

By: Community Affairs Committee

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WHEREAS the COVID-19 global pandemic and necessary restrictions on personal and business activity have caused significant negative impacts on the business community in Wauwatosa and worldwide; and WHEREAS the Common Council finds that it is in the best interests of the community to implement a program which can remove delays and burdens associated with certain regulatory approvals and to implement temporary changes which may be necessary to temporarily enable increased capacity and sales by retail and other commercial businesses, expediting approvals to 72 hours or less from submission, and to generate vibrancy within our commercial districts; and

WHEREAS the local State of Emergency declared by the Common Council pursuant to sec. 323.11, Wisconsin Statutes, includes the authority for the Common Council to order, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the City, including a Program such as that described below;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby order the creation of the “Tosa Restarts” Temporary Regulatory Relief Program (referred to as “The Program”), as more particularly described below, related to expedited approval processes and delegation of certain approval authority for businesses temporarily expanding conduct of outdoor activities in order to recover from the negative economic impacts of COVID 19 while remaining compliant with Wauwatosa Health Department, WEDC and CDC Guidelines and Best Practices;

BE IT FURTHER RESOLVED THAT commercial businesses participating in and accepting the benefits provided in the Program shall certify that they are, at this time and throughout the term of their participation in the program:

- A. Operating at a reduced capacity due to the impact of COVID-19, and
- B. Operating in a manner consistent with CDC, WEDC and Wauwatosa Health Department Guidelines and Best Practices in effect at the time, if any, and
- C. Shall conspicuously display signage at their business location informing customers that they are:
  - a. Following applicable health guidelines as described above; and
  - b. Are a part of the “Tosa Restarts” Temporary Regulatory Relief Program;

BE IT FURTHER RESOLVED THAT such qualifying businesses shall only permitted to take part in the Program and take advantage of these regulatory relief benefits for such time as the business is continuing its compliance as outlined above;

BE IT FURTHER RESOLVED THAT the duration of the Program shall be until December 31, 2020, unless extended by the common council prior to that date;

BE IT FURTHER RESOLVED THAT Fee reductions or dismissals are to be accomplished via a temporary amendment to the Consolidated Fee Schedule, for businesses participating in the Program, to reflect the following:

- a. Liquor license renewal fees shall be waived or reduced to statutory minimums as allowed by state law;
- b. Liquor license Temporary Extension of Premises permit fees shall be waived;
- c. Bartender (operator) license renewal fees shall be waived;
- d. Sidewalk Café renewal and new permit fees shall be waived;

- e. Special event permit fees shall be waived, except special costs incurred by City departments;
- f. Block party fees shall be waived, except special costs incurred by City departments;
- g. Temporary sidewalk sale permit fees shall be waived;
- h. Occupancy permit fees, if any, for expanded spaces, shall be waived, unless it is necessary to recoup special costs incurred by City departments;
- i. Fees for temporary signs and banners are waived;

BE IT FURTHER RESOLVED THAT approval of Temporary Extensions of Licensed Premises for the duration of the Program, for all liquor licensees, including Class A licensees, shall be delegated to staff, for curbside delivery areas, outdoor seating areas, expanded sidewalk cafes, special events, and parking lot uses, provided the use of the area and the location of the extension meets all other legal criteria;

BE IT FURTHER RESOLVED THAT as to sidewalk sale permit approvals pursuant to sec. 6.50.090 of the Wauwatosa Municipal Code, the Zoning Administrator may be permitted to approve such permits, including a waiver of the five-day time limit contained in the ordinance, and allow such activity for the duration of program, with the following conditions:

The permit would be evaluated as a temporary use according to the following conditions:

- The outdoor sale area shall occupy sidewalks abutting the business premises.
- Applicant must submit a sketch, to scale, of the sidewalk use proposed at the time the application is submitted.
- May be revoked if Police, Department of Public Works or Engineering Services Division deem the sale inappropriately interferes with public use of the sidewalk, or is a safety hazard or public nuisance.
- Revocation or denial may be appealed to the Board of Public Works.

BE IT FURTHER RESOLVED THAT as to Sidewalk Café Permits issued pursuant to sec. Ch. 6.38.090 of the Wauwatosa Municipal Code, new or expanded sidewalk seating areas may be permitted with only staff approval (waiving the requirement for Board of Public Works approval) for the duration of the Program, conditioned upon compliance with other provisions and requirements of the ordinance, except as otherwise described in this resolution; and

BE IT FURTHER RESOLVED THAT On Street Café Spaces as described in sec. 6.38.160 of the Wauwatosa Municipal Code may be permitted with staff approval, consistent with the sidewalk café approval process, provided that such spaces shall meet all applicable local, State, and Federal regulations, including that Americans with Disabilities Act, and that the requirement for Common Council approval shall be waived for the duration of the Program; and

BE IT FURTHER RESOLVED THAT Mobile Food Establishments pursuant to sec. 8.32.160 of the Wauwatosa Municipal Code, for the duration of the Program, may be allowed in locations other than public parking spaces, with approval of Zoning Administrator. Special conditions may be applied to such approvals as appropriate. Other restrictions continue in force, including food licensing and safety regulations, except a restaurant (which is participating in the Program) may waive the provision in Sec. 8.32.160 I.4., and such vehicles shall not be required to move each night from locations on private property;

BE IT FURTHER RESOLVED THAT Parking Lot permit amendments as required by sec. 12.45.010 of the Wauwatosa Municipal Code may be permitted on a temporary basis for the duration of the Program,

including the alteration of location and arrangement of parking spaces, or reductions number of available spaces, upon approval by the Engineering Services Division without requiring approval by the Board of Public Works. Appeals of Engineering Services Division requirements or determinations may be brought to the Board of Public Works;

BE IT FURTHER RESOLVED THAT review of Tent Permits required by any commercial establishment as part of the Program shall be expedited the Wauwatosa Fire Department to allow timely approval of Tent permits for such facilities as part of the Program;

BE IT FURTHER RESOLVED THAT Temporary Use Zoning Approval by the Zoning Administrator pursuant to sec. 24.10.080 of the Wauwatosa Municipal Code shall allow approval of temporary uses for the duration of the Program, or temporary modifications of existing approved uses, without any commitment by the business operator to continue or apply for the use or a similar use at the conclusion of the Program. In addition, users applying for a Temporary Use as part of the Program may be permitted to conduct minor modifications requiring building, electrical or plumbing permits, in conjunction with temporary uses intended to operate for the duration of the Program;

BE IT FURTHER RESOLVED THAT Special Events or Street Closures permitted pursuant to the provisions of Ch. 7.50 of the Wauwatosa Municipal Code, including closures of streets for recreational or business promotion purposes, and closures impacting multiple blocks or intersections, for up to seven days at any time, may be approved by city staff, without requiring common council or Board of Public Works approval, in the same manner that Block Parties are approved. Street closures for recreational purposes must be accompanied by acceptable assurances of necessary volunteer participation to maintain safety and integrity of street closures as needed;

BE IT FURTHER RESOLVED THAT staff may approve additional temporary signage, including banners, sandwich boards and other temporary signs visible from public streets or right of way, to publicize or provide messages regarding activities approved as part of the Program, for the duration of the Program, provided all such signage shall otherwise comply with applicable size and space limits, and shall not be detrimental to or interfere with other uses;

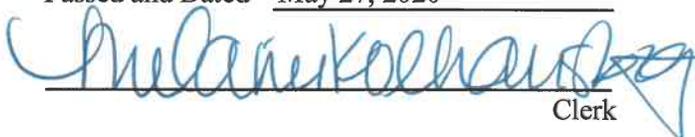
BE IT FURTHER RESOLVED THAT staff shall report to the Committee on Community Affairs regarding the startup of the Program periodically, but not later than July 28, 2020, with a final report being provided to the Committee following the end of the Program;

BE IT FURTHER RESOLVED THAT the Program's duration may be extended at any time by action of the Common Council;

BE IT FINALLY RESOLVED THAT, except as otherwise provided above, appeals of any staff decisions or determinations under the Program as described above shall be heard by the Board of Public Works at its next scheduled meeting, which shall make a recommendation to the Common Council, where the final decision of the City shall be determined.

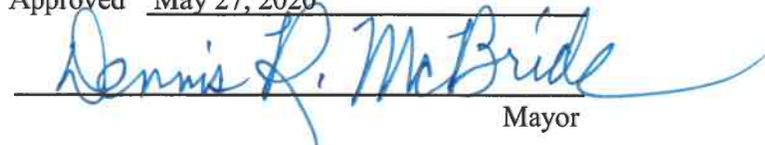
Passed and Dated May 27, 2020

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Clerk

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Approved May 27, 2020

  
Mayor