



**ARTICLE I. PURPOSE**

To maintain order, protect property, promote fair business standards, and support the safety and welfare of the public, the City of Winooski requires certain businesses to be licensed and regulated. This Chapter includes provisions for obtaining approval of certain businesses to operate within the City of Winooski and contains special regulation and enforcement standards for these businesses.

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**ARTICLE III. GENERAL**

**SECTION 5.01. DEFINITIONS**

**CITY RIGHT OF WAY** - Shall mean any and all city property including streets, sidewalks, and parks.

**ENFORCEMENT OFFICER** - Shall mean any law enforcement officer as defined in 23 V.S.A. § 4(11), or duly appointed code enforcement officer for the City of Winooski.

**ITINERANT VENDOR** - shall mean any person vending, selling or peddling goods from a vehicle or other mobile apparatus. It should include ice cream trucks, lunch wagons, or any other apparatus designed to travel through the neighborhoods to sell goods.

**LICENSE** - The word “license” or “licensed” as used in this chapter shall mean a license granted by the city council.

**PEDDLER** - shall mean any person vending, selling, or peddling goods from a fixed location within the city’s right of way, excluding persons selling farm produce.

**PERSON** - as used in this ordinance shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

**PLACE OF PUBLIC ACCESS** - means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars and cabarets, retail stores, grocery stores, salons, laundromats, shopping malls, museums, art galleries, nursing homes, hospitals, resorts and hotels and motels including the lobbies, hallways, elevators, restaurants, restrooms and cafeterias thereof.

**PUBLIC PLACE** - public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall also include but not be limited to any store, shop, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate areas of the above. For the purposes of this chapter, no licensed establishment that sells malt, spirituous or alcoholic beverages for consumption on the premises shall be considered as public.

**PUBLICLY OWNED BUILDINGS AND OFFICES** - publicly owned buildings and offices means enclosed indoor places or portions of such places owned, leased, or rented by state, county or municipal governments, or by agencies supported by appropriation of, or by

contracts or grants from, funds derived from the collection of federal state, county or municipal taxes.

**SIDEWALK** - shall mean that improved portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use, or routinely used, by pedestrians.

**SECTION 5.02. FEES**

Licensing and permit fees for all activities regulated in this chapter are described below and summarized in Chapter 28 of Winooski Municipal Code. All fees are required annually and must be paid to the city clerk's office at the time of license or permit issuance. All fees are non-refundable.

**ARTICLE IV. REGULATIONS**

**SECTION 5.03. GENERAL PROVISIONS**

- A. All applications for licensing or permits regulated by this chapter must be received in the city clerk's office not later than March 31 of each year. Licenses and permits cover the period of May 1 through April 30 of the following calendar year. Neither license/permit duration nor associated fees are prorated for late applications or out-of-cycle applications.
- B. It shall be a standard condition of each license and/or permit that the applicant shall comply with all city ordinances and regulations and all state liquor law statutes and regulations. Any of the following may be grounds for disapproval of the application:
  - 1. The application must be complete and cannot contain any material misrepresentation.
  - 2. The application must show adequate measures for the protection of the public health, safety or welfare of persons on site and in the areas surrounding the premises.
  - 3. The business premises must comply with all applicable city ordinances and state laws.

**SECTION 5.04. LICENSE FOR ALCOHOL**

- A. Licensing for any business requesting to sell alcohol will be as set forth in statute. However, before a license shall be granted in the city, the application shall be filed with the city clerk. For the purpose of determining eligibility to obtain a liquor license from the city, criminal record and motor vehicle record checks will be required on the following:
  - 1. Individual, partners, directors and stockholders (shareholders) listed on the license application; and
  - 2. The general manager, if known at the time of the application. If not known at time of application, the licensee will be required to provide all information about the general manager to complete a criminal and motor vehicle record check as soon as the general manger is known.

**SECTION 5.04.01. ISSUANCE OF LIQUOR LICENSES**

- A. Prior to the issuance of any liquor license, applicants must meet the following criteria:
  - 1. All city obligations that the applicant is responsible for must be satisfied, such as, but not limited to, unpaid taxes, utility bills or fines levied by the city for violations of city ordinances; and
  - 2. All applicants must request and receive a Life Safety inspection by the Winooski Fire Marshal. Requests for inspections must be made no less than thirty (30) days prior to the issuance of the license.
- B. All applicants requesting a special event permit or catering permit must submit the permit application no less than ten (10) days prior to the event and receive approval from the city clerk. All fees must accompany the application and shall be paid to the Dept. of Liquor Control. Any event of more than 200 people or that requires closure of a city street requires that the application be submitted no less than thirty (30) days prior to the event and must be approved by the Liquor Control Board.

**SECTION 5.04.02. REVOCATION AND/OR SUSPENSION OF LIQUOR LICENSE**

- A. The Winooski Liquor Control Board may suspend or revoke any license for any of the following reasons:
  - 1. The owner of the license is in violation of any ordinance or law, including Vermont Liquor Control laws and regulations, or any other condition of the license;
  - 2. The owner of the license has misrepresented or failed to disclose any material information on the application to the Liquor Control Board;
  - 3. The operation of the licensed establishment has resulted in any increase in disturbances on the premises or in the immediate vicinity of the premises, in the sole opinion of the Liquor Control Board; and/or
  - 4. The owner of the license shall be given notice of any action to suspend or revoke the license and shall have the opportunity to be heard prior to the imposition of any penalty.

**SECTION 5.04.03. RESTAURANT AND CABARET EXCEPTION; OUTSIDE CONSUMPTION**

- A. The owner/requestor will:
  - 1. Be a licensed restaurant or cabaret;
  - 2. At the time of request, provide a completed Vermont Department of Liquor Control Outside Consumption Permit form for approval; and
  - 3. In writing and with an accompanying diagram, describe appropriate controls, maintenance procedures and barriers to ensure the requested sidewalk area can be adequately supervised and controlled. The requestor will:

- a. Use and maintain the approved public right-of-way sidewalk area in accordance with the approved Outside Consumption Permit descriptions. No change to layout or conditions will be made without prior written approval (with a new plan attached) from the Winooski Liquor Control Board;
- b. Provide trash containers and ashtrays and ensure litter and refuse is not subsequently dumped into the city's litter containers;
- c. Ensure that tables, chairs, or other apparatus/furniture are well-maintained, appropriately stored, and secured. Unless approved otherwise, furniture will not be set-up more than one hour before approved opening hours and will be removed and stored within one hour of closing time. For the purposes of safety, all furniture (including umbrellas) will be of a weight and/or design that will insure that the wind cannot move the furniture;
- d. Be required to pick-up and sweep the approved areas each day of operation; and
- e. Pay a sidewalk license fee.

#### **SECTION 5.05. ISSUANCE OF ENTERTAINMENT PERMITS**

- A. A permit from the Liquor Control Board must be obtained prior to the presentation of any live public music or performance on the premises of any bar, cabaret, club, hotel or restaurant that holds a first and/or third class liquor license. "Live public music or performance" includes but is not limited to bands, DJs, karaoke, stand-up comedy, dancers, fashion shows, poetry or other readings or lectures. Whether an activity is "live public music or performance" is based on the activity itself and not whether an admission price is charged, the performer is paid or unpaid, or the event is advertised or not. All applicants must acknowledge and agree to the following restrictions or conditions which will be contained in all entertainment permits issued by the city:
  1. No musical instrument, phonograph, sound-making device or sound producing system or vocal activity shall exceed 100 decibels as recorded from the curb line outside of the licensed establishment;
  2. Licensees will not permit exhibitions of nudity for the purposes of private or public entertainment in any licensed establishment;
  3. All music in a licensed establishment which is amplified will cease at 2:00 a.m.;
  4. Licensees will be required to secure all doors and windows of the licensed establishment after 10:00 pm Sunday thru Thursday and Midnight on Friday and Saturday while providing entertainment or amplifying sound; and
  5. The city, through the Liquor Control Board, reserves the right to establish any additional restrictions that may be necessary, in its sole opinion, to protect the health, safety or welfare of the public.

#### **SECTION 5.05.01. REVOCATION AND/OR SUSPENSION OF PERMIT**

- A. The Winooski Liquor Control Board may suspend or revoke any license and/or permit for any of the following reasons:
1. The owner of the license or permit is in violation of any ordinance or law, including Vermont Liquor Control laws and regulations, or any other condition of the license and/or permit;
  2. The owner of the license or permit has misrepresented or failed to disclose any material information on the application to the Liquor Control Board;
  3. The operation of the licensed establishment has resulted in any increase in disturbances on the premises or in the immediate vicinity of the premises, in the sole opinion of the Liquor Control Board; or
  4. The owner of the license or permit shall be given notice of any action to suspend or revoke the license and/or permit and shall have the opportunity to be heard prior to the imposition of any penalty.

**SECTION 5.06. RESTAURANT LICENSE.**

No person will serve food to be consumed on premises at a place of business without a restaurant license.

**ARTICLE V. OTHER PERMITS REQUIRED**

Statutory Cross-Reference: 24 VSA § 2291.

**SECTION 5.07. PEDDLERS PERMIT**

Peddlers requesting the use of city property (sidewalks, parks, streets, etc.) must receive a permit from the city each year.

**SECTION 5.08. ITINERANT VENDOR PERMIT**

No itinerant vendor will use city property to include roads, sidewalks, and parks to sell consumer products without a permit.

**SECTION 5.09. SIDEWALK USAGE PERMIT**

Any resident Winooski business may request the use of adjacent city sidewalk and green space for the purposes of selling merchandise, dining, advertising, or as any other normal extension of their approved business.

**SECTION 5.10. PERMIT APPLICATION**

A business seeking issuance of a permit required by this article shall file an application with the city no less than thirty (30) days prior to the desired date of activity on forms provided by the city. The city council shall vote for approval or disapproval and their decision shall be final.

**SECTION 5.10.01. PERMITS RESTRICTED**

The city council may, if it finds it to be in the best interest of the city, restrict the number of permits issued under the provisions of this chapter.

**SECTION 5.10.02. STANDARDS FOR ISSUANCE**

A. For all requests other than alcohol sales, the owner/requestor will:

1. Be a licensed business as either an owner of property or having a valid lease;
2. In writing, describe appropriate controls, maintenance procedures and barriers to ensure the requested sidewalk area can be adequately supervised and controlled;
3. Use and maintain the approved public right-of-way sidewalk area. No change to layout or conditions will be made without prior written approval (with a new plan attached) from the city council;
4. Provide trash containers and ashtrays and ensure litter and refuse is not subsequently dumped into the city's litter containers;
5. Ensure that tables, chairs, or other apparatus/furniture are well-maintained, appropriately stored, and secured. Unless approved otherwise, furniture will not be set-up more than one hour before approved opening hours and will be removed and stored within one hour of closing time. For the purposes of safety, all furniture (including umbrellas) will be of a weight and/or design that will ensure that the wind cannot move the furniture;
6. Be required to pick-up and sweep the approved areas each day of operation;
7. Pay any applicable fees at the time of application. Owner understands that there may be times that the permitted area will not be available because of construction or other use and that no portion of this fee is refundable; and
8. Must comply with all Americans with Disabilities Act (ADA) requirements.

**SECTION 5.10.03. LIABILITY OF PERMITTEE**

The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person to whom such permit shall have been issued.

**SECTION 5.10.04. PERMITS TO BE PRODUCED UPON REQUEST**

No person shall fail to produce and exhibit any permit from the city they claim to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

**SECTION 5.10.05. REVOCATION OF PERMIT**

The city shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance, or upon good cause shown, including, but not limited to, the following:

1. The owner of the permit is in violation of any ordinance or law, or any other condition of the permit;
2. The owner of the permit has misrepresented or failed to disclose any material information on the application; and/or
3. The activities governed by the permit have resulted in any increase in disturbances on the premises or in the immediate vicinity of the premises, in the sole opinion of the city.

**ARTICLE V. PENALTIES**

- A. Any first (1st) or second (2nd) violation of this chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11(B) of the Winooski City Code.
- B. All third (3rd) and subsequent violations of this chapter will be a criminal violation and subject to criminal penalties and enforcement as provided for in Chapter 1, Section 1.11(A) of the Winooski City Code.

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