

Village of Belleville

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Approved

ORDINANCE NO. 2022 – 05

VILLAGE OF BELLEVILLE

JUN 06 2022

Belleville
Village Board

AN ORDINANCE AMENDING SECTION 320-19

OF THE VILLAGE OF BELLEVILLE CODE OF ORDINANCES

The Village Board of the Village of Belleville, Dane and Green County, Wisconsin ordains as follows:

1. Amend Section 320-19 (B) and (B)(1) to provide as follows:

A.

Required for outdoor consumption. No licensee shall permit the consumption of alcohol beverages on any part of a licensed premises not enclosed within the building, except under permit granted by the Village Board. The permits are a privilege in which no rights vest and therefore may be revoked by the Village Board pursuant to state statutes or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit.

B.

Limitations on issuance of beer garden permits. Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of an attractive wall, permanent fence, ing or barrier ~~other measures~~ intended to provide control over the operation of the beer garden. It is the purpose of an attractive wall, permanent fence, or barrier ~~proper fencing~~ in the beer garden area to prohibit or significantly ~~restrict~~ the ease in which alcohol beverages may be passed from within the beer garden area to anyone outside the beer garden. A barrier for a beer garden is defined as a suitable barricade, i.e., decorative chain and posts that cordon the beer garden off from the remainder of the outside area.

(1)

Every beer garden shall be completely surrounded by an attractive wall, permanent fence, or barrier ~~not less than six feet in height but which may not exceed 10 feet~~. For open decks, lattice will be required from the deck floor to the railing. For beer gardens that utilize an attractive wall or permanent fence to surround the area, the gate(s) or exit(s) shall be a minimum of three feet wide and be the same height as ~~that required of the beer garden~~ attractive wall or fence, shall swing to egress, and shall swing free and clear of public sidewalks. ~~The~~ Any beer garden fence shall comply with all regulations regarding vision clearance along with required distance from corner. ~~The~~ Beer garden fences shall contain the required fire exit(s) and shall be equipped with a locking system that meets fire codes. The access between the outdoor area and the building shall not be the sole handicapped

accessible entrance to the building. The enclosure ~~must receive initial approval from the Plan Commission and~~ must meet applicable facade requirements.

[Amended 9-17-2012 by Ord. No. 2012-09-01 and 6-7-2021 by Ord. No. 2021-01]

(2)

Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.

(3)

No open flames may be displayed unless approved by the Village of Belleville Fire Department.

(4)

No amplified music or amplified entertainment shall be permitted that exceeds those defined in §§ **395-8** and **615-58** of this Code.

[Amended 11-17-2014 by Ord. No. 2014-11-01]

(5)

One informational sign regarding rules on usage of the area shall be posted on each wall. Signage text must use a minimum of forty-eight-point bold font.

(6)

Use of the beer garden is prohibited after 12:00 midnight, at which time all access must be secured.

[Amended 11-17-2014 by Ord. No. 2014-11-01]

(7)

There shall be a licensed operator within the beer garden at any time that alcohol is being served in the garden.

(8)

The beer garden shall be attached to the main business premises. (Amended 6-7-2021 by Ord. No. 2021-01)

(9)

All other Village ordinances, including those relating to littering, noise or drinking of intoxicants, where prohibited, shall be observed. Waste containers must be provided for cigarette butts.

C.

Permits. All applicable permits required shall be obtained and submitted.

[Amended 11-1-2010 by Ord. No. 2010-11-02]

D.

Inspection. The beer garden shall be inspected annually by the Village of Belleville Building Inspector, Police Department, and the Fire Department.

[Amended 11-17-2014 by Ord. No. 2014-11-01]

E.

Permit fee and term. The fee for a beer garden permit is required at time of application. The permit fee shall be as prescribed in the Village Fee Schedule, and the permit shall have a term of one year commencing on July 1 and expiring June 30 of each year. If granted subsequent to July 1 in any given year, the permit shall expire on June 30 after issuance. The fee is nonrefundable.

[Amended 9-17-2012 by Ord. No. 2012-09-01]

F.

Adjoining property owners to be notified of pendency of applications. All property owners within 100 feet of the premises in which the proposed beer garden is attached shall be notified of the pendency application for a beer garden permit by first-class mail. No permits shall be issued unless the application is received a minimum of 15 days prior to the granting of the permit.

G.

State statutes enforced within beer garden. Every permittee under this article shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for revocation of the beer garden permit by the Village Board.

H.

This section does not limit the Village Board's authority to refuse/permit outdoor areas for service and consumption of alcohol or fermented malt beverages in individual cases even if the license holder meets the above-mentioned conditions. This policy is not intended to create a vested right for the benefit of "Class B" or Class "B" license holders.

I.

Failure to abide by the terms and conditions may result in the termination of the right to serve food or fermented malt or other alcohol beverages in a beer garden. The Village reserves the right to take further steps in case of repeated violations, including termination of a violator's "Class B" or Class "B" alcohol or fermented malt beverage license. The Village may also impose a forfeiture as provided in § 320-22 of this article per violation of this section.

[Amended 9-17-2012 by Ord. No. 2012-09-01]

The above and foregoing ordinance was duly adopted by the Village Board of the Village of Belleville at its meeting held on June 4, 2022.



APPROVED

Dale Yurs
Dale Yurs, Village President

ATTEST:

Rhea McGee
Rhea McGee, Village Clerk

APPROVED: June 4, 2022

PUBLISHED: June 14, 2022

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MEMORANDUM

To: President Yurs, Board of Trustees, and Village Clerk
From: Jeffrey D. O'Dell, Village Administrator/Treasurer
Date: June 2, 2022
Re: Beer Garden Permits

Executive Summary: President Yurs asked that I work with the Village Attorney to prepare amendments to Section 320-19 of the Village Code regarding beer garden permits. As you know, the License Advisory Committee is responsible for recommending approval of beer garden permit applications to the Village Board. At its May 23, 2022 meeting, the License Advisory Committee recommended the Village Board approve four beer garden permit applications, with one pending inspection approval.

Section 320-19 of the Village Code outlines the requirements for an eligible business to permit the consumption of alcohol beverages on any part of their licensed premises not enclosed within their building. These requirements include the regulation of lighting, music and entertainment, hours of operation, and how the beer garden must be attached to the main business premises. While the Village Board amended the ordinance last year to address ingress and egress from beer gardens, President Yurs has asked the Village Board to consider an additional amendment to the ordinance allowing more flexibility with the type of barriers used to surround the beer garden area.

Currently, business owners with beer gardens are required to surround their beer garden area by an attractive wall, permanent fence, or barrier not less than six feet in height but which may not exceed 10 feet. The attached amended ordinance allows a business owner with a beer garden the option to install a barrier that is defined as a "suitable barricade, i.e., decorative chain and posts that cordon the beer garden off from the remainder of the outside area. This type of barrier is also required for businesses that request a Sidewalk Café permit. The Sidewalk Café permit allows for the consumption of food and alcohol and fermented malt beverages to be served or consumed in areas delineated by a suitable barricade such as a decorative chain and posts.

Direction Requested: The Village Board consider and possibly approve amendments to Section 320-19, Beer Garden Permit, providing eligible business owners with alternatives for surrounding beer garden permit areas other than an attractive wall or permanent fencing.

Attachment: Ordinance No. 2022 - 05