

**VILLAGE OF WALWORTH  
WALWORTH COUNTY, WISCONSIN**

**Ordinance 2024-2**

**AN ORDINANCE AMENDING SECTION 6-2-5(b), EXCEPTIONS, OF THE  
VILLAGE OF WALWORTH CODE OF ORDINANCES**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments to the Village of Walworth Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Walworth, Walworth County, Wisconsin, do ordain and adopt as follows:

**SECTION 1:**

To amend Section 6-2-5(b), Exceptions, as follows: (underline and bold as additions and strike through as deletions)

“(b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:

(1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.0425, Wis. Stats.

(2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.

(3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.

**(4) Restaurants issued sidewalk cafe permits by the Village Clerk for restaurant tables subject to the following conditions:**

**a. "Restaurant" means an establishment defined in § 254.61(5) Wis. Stats.**

**b. The use of sidewalks for restaurant tables shall only be permitted incidental to the operation of a restaurant which is contiguous to the sidewalk and within the side property lines of the contiguous restaurant under the following conditions:**

**1. The restaurant tables and seats shall not be located closer than two feet from the curb of the street as measured by the closest edge of the table or seat with an occupant seated therein to the street.**

**2. Bollards shall be strategically located at either end, and along the street edge of the outdoor restaurant seating area. Said bollards shall be temporary and not affixed to the sidewalks. From November 1 to April 30 said bollards, tables, and seats shall be removed each night when the restaurant closes.**

3. Signage shall be displayed indicating that alcohol beverages may not be carried outside of the enclosed seating area.

4. Food service shall be required to be available at all times the sidewalk cafe is serving alcohol.

f. No permit shall be issued pursuant to this exception, unless the applicant furnishes to the Village Clerk evidence of public liability insurance naming the Village as a party insured insuring the Village against liability resulting from the uses permitted herein. The coverage shall be in an amount not less than \$1,000,000.

g. Persons issued permits pursuant to this article shall maintain the sidewalk area in a clean, safe, and sanitary condition.

h. The annual permit fee for a sidewalk cafe permit shall be based upon the number of seats seated at a table. The number of seats at any table will be limited by the application and the permit fee paid. The fee per seat shall be set by resolution.

i. The permit fee issued hereunder is a privilege and not a right. A restaurant shall not permit tables and chairs to be placed on the sidewalk without a permit. A permit is valid from July 1 to June 30 of the following year. The permit may be revoked at any time for any reason in the sole discretion of the Village, and the Village is not obligated to return the permit fee and will not refund prorata a portion of any fee.

1. The permittee must submit an amended application and scaled plan and receive approval from the Director of Public Works and the Police Department prior to changing the layout or adding seats to the sidewalk cafe area.

(5) Penalties and enforcement. A person or business that violates the provisions of Section 6-2-5 shall be subject to a forfeiture as established by resolution of the Village Board from time to time. Each day a violation continues shall constitute a separate offense. The Code Enforcement Officer or Building Inspector shall have authority to enforce the provisions of this section. The Village may also seek equitable relief, including injunctions, to gain compliance.

(6) Businesses whose primary sales are confectionary goods and frozen creamery goods (ice cream, frozen yogurt, frozen custard, and other frozen dairy products) and who are issued a permit by the Village of Walworth Department of Public Works under the following conditions:

a. The Department of Public works has the sole discretion to grant or deny any permit for any obstructions on the Village sidewalks and rights-of-way.

b. A precise plan showing the items to be placed on the sidewalk shall be provided by the applicant.

d. Signage and colors are restricted. No signage, logo, or text is permitted on any sidewalk furnishings except a twenty-four- inch-wide-by-thirty-six-inch-tall chalk sandwich board. Fluorescent day-glow colors are not permitted on any sidewalk furnishings. Where colors constitute a component of a standardized corporate color theme or identity association with the abutting parcel, muted versions of such colors shall be used."

**SECTION 2:**

**Effective Date:** This ordinance shall be in full force and effect upon passage approval, and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Walworth, Walworth County, Wisconsin this 10th day of June, 2024.

Village of Walworth

By: Louise Czaja  
Louise Czaja, President

Attest: Lisa Rogers  
Lisa Rogers, Clerk/Treasurer