



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety Comm.
Re: Amending Code §4-106, Beer Garden and Side
Walk Cafes to apply to premises licensed by
the State of Wisconsin and creating 4-107
Temporary Extension of Licensed Premises

ORDINANCE NO. 2019-15

Introduced: June 5, 2019

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 4-106(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 4-106. - Outdoor service/beer gardens.

- (a) ***Introduction and definitions.*** No holder of a "Class B", Class "B" and/or "Class C" license **or any license or permit issued by the State of Wisconsin Wis. Stats. Ch. 125** may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the Premises, without first having obtained the permission of the Common Council subject to the conditions of this section. Approval under this subsection by the Common Council shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all State and City laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/or "Class C" premises, **or any license or permit issued by the State of Wisconsin pursuant to Wis. Stats. Ch. 125.** As used in this subsection:

Section 2. Section 4-107 of the Code of Ordinances of the City of Neenah is created to read as follows:

Sec. 4-107. – Temporary Extension of Premises for Outdoor Events.

The Common Council may temporarily extend a "Class B", Class "B", "Class C" License and/or any permit or license issued under Wis. Stats. Ch. 125, by the State of Wisconsin to an outdoor area adjacent to the licensed premises for up to three (3) events, an event lasting no more than three (3) consecutive days, in any calendar year subject to the following conditions:

- (a) License holders wishing to temporarily extend their premises to an outdoor area shall file an application with the City Clerk and pay a fee established by the Common Council. The application shall be filed at least 25 days prior to the date of the temporary extension of premises and shall be approved by the Common Council after review and recommendation by the Public Services & Safety Committee. The application shall include a detailed map showing the location of the temporary extension.
 - (1) In the event that an application is filed less than 25 days prior to the date of the temporary extension due to unforeseen or extenuating circumstances, and there is insufficient time to obtain Common Council Approval, the Mayor may order the issuance of the temporary extension provided the applicant otherwise qualified for the extension and the adjacent licensed premises has operated without complaint or incident, verified by the Neenah Police Department, for the prior 24 months. Notwithstanding the foregoing, complaints or incidents not involving the owner, manager or employee of the adjacent licensed premises and called in to the Neenah Police Department shall not be considered a complaint under this section. In the event the Mayor exercises his powers under this section, (s)he must inform the Council within 48 hours or before the event, whichever is earlier.
- (b) The temporary extension shall be surrounded by a fence at all times that intoxicating beverage are sold and/or consumed in the temporary extension. Entrance and exit from the temporary extension of premises shall be allowed only through the licensed premises adjacent to the temporary extension, or through a gate which when not being operated is part of the fence.
 - (1) For purposes of this ordinance *fence* shall mean a barrier at least 3 feet high which does not allow a person to access the enclosed area other than through designated locations. The *fence* must be sufficiently solid as to not allow a person to go under the *fence* to access the area.
- (c) A licensed bartender shall be present in the temporary extension of premises at all times that it is operational.
- (d) Operation of the temporary extension limited to the hours Sunday thru Thursday between 8 a.m. to 10 p.m. and any amplified sound (music or speech) shall only be allowed between the hours of 9 a.m. and 9 p.m. Fridays and Saturdays between 8 a.m. to 10:30 p.m. and any amplified sound (music or speech) shall only be allowed between the hours of 9 a.m. and 10 p.m.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Bates/Stevenson

Adopted: 9-0 June 19, 2019

Published: June 24, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
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