

CITY OF DE PERE
TWELFTH MAYORAL PROCLAMATION
MAY 22, 2020

WHEREAS, on March 17, 2020, the Common Council of the City of De Pere adopted Resolution #20-34 declaring a state of emergency in the City of De Pere as a result of COVID-19; and

WHEREAS, the emergency power granted to the governing body by Wis. Stat. §323.14(4)(a) includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency; and

WHEREAS, if, because of the emergency conditions, the governing body of the local unit of government is unable to meet promptly, Resolution #20-34 and Wis. Stat. §323.14(4)(b) grants the Mayor, or in the absence of the Mayor, the Council President, the authority to act under Wis. Stats. §323.11 and §323.14(4)(a); and

WHEREAS, many public health authorities are recommending physical distancing in order to prevent exposure to and spread of COVID-19; and

WHEREAS, the Common Council recognizes that restaurants, bars and taverns within the City of De Pere may have particular difficulty providing recommended physical distancing and operating profitably within the confines of their buildings and may wish to provide additional or alternative seating outdoors; and

WHEREAS, the Common Council wishes to provide temporary relief to restaurants, bars and taverns by providing those businesses an opportunity to utilize available outdoor space

including property owned by the licensee, sidewalks adjacent to the licensed premises, and other approved outdoor space during this limited period to maximize their service area; and

WHEREAS, the current process authorized by the De Pere Municipal Code to expand a licensed premises can be time consuming.

NOW, THEREFORE, THE MAYOR DOES HEREBY PROCLAIM THAT:

1. Section 7-14 of the De Pere Municipal Code is hereby created as attached and shall be repealed no later than October 1, 2020.
2. Any ordinance, resolution, or City policy in conflict with the above proclamation shall be superseded by this proclamation.
3. The above proclamations shall remain in effect until the Declaration of Emergency is no longer in effect, or until ratified, altered, modified, or repealed by the Common Council at the next meeting.

PROCLAIMED this 22nd day of May, 2020.



James G. Boyd, Mayor

Sec. 7-14. – Temporary expansion of licensed premises.

- (a) *Temporary expansion of premises description.* The City Clerk is hereby authorized and directed to issue alcohol beverage licenses temporarily expanding the premises description for establishments holding an alcohol beverage license to include outdoor areas owned by or under control of the licensee, sidewalk areas immediately adjacent to the licensed premises, and any other outdoor area approved by the Police Department and the Development Services Department. .
- (b) *Application.* A licensee holding a Class B liquor license shall submit a separate application for Temporary Expansion of Licensed Premises to the City Clerk. The application shall include all of the following:
 - (1) A description of the area to be included in the temporary expansion. The expanded area is subject to the requirements of Wis. Stat. Chapter 125 and all city ordinances adopted pursuant to the authority of Wis. Stat. § 125.10.
 - (2) Proof that the licensee has the right to occupy the area described. If the property is owned by the City, the licensee must obtain a sidewalk café permit under Sec. 106-6(b).
 - (3) A detailed plan of how physical distancing will be maintained.
 - (4) A security plan indicating how the area will be monitored
- (c) *Return to original premises description.* Any premises description expanded under this section shall be removed no later than October 1, 2020, at which time the licensed premises shall return to the premises description listed on the original liquor license application.
- (d) *Appeal.* Any determination made by the City Clerk under this section is subject to the procedures of Sec. 106-2(g).
- (e) *Possession of intoxicants on expanded premises.* Individuals may consume intoxicating liquor or fermented malt beverages on any premises authorized under this section.
- (f) *Conflicting sections.* Any ordinance in conflict with this section shall be superseded by this section.