

ORDINANCE NO. 628

An Ordinance of the Municipal Code of the City of Kiel Amending Chapter 11 (Alcohol Beverages)

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Chapter 11.18 in its entirety is hereby deleted:

11.18 – Outdoor Premises.

~~(1) PURPOSE. The City Council finds that restrictions are necessary for Outdoor Premises (also referred to as "Beer Gardens") at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This section enacted pursuant to police power provides a framework for regulatory controls on such Outdoor Premises.~~

~~(2) APPROVAL REQUIRED.~~

~~(a) No Licensee shall conduct or sponsor any Outdoor Premises on property forming any part of the real property on which the licensed premises exist without the prior approval of the City Council.~~

~~(b) PERMIT REQUIRED FOR OUTDOOR PREMISES / OUTDOOR CONSUMPTION. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under an Outdoor Premises permit granted by the City Council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the City Council at its pleasure at any time 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 premise which is not described in a valid Outdoor Premises permit.~~

~~(3) APPLICATION. If a Licensee desires to maintain an Outdoor Premises on the Licensee's property, the Licensee shall file an application with the Clerk Treasurer setting forth the following information: The application shall accurately describe the area intended for use as an Outdoor Premises and shall indicate the nature of fencing or other measures intended to provide control over the operation of the Outdoor Premises. Every Outdoor Premises shall be enclosed with a fence or wall of a style and design subject to approval by the City of Kiel City Council upon recommendation of the City Building Inspector and Plan Commission. Except for emergency exits, customer access to the Outdoor Premises must be made through the main licensed premise. Application must also include a detailed drawing with measurements describing the outdoor area to be included within the description of the licensed premise as an "Outdoor Premises". The Licensee's application must also include a plan for maintaining the cleanliness of the Outdoor Premise to prevent the accumulation of litter and/or other refuse.~~

~~(4) FILING FEE. The application shall be accompanied by payment of a non-refundable fee of \$30 for review and processing of the application.~~

~~(5) REVIEW. The City Council shall review the applications in light of the standards of this section. If the nature of the property requires the imposition of additional regulations, the City Council may impose these regulations upon an express finding detailing the reasons for additional regulation. All property owners within 150 feet of the proposed Outdoor Premises shall be notified of the pendency of an application for a permit by first class mail and be provided with an opportunity in a public forum to voice their opinion to the City Council to approve or disapprove of an Outdoor Premises Permit.~~

~~(6) LIMITATIONS ON ISSUANCE OF OUTDOOR PREMISES PERMITS.~~ Outdoor premises approved under this section are subject to the following requirements:

~~(a) Outdoor Premises may be permitted only on properties located in areas zoned commercial.~~

~~(b) Outdoor Premises shall not be located in any actual or required yard area that directly abuts an adjoining property specifically used for residential purposes unless there is at least a three-foot buffer zone between the Outdoor Premises and the adjoining property and an approved privacy fence is installed. (See building code for fence reference.)~~

~~(c) Lighting in the Outdoor Premises must be shielded and not be of intensity or brilliance to create glaring which is distracting or nuisance to adjoining property owners or which is a hazard or danger to vehicular traffic.~~

~~(d) Noise from any source that is emitted from the outdoor area is to cease as of 10:00 pm unless specifically modified (increased or decreased) by the City Council as part of the permit application review process. Factors to consider when modification is necessary include the physical location of the licensed premise and its proximity to adjoining residential properties that may be affected by noise from the Outdoor Premise.~~

~~(e) No permit shall be issued for an Outdoor Premises if the Outdoor Premises area is greater than 50% of the gross area of the adjoining licensed premises.~~

~~(f) Maximum capacity for an Outdoor Premise is subject to the State of Wisconsin Building Codes as part of the licensed premise.~~

~~(g) The sale of alcoholic beverages upon an area licensed as an outdoor premise shall be prohibited. Consumption of alcoholic beverages shall be permitted but the sale or service of alcoholic beverages upon said licensed area licensed as an outdoor premise is prohibited.~~

~~(7) STATE STATUTES ENFORCED WITHIN OUTDOOR PREMISES.~~ Every permittee under this section shall comply with and enforce all provisions of Chapter 125, Wis. Stat., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable.

~~Violation of the provisions of Chapter 125, Wis. Stat., shall be grounds for immediate revocation of the Outdoor Premises permit by the Common Council.~~

~~(8) VIOLATIONS.~~ Failure of the Licensee to comply with any of the provisions of this section shall be grounds for suspension, non-renewal or revocation of the Licensee's alcohol beverage license or licenses.

SECTION 2: This ordinance takes effect upon passage and publication in accordance with the law.

Ordinance No. 628 introduced on August 12th, 2025 by

Ald. _____, seconded by Ald. _____.

Upon a call of votes thereof, the result was as follows:

____ Votes Cast ____ Votes Aye ____ Votes Nay

The Mayor declared Ordinance No. 628 introduced and approved this 12th day of August, 2025.

ROBERT HENNINGS, Mayor

COUNTERSIGNED:

DAVID FUNKHOUSER, City Administrator