalk cafés shall be placed within the approved boundaries of the sidewalk café site as set forth on the approved application. All components of the sidewalk café shall be placed in compliance with sub. (a), "Eligibility", and the following criteria:

1. Sidewalk cafés shall be placed against the building.

2. Sidewalk cafés shall extend no further than the side property lines of the establishment's street frontage.

3. No sidewalk café may obstruct the minimum of five feet (5') unobstructed public pedestrian walkway required to be maintained on the adjacent public sidewalk. This five foot (5') walkway shall be measured from the outside of the café enclosure to the:

- curb edge, or
- road side edge of sidewalk if there is an unpaved terrace.

4. Café Width. The maximum café width shall be determined by the width of the adjacent public sidewalk, according to Table 1 below. Sidewalk width shall be measured from the building face to the curb face (or roadside edge of the sidewalk if there is an unpaved terrace)

5. Café Furniture. Maximum table size and furniture configuration shall be as required by Table 1 below.

TABLE 1:

Sidewalk Width	**Maximum Café Width**	**Maximum Table Size & configuration**
less than 8'	café not permitted	n/a
8' - 9' 11"	3' café	24" in diameter in single row
10' - 15'	5' café	36” diameter in single row

6. Cafés shall have at least one (1) unobstructed entrance of at least three feet (3') and not more than five feet (5') in width, the position of which allows sufficient access to the public entrance to/egress from the restaurant.

7. Cafés shall not be placed on any grass, lawn or other non-paved areas of the right-of-way.

8. Cafés shall comply with all other applicable requirements of this ordinance. In the event of a conflict with another section, the more strict requirement shall control.

(e) Alternate Placement: Case-by-Case Determination: The Director of Public Works may, on a case-by-case basis and at his/her discretion, allow variances to sections 16.12(1)(d), "Café Placement and Dimensions", and approve a sidewalk café accordingly, after inspection of the site, if in the opinion of the Director, such a variance is necessary in order to permit a sidewalk café for an otherwise eligible establishment.

(f) Appeals. A decision to grant or deny a citywide sidewalk café license under this section may be appealed to the Common Council.

(g) Vendors must maintain their vending areas in a clean and hazard-free condition.

(h) Vending equipment. All vending equipment including tables, apparatus and merchandise shall be removed from the streets, sidewalks during times when vending is prohibited.

(i) Authority. The Police Department and the Director of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or furniture found on the street or sidewalk after hours. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

(j) Liability insurance covering the City of Stevens Point and the sidewalk café owner for the licensed sidewalk café site shall be required, including insurance to cover liquor liability, to the extent specified by the City of Stevens Point Comptroller.

(k) Operation. Sidewalk cafés may operate from 7:00 a.m. through 11:00 p.m. each day from April 15 through October 31 of each year.

(l) Violations of Section 16.12 may result in revocation of the Sidewalk Café License.

(2) Central Business District Sidewalk Café with Alcohol Beverage License.

(a) Consumption of alcohol beverages in all sidewalk café shall be limited to persons seated at tables in the sidewalk café site. In the case of sidewalk cafés having an alcohol beverage license, food service shall be required to be available at all times the sidewalk café is open.

(b) Liability insurance covering the City of Stevens Point and the sidewalk café owner for the licensed sidewalk café site shall be required, including insurance to cover liquor liability, to the extent specified by the City of Stevens Point Comptroller.

(c) Serving alcohol. Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure those customers are of the legal drinking age and that alcohol beverages are not removed from the premises.

(d) No alcohol. There shall be no sale of alcohol for consumption at a sidewalk café after the time approved 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 café and the sidewalk café area during those times.

1. For the Central Business District service of alcohol in sidewalk cafés shall stop no later than 9:30 p.m., with all alcohol off the table by 10:00 p.m. and the sidewalk café closing at 11:00 p.m.

2. All sidewalk café alcohol beverage licenses issued in the city shall expire on June 30 each year and be subject to renewal.

3. Cafés shall be enclosed on all sides (the building face may serve as one side of the enclosure), the non-building enclosure sides shall consist of a minimum of three feet (3') open fence as determined by the Director of Public Works.

(3) Inconsistent Ordinances. The provisions of Section 16.05, "Obstructions on Streets and Sidewalks", which are inconsistent with this ordinance shall not apply to Central Business District Sidewalk Cafes.

SECTION II: This Ordinance shall take effect upon passage and publication.

APPROVED:_____
Andrew Halverson, Mayor

ATTEST:_____
John Moe, City Clerk

Dated: April 14, 2010
Adopted: April 19, 2010
Published April 23, 2010