

ORDINANCE #06-20

A TEMPORARY ORDINANCE AUTHORIZING ISSUANCE OF SPECIAL STREET
PRIVILEGE PERMITS FOR USE OF SIDEWALKS BY BUSINESSES

WHEREAS, the Common Council acknowledges that local businesses are subject to recommended social distancing and other safety guidelines to prevent the spread of the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the issuance of special street privilege permits for use of sidewalks by businesses in the City of Berlin for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City Berlin, the Clerk-Treasurer shall be authorized to issue special street privilege permits under Sec. 18-401 for the use by any business lawfully operating within the City of public sidewalks immediately adjacent to that business' facility for any lawful purpose related to the operation of that business, including but not limited to dining and drinking, display of merchandise, and conducting business transactions. All application requirements and the approval process for such applications and all operational rules and regulations for license holders shall be the same as set forth in Sec. 18-401, except as follows:

1. Committee of the Whole review and Common Council approval of the initial application shall not be required, and such permits may be issued directly by the Clerk-Treasurer acting in the stead of such governing bodies under Sec. 18-401. However, any denial of a permit by the Clerk-Treasurer hereunder shall be subject to the same appeal rights to the Common Council as described in Sec. 18-401(c) for an applicant denied a renewal sidewalk café permit.
2. The holder of a special permit granted hereunder shall not be required to maintain a minimum width of 4 feet for uninterrupted pedestrian traffic, but shall be required to maintain only that minimum width necessary to comply with any Americans with Disabilities Act requirements.
3. All permitted obstructions by a permit holder hereunder, such as tables, chairs, merchandise, signs, and other items, shall be removed from the sidewalk during hours when the adjoining permit holder's business is closed. Permit holders hereunder shall not otherwise be limited to any hourly limitations for operation in the permitted sidewalk area, except the Clerk-Treasurer, or Common Council upon appeal, may prohibit or impose hourly limitations on lighting and sound amplification in the permitted sidewalk area.
4. All permit holders hereunder serving food shall comply with all applicable state and county regulations governing health and sanitation for food handling establishments and dining areas, and any other applicable city regulations. All food and beverages served by permit holders hereunder must be served on or in dishes, cups and/or

receptables which are made of plastic or other materials which are designed to be shatterproof.

5. Permit holders hereunder shall be permitted to prohibit use of any permitted obstructions, such as chairs or tables, by persons who are not the permit holder's patrons.
6. Permit holders hereunder may serve alcohol in the permitted sidewalk area under the following conditions:
 - a. The permit holder must have a separate alcohol beverage license for the permit holder's adjoining business issued by the city pursuant to chapter 6, article II, and the permitted sidewalk area must be included in the premises description of such separate alcohol beverage license and such permit holder must otherwise be in compliance with the conditions of such separate alcohol beverage license and all alcohol beverage licensing laws, regulations and ordinances.
 - b. Consumption of alcohol beverages must be only at tables owned and controlled by the permit holder and must be under the general supervision of the permit holder. The permit holder shall be responsible for the supervision and control of the permitted sidewalk area and for preventing unauthorized or underage consumption of alcoholic beverages in the permitted sidewalk area.
 - c. There shall be no requirement that a permit holder hereunder be a restaurant or that the permit holder's adjoining business be in a B-1 zoning district as required for sidewalk café permit holders.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this 14 day of July, 2020.

ROLL CALL VOTE:

6 AYES

0 NAYS

0 ABSENT

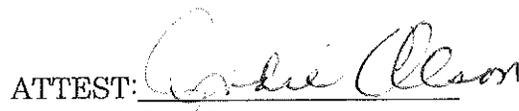
APPROVED AS TO FORM:



Matthew G. Chier
City Attorney

CITY OF BERLIN

BY 
Richard D. Schramer, Mayor

ATTEST: 
Jodie Olson
City Clerk