

An Ordinance Permitting Manufacturers of Alcohol
Including Retail Sales Where Permitted by Law

WHEREAS Connecticut law establishes several different classes of liquor permits; and

WHEREAS West Hartford has not permitted the location of facilities which fall under the category of “manufacturer” permits; and

WHEREAS over the years changes have been made which allow manufacturers of alcoholic beverages to provide samples to patrons who take tours of their facilities, to serve alcohol to patrons for consumption on the premises and to sell alcohol to patrons at retail for consumption off the premises; and

WHEREAS the craft brewing industry has undergone dramatic changes in recent years which has prompted the Town to consider whether local ordinances should be revised to permit and regulate such manufacturers’ operations within West Hartford; and

WHEREAS the residents of West Hartford should not be deprived of access to fresh, tasty locally-brewed beers

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One: Section 177-6 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. No structure shall be used, erected or expanded, and no land use shall be established or expanded, except in accordance with this chapter. The schedules contained in this article list permitted uses of land and buildings and the maximum height of buildings, the required yards, open space, area of lots and other requirements for the various districts in this chapter.
- B. Schedule of Permitted Main Uses.
- C. Schedule of Permitted Accessory Uses.
- D. Standards for the One-Family Residence Districts.
- E. Standards for Multifamily Residence Districts.
- F. Standards for Business Districts.

G. Standards for Industrial Districts.

Section Two: Section 177-36 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. The portion of any structure in which the sale of alcoholic liquor is proposed under a package store permit or a package store beer permit shall be at least 1,500 feet distant from the portion of any other structure in which alcoholic liquor is sold under either of said permits. Said distance requirement shall be measured as follows: beginning at the center of the main entrance of the portion of the structure in which said sale is proposed, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to a point in the address street of the nearest portion of any other structure in which alcoholic liquor is sold under either of said permits, thence by the shortest distance without intersecting a structure to the center of the main entrance of the portion of the structure in which alcoholic liquor is sold under either of said permits. In no case shall the portion of any two structures in which alcoholic liquor is sold or proposed to be sold under a package store permit or a package store beer permit be located within a radius of 700 feet as measured from the centers of the main entrances of said portions of said structures.
- B. The sale of alcoholic liquor under any class of permit listed in Chapter 545 of the Connecticut General Statutes, as the same may be amended or recodified from time to time, with the exception of the university permit, shall not be permitted within 200 feet of a public or private school, a public park, place of worship, charitable institution, a hospital or library. Said distance requirement shall be measured as follows: beginning at the center of the main entrance to the portion of the building where said alcoholic liquor is proposed to be sold, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to the address street of any of the above cited uses, and thence to a point opposite the nearest portion of a lot used for any of the above-cited uses on the address street thereof, thence to the nearest portion of the lot.
- C. The sale of alcoholic liquor under a wholesaler permit or a wholesaler permit for beer only is permitted as a main use in those districts specified under § 177-6B, Item 35 of the Schedule, and is subject to the restrictions set forth under Subsection B above.
- D. The sale of alcoholic liquor under a manufacturer permit, including each of the subclasses of manufacturing permittees listed in C.G.S. §30-16 is permitted as a main use in those districts specified under § 177-6B, Item 58 of the Schedule, and is subject to the following:
- (1) All such uses shall be subject to the restrictions set forth under Subsection B above.

(2) Where any portion of the unit of occupancy is used for the retail sale or consumption of alcoholic liquor for consumption on or off of the premises, including outdoor patron areas, parking spaces shall be provided for said retail area at the rate required in this chapter for retail and personal service establishments.

(3) Outdoor Patron Areas:

- a. Outdoor patron areas shall be identified by a barrier, such as fencing or planters, in order to define their boundaries. Barriers that preserve an open appearance should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances. Notwithstanding the foregoing, when an outdoor patron area is located on property adjoining a residential district, it shall be subject to a minimum setback of 200 feet from that district and, at a minimum, to Type C screening and/or a screening fence which separates it from that district.
- b. Where outdoor patron areas directly abut the public street, no permanent structure shall be erected between the building that houses the manufacturer and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance shall be used but temporary screening walls may be lowered during times of ongoing precipitation.
- c. Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans, and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
- d. The outdoor patron area must also meet the requirements (if any) of any state agency having jurisdiction over the service of alcoholic beverages.
- e. When an outdoor patron area is located adjacent to a public pedestrian walkway, access to the patron area shall be maintained flush with said walkway. In all cases, the outdoor patron area shall be capable of accommodating disabled patrons.
- f. Any applicant seeking approval of an outdoor patron area shall provide the Town Planner with written assurance from the Bloomfield-West Hartford Health District that:

- i. The kitchen facilities (if any) are adequate to service the entire unit of occupancy, including the outdoor patron area.
- ii. Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
- iii. Refuse receptacles appropriate to the use shall be provided for patrons and/or staff.

- g. If an applicant proposes to provide any source of heat for the benefit of patrons using an outdoor patron area, it shall provide the Town Planner with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel used by said heaters.
- h. Public address systems or other systems intended to convey verbal messages through the use of amplified sound shall be prohibited. If an applicant seeks to provide any form of music for the benefit of patrons, it shall so state in its application and shall provide the Town Planner with specific details regarding the manner in which music is to be provided.
- i. Management shall ensure that the patrons do not disturb persons beyond the premises through loud, boisterous or unreasonable noise, offensive words or disruptive behavior.
- j. Animals shall not be permitted within outdoor patron areas, except for service animals.
- k. Lighting shall be limited to that level which is necessary to illuminate the outdoor patron area for patrons and staff. Flashing/blinking lights shall be prohibited.
- l. During the season when the outdoor patron area is in operation, it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor patron area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor patron area which are traversed by restaurant staff and/or patrons.
- m. Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.

- n. Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground and further provided that if they advertise the manufacturer or any product or service, the full surface area of each such umbrella shall be treated as signage.
- o. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.
- p. Where the outdoor patron area abuts the public street, all furniture, fencing, shrubbery and other fixtures shall be removed and stored indoors during months when the outdoor patron area is not in use. No permanent structures shall be permitted to remain between the building that houses the manufacturer and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Town Planner.

[D.]E. The sale of alcoholic liquor under a grocery store beer permit, a druggist permit or a druggist permit for beer only is permitted as part of a permitted main use under § 177-6B, Item 22 of the Schedule, and is subject to the restrictions set forth under Subsection B above.

[E.]F. The sale of alcoholic liquor is permitted under a hotel permit, a hotel permit for beer, a restaurant permit, a restaurant permit for beer only or a restaurant permit for wine and beer only as part of a main use under § 177-6B, Items 8, 24 or 25 of the Schedule as applicable, or as part of an accessory use under § 177-6C, and subject to the following:

- (1) The location of such use is subject to the restrictions set forth under Subsection B above; and
- (2) The sale or serving of alcoholic liquor is permitted only in a restaurant as defined in C.G.S. § 30-22, as that section may be amended or recodified from time to time.

[F.]G. A university shall be allowed to engage in the retail sale of beer at one facility per campus under a university permit, as defined in C.G.S. § 30-20(a), as amended or recodified from time to time. The sale of beer under a university permit shall not be subject to the restriction set forth under Subsection B above. For the purposes of this section, the term "university" shall mean an institution offering a program of higher learning, as defined by C.G.S. § 10a-34 as that section may be amended or recodified from time to time, which has been accredited by the Board of Higher Education and which has a campus in West Hartford which is not less than 50 acres and which provides residential housing for its matriculated students.

[G.]H. For purposes of this section, the terms "package store permit," "package store beer permit," "wholesaler permit," "wholesaler permit for beer only," "hotel permit", "hotel permit for beer", "grocery store permit," "druggist permit," "druggist permit for beer only," "restaurant permit," "restaurant permit for beer only," "restaurant permit for wine and beer only," "university permit", "manufacturer permit" and "alcoholic liquor" shall be deemed to have the same meanings as those terms have under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

(Van Winkle)

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