

**ORDINANCE NO. 07-2020**  
**AN ORDINANCE TO CREATE SECTION 110.20 OF THE MUNICIPAL**  
**CODE OF THE CITY OF MINERAL POINT, IOWA COUNTY,**  
**WISCONSIN, RELATED TO SIDEWALK STORES**

The Common Council of the City of Mineral Point, Iowa County, Wisconsin, do ordain as follows:

**Section I:** Section 110.20 of the Municipal Code of the City of Mineral Point shall be and hereby is created to read as follows:

**110.20 Sidewalk Stores**

(A) PRIVILEGE. Pursuant to Wis. Stat. sec. 66.0425, this section grants privileges in public rights of way.

(B) SIDEWALK STORES. Businesses may expand their premise to create an outdoor seating area on part of the public right of way that immediately adjoins the premises for the purpose of consuming food or beverages prepared at the full-service restaurant, coffee shop, tavern or other business serving food or beverages adjacent thereto or participating in other amenities offered by the adjoining business, subject to the following conditions. The Sidewalk Store permit shall be effective annually and expire March 31st of each year but may only be utilized between April 1 and October 31 of each year unless approval for extended dates is obtained from the Common Council.

(1) Application.

(a) Applications for a Sidewalk Store under this section shall be made to the Clerk on a form provided by the Clerk. Applications for Sidewalk Stores shall be reviewed by the Police Department and Fire Department for compliance. These departments shall establish minimum standards as they determine necessary to protect the public safety. The conditions of this section shall also be met.

(b) A copy of a site plan which depicts the dimensions of the proposed sidewalk Store, size and number of tables, chairs, planters, umbrellas, trees, location of doorways, benches, bike racks, trash receptacles, or other sidewalk obstructions either existing or proposed within the area between the building and the curb.

(c) Evidence that the applicant's premises liability insurance includes coverage for the applicant's activities in the Sidewalk Store. No permit will be issued in the absence of proof of premises liability insurance.

(2) Conditions and Restrictions.

(a) A Sidewalk Store permit does not grant the licensee exclusive use of the public right of way, and is subject to the following terms and conditions.

(b) All public improvements, including but not limited to, trees, light poles, traffic signals, manholes, or public initiated maintenance, shall take precedence.

(c) The permit holder shall maintain a minimum of a five-foot-wide unencumbered, open and accessible portion of the sidewalk for pedestrian traffic safety at all times. No food or beverages may be served within the designated sidewalk area.

(d) Permits issued may not be valid on any day that a permitted special event would close the street and/or sidewalk to normal use of traffic.

(e) No obstruction shall be permanently attached to the land or any structure.

(f) The operator of the Store shall remove moveable Sidewalk Store improvements while the business is closed, unless permission is granted to do otherwise by the Common Council.

(g) The public sidewalk utilized for this purpose shall be abutting the licensed premise and shall not encroach on the sidewalk abutting a neighboring property.

(h) The entire outdoor area utilized for the Sidewalk Store shall be visible from the establishment.

(i) The Sidewalk Store may be open from 6:00 a.m. to 10:00 p.m. No alcohol beverages may be served, sold or consumed during the closed hours of a licensed premises which holds a Sidewalk Store license.

- (j) Food and drink shall only be consumed by patrons seated at a table.
- (k) No Sidewalk Store may operate if it disturbs the peace or safety of the surrounding neighborhood.

(3) Alcohol in Sidewalk Stores.

- (a) A permittee may sell and serve alcohol beverages only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the Sidewalk Store is listed on the alcohol beverage license application as being a part of the licensed premises. Alcohol may be served at under the following conditions:
  - (1) The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.
  - (2) The retail alcohol beverage license premises description includes the Sidewalk Store in the description of the licensed premises as an extended area.
  - (3) The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the Sidewalk Store.
  - (4) Alcohol beverages are sold and served by the licensee or licensee's qualified employees and sold or served only to patrons seated at tables in the Sidewalk Store.
  - (5) Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.
  - (6) The permittee shall be responsible for policing the Sidewalk Store area to prevent underage persons from entering or remaining in the Sidewalk Store, except when underage persons are allowed to be present on the licensed premises under applicable laws.
  - (7) The permittee shall not allow patrons of the Sidewalk Store to bring alcohol beverages into the Sidewalk Store from another location, nor to carry open containers of alcohol beverages about in the Sidewalk Store area, nor to carry open containers of alcohol beverages served in the Sidewalk Store outside the Sidewalk Store area.

- (8) The area of the licensed premises from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the Sidewalk Store area.
- (9) At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the Sidewalk Store area all containers used for or containing alcohol beverages.

(C) FEE. The application fee for a Parklet permit shall be \$10 per application and shall be non-refundable.

(D) REVOCATION OR SUSPENSION OF PERMIT. The Chief of Police may suspend and the Common Council may revoke a Sidewalk Store permit if they determine that the permittee has violated the provisions contained herein; if they determine that occupancy of the Sidewalk Store is detrimental to the public health, safety, or welfare; or if the right-of-way subject to such permit is required for some other public purpose. The Sidewalk Store permit may also be revoked if the applicant has misrepresented or provided false information in the application. Permits issued under this section confer privileges and no continuing rights are conferred by the issuance of a permit.

**Section II:** This ordinance shall become effective upon its passage and publication as required by law.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Jason Basting, Mayor

ATTEST:

\_\_\_\_\_  
Candice Coughlin, City Clerk

Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_