

**AN ORDINANCE
TO AMEND SECTION 220-9(F) "REGULATION OF LICENSED PREMISES AND
LICENSEES" OF CHAPTER 220, "ALCOHOL BEVERAGES AND OTHER BEVERAGES"
"ARTICLE I. LICENSING AND GENERAL REGULATIONS"
OF THE CITY OF WATERTOWN GENERAL ORDINANCES**

Sponsor: Mayor Emily McFarland
Committee: Licensing Board

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 220-9(F), "Regulation of Licensed Premises and Licensees" is hereby amended to read and include as follows:

* * *

- F. Outside sales; consumption; possession of open intoxicants. Possession of open intoxicants shall be defined as provided under § 410-52. Sales, consumption or possession of open intoxicants with respect to alcohol beverages authorized under a retail Class "A," "Class A," Class "B," "Class B" or "Class C" license (except for picnic licenses) shall be limited to the internal confines of the licensed premises, except for those holders of a retail Class "B", "Class B" or "Class C" license and subject to the following restrictions:
- (1) The area to be licensed must be an area immediately adjacent to and abutting the licensed premises of the applicant's retail Class "B", "Class B" or "Class C" alcohol beverage license.
 - (2) "Outside sales area" is defined as "an open area immediately adjacent to and abutting the licensed premises of the applicant's retail Class "B", "Class B" or "Class C" alcohol beverage license where fermented malt beverages and alcohol beverages are sold, served or consumed."
 - (3) At any part of the outside sales area not blocked by a building, there shall be maintained or constructed a temporary fence or enclosure at least four feet in height.
 - (4) Entry to the outside sales area shall not be through an access point in the enclosure or fence and shall only be gained from the interior of the licensed premises.
 - (5) The outside sales area shall not be greater than the floor space of the abutting licensed premises unless specific exemption is granted by both the Licensing Board and Common Council. The exemption shall be renewed annually with the alcohol beverage license subject to approval by the Licensing Board and Common Council.
 - (6) The outside sales area capacity shall be in accordance with State Fire Code and the maximum capacity shall be separately posted within the outside sales area.

- (7) The outside sales area shall not be open for the sale, service or consumption of alcohol beverages before 9:00 a.m. and shall not remain open for the sale, service or consumption of alcohol beverages after 9 p.m. Sunday through Thursday and 10 p.m. Friday and Saturday and on federally recognized holidays.
- (8) The noise levels emanating from any outside sales area shall not violate § **410-40** of the Watertown Code of General Ordinances.
- (9) No amplified reproduction of concerts, music, sporting events, video or television programs, or similar entertainment events shall be broadcast or displayed on the exterior of the licensed premises or in the outside sales area, other than between the hours listed in subsection (7).
- (10) No live music may be performed on the exterior of the licensed premises or in the outside sales area for a continuous block exceeding four hours in a 24-hour period and live music may only be performed between the hours listed in subsection (7).
- (11) The retail Class “B”, “Class B” or “Class C” licensee, his/her employees or agents shall be responsible for preventing violations of this article and shall operate the outside sales area in conformity with Ch. **125**, Wis. Stats., and Article **I** of this chapter.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

Adopted March 2, 2021

Signed – Elissa Friedl – Clerk Treasurer

Approved March 2, 2021

Signed – Emily McFarland – Mayor

Ord #21-13