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City Clerk

Subs. of Gen. Ord. No. 4 - 20 - 21. By Alderpersons Sorenson and Donohue.
May 18, 2020.

AN ORDINANCE amending various sections of the Municipal Code so as to update them to conform with state statutes and to temporarily waive fees for sidewalk cafés.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Sec. 10-65 of the Municipal Code entitled "Limitations on other business; Class "B" premises" is hereby repealed and recreated so as to read as follows:

"Sec. 10-65. - Limitations on other business; Class "B" premises.

No Class "B" license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license. These restrictions do not apply to any of the following:

- (1) A hotel.
- (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
- (3) A combination grocery store and tavern.
- (4) A combination novelty store and tavern.
- (5) A bowling center or recreation premises.
- (6) A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the Class "B" license.
- (7) A painting studio.
- (8) Premises for which a special Class "B" license is issued under Sec. 10-26(h) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event."

Section 2. Sec. 10-103 of the Municipal Code entitled "Retail "Class B" licenses" is hereby repealed and recreated in subsection (g) thereof so as to read as follows:

"Sec. 10-103. - Retail "Class B" licenses.

. . .

- (g) The fee for an initial issuance of a reserve "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4, shall be \$10,000.00, except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in Wisconsin for at least six years is the fee established under section 10-104 for such a club or lodge. The fee under this subsection is in addition to any other fee required under this chapter. The annual fee for renewal of a reserved "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4 is the fee established in subsection (d) above.

. . ."

Section 3. Sec. 10-177 of the Municipal Code entitled "Presence in places of sale; penalty" is hereby repealed and recreated in subsection (a) thereof so as to read as follows:

"Sec. 10-177. - Presence in places of sale; penalty.

- (a) *Restrictions.* An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:
- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
 - (2) An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

- (3) Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, indoor golf and baseball facilities on premises for which the only alcohol beverage license issued is a Class "B" license, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums, music festival venues during an event with a projected attendance of at least 2,500 persons, public facilities as defined in Wis. Stats. § 125.51(5)(b)1.d., which are owned by a county or municipality or centers for the visual or performing arts.
- (3m) Premises having an indoor volleyball court that measures at least 9 meters by 18 meters in area. The exception under this subdivision does not authorize an underage person to loiter in any room that is primarily used for the sale or consumption of alcohol beverages.
- (3r) Any privately owned business that exists to provide recreational fishing opportunities to the public for a fee and that is registered under Wis. Stats. § 95.60(3m), if the sale of alcohol beverages accounts for less than 30 percent of the business's gross receipts.
- (4) Concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Wis. Stats. Chapters 27 and 28, and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf courses and golf clubhouses, racetracks licensed under Wis. Stats. Chapter 562, curling clubs, private soccer clubs and private tennis clubs.
- (6) Premises operated under both a Class "B" or "Class B" license or permit and a license under Wis. Stats. § 97.30, for a restaurant where the principal business conducted is that of a restaurant. If the premises are

operated under both a Class "B" or "Class B" license or permit and a license under Wis. Stats. § 97.30, for a restaurant, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

- (6m) Premises operating under both a "Class C" license and a license under Wis. Stats. § 97.30, for a restaurant.
- (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision subject to subsection (b).
- (9) A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
- (10) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision subject to subsection (c).
- (11) An underage person who enters or remains in a dance hall or banquet or hospitality room attached to Class "B" or "Class B" licensed premises for the purpose of attending a banquet, reception, dance, or other similar event.
- (12) An underage person who enters and remains on premises for which a temporary Class "B" license is issued under section 10-62(h) of this Code if the licensee is authorized by the city clerk or the common council or

a committee thereof to permit underage persons to be on the premises and if the licensee permits underage persons to be on the premises.

(13) An underage person who enters or remains in a banquet or hospitality room on brewery premises operated under a Class "B" or "Class B" license for the purpose of attending a brewery tour.

(14) <intentionally omitted>

(15) An underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(16) An underage person who enters or remains in a banquet or hospitality room on winery premises operated under a "Class A" or "Class B" license for the purpose of attending a winery tour.

. . ."

Section 4. Sec. 110-502 of the Municipal Code entitled "Sidewalk café permit" is hereby repealed and recreated in subsection (a) thereof so as to read as follows:

"Sec. 110-502. - Sidewalk café permit.

(a) *Annual license.* The fee for an annual sidewalk cafe permit shall be the greater of \$50.00 or \$1.00 per square foot. Notwithstanding this provision, there shall be no fee for an annual sidewalk café permit issued for the license year beginning April 15, 2020 and ending April 14, 2021.

. . ."

Section 5. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Don Dehke

I HEREBY CERTIFY that the foregoing ^{Substitute} Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 18th day of May, 2020.

Dated May 20, 2020. Michael J. DePpe, City Clerk

Approved May 20, 2020. Michael J. DePpe, Mayor

Published May 23, 2020.

Certified May 20, 2020 to - Atty.; Police Dept.; Det. Div.; Ord. Book