

TOWN OF GRAND CHUTE

ORDINANCE, SERIES OF 0-6-2010

AN ORDINANCE AMENDING EXISTING CHAPTER 9 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN WHICH PROVIDES FOR REGULATION OF OUTDOOR SERVICE/BEER GARDENS.

WHEREAS, Chapter 9 of the Grand Chute Municipal Code provides for licensing those establishments involved in the sale, distribution and serving of intoxicating liquor and fermented malt beverages; and,

WHEREAS, it is determined that the regulation of outdoor service/beer gardens designed for alcohol and food consumption is in the best interests of the public's health and safety.

NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Section 9.01 is hereby amended to create Section 9.01 (4) (h), to read as follows:

**Section 9.01 (4) (h). Outdoor Service/Beer Gardens.** No holder of a "Class B", Class "B" and/or "Class C" license 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 Town Board subject to the conditions of this section. Approval under this subsection by the Town Board 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 Town laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/ or "Class C" premises. As used in this subsection:

*Outdoor area* shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year-round use.

*Outdoor premises* shall mean a licensed premises located in an outside area.

1. **Application.** Application for an outdoor extension of a "Class B", Class "B" and/or "Class C" license shall be made to the Town Clerk on forms furnished by the Town Clerk. The application shall include a map describing the outdoor area sought to be included within the description of the licensed premises. In the event that such map is omitted and the "Class B", Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.
2. **Requirements.** Outdoor premises approved under this section are subject to the following requirements:
  - a. Outdoor premises may be permitted only on properties located in the C-3 and C-4 Commercial, CL Local Commercial, CR Regional Commercial, CP Planned Commercial, and IND Industrial zoning districts as those terms are defined in Chapter 27, Zoning, subject to the Special Exception Permit requirements of Chapter 27.
  - b. Outdoor premises shall be completely surrounded by an attractive wall, fence, or barrier of at least four feet in height.
  - c. Outdoor premises located in the front yard of the licensed premises shall also be completely surrounded by an attractive wall, fence, or barrier, and such installation shall be forty-two (42) inches in height for public safety and property aesthetics purposes.

- d. Outdoor premises shall be attached to the main business premises and access to the outdoor premises shall only be allowed through the main building.
- e. Service in the outdoor premises shall be limited to persons seated at tables or at a bar.
- f. Food and beverage service in the outdoor premises shall stop no later than 10:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 11:00 p.m.
- g. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.
- h. Lighting of the outdoor premises must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or that can become a hazard or danger to vehicular traffic.
- i. Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 85 db from 7:00 a.m. to 9:00 p.m. and 75 db from 9:00 p.m. until closing.
- j. Outdoor premises shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:
  1. Provide a 20-foot buffer between outdoor premises and the adjoining lot containing the residential use.
  2. Provide a privacy fence six feet in height at the property line in the area abutting the outdoor premises.
  3. Notwithstanding subsection (2) (f) of this section, food and beverage service in the outdoor premises shall stop no later than 9:30 p.m., with no food or beverage consumption allowed in the outdoor premises after 10:00 p.m.

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 15 day of June, 2010

VOTED FOR: 4

VOTED AGAINST: 0

New Language in bold

TOWN OF GRAND CHUTE

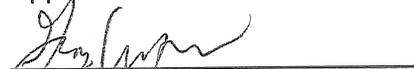


Michael A. Marsden, Town Chairman



Karen L. Weinschrott, Town Clerk

Approved as to Form



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