

ORDINANCE NO.: 5080

AN ORDINANCE to amend various sections of Chapter 4 of the Code of Ordinances of the City of La Crosse regarding Temporary Class "B"/"Class B" (picnic) licenses.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 4-73 (a) is hereby amended and paragraph (5) is hereby created to read as follows:

Sec. 4-73. - License classifications and fees.

- (a) There shall be the following classes and denominations of licenses which, when issued by the City Clerk under the authority of the Council after the payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquors as provided in Wis. Stat. § 125.51(2), (3), (3m) and (10):

(5) Temporary "Class B" license at a picnic or gathering in accordance with Article V: a fee in the amount established by resolution shall be paid for each license.

SECTION II: Section 4-143(3) is hereby amended to read as follows:

Sec. 4-143. - License classifications and fees.

There shall be the following classes and denominations of licenses, which, when issued by the City Clerk under the authority of the Council after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in fermented malt beverages as provided in Wis. Stat. §§ 125.25 and 125.26:

- (3) Temporary Class "B" licenses at a picnic or gathering in accordance with Article V: a fee in the amount established by resolution shall be paid for each license ~~period~~.

SECTION III: Article V shall be created and Secs. 4-114 and 4-146 are hereby amended and renumbered as 4-182 and 4-181, respectively, as follows:

ARTICLE V. – TEMPORARY CLASS "B"/"CLASS B" LICENSE.

Sec. 4-146 181. – Temporary Class "B" licenses Application and License.

Application for a Temporary Class "B"/"Class B" License shall be made in writing on the form prescribed by law and filed with the City Clerk who may grant the same after appropriate review by the La Crosse County Health Department, Police Department and Fire Department – Fire Prevention and Building Safety. Said application shall be filed with the City Clerk not less than 15 days prior to the event. A fee in the amount established by resolution shall accompany each application.

Sec. 4-114 4-182. – Picnics and Gatherings.

- (a) *Indoor picnics or gatherings.*
- (1) The structure must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
 - (2) There shall be at least one person properly licensed as an operator under the provisions of section 4-110 on the premises at all times to supervise the service of beverages.
 - (3) In case of attendance over 100 persons, the licensee shall provide adequate supervision for the maintenance of order and the checking of identification to ensure that minors are not admitted onto the premises.
 - (4) Fermented malt beverages, wine and other refreshments must be served in disposable containers, either paper or plastic.
- (b) *Outdoor picnics or gatherings.*
- (1) All of the provisions set forth in subsection (a) of this section shall apply to outdoor picnics or gatherings.
 - (2) The location of outdoor picnics or gatherings with a temporary Class "B"/"Class B" license in City parks shall be limited to Carroll Park, Copeland Park, Riverside Park, Houska Park, Cameron Park, Myrick Park, Veteran's Freedom Park, Pettibone Park except the beach area, Green Island Park, and Erickson Fields, Upper Hixon Park and Burns Park ~~that have obtained Board of Park Commissioners approval.~~ Permission to obtain a temporary Class "B"/"Class B" license for any park named in this subsection shall be subject to written permission by the Board of Park Commissioners.
 - (3) In addition to the restrooms which exist in each park, the licensee shall provide temporary supplemental toilet facilities at the rate specified by the current building code in anticipated attendance. Such temporary facilities and their operation shall be a type approved by the County Health Officer and Fire Department - Division of Fire Prevention and Building Safety. The existing facilities in each of the parks shall be utilized at the rate of one per 100 persons.
 - (4) The area in which fermented malt beverages or wine are dispensed or sold shall be fully enclosed with a temporary enclosure with a clearly defined entrance and exit when it is anticipated the picnic or gathering will draw 200 or more persons.
 - (5) A permit to use a public park facility must be secured from the Director of Parks and Recreation, Forestry, Facilities and Grounds and a copy of said permit filed with the City Clerk ~~at the time of application for the license~~ prior to the license being issued.
 - (6) A cash bond in the amount of \$100.00 shall be filed with the City Clerk at the time of application for a license which bond will be used by the Director of Parks and Recreation, Forestry, Facilities and Grounds to repair any damage caused by the picnic or gathering or to clean up the park of any debris associated with the picnic or gathering. If there is no damage to repair or clean up required, the bond shall be returned. In the event damages are caused on public property or cleanup is required, the cost of either or both shall be itemized and deducted from the bond, and the balance returned.

SECTION IV: Section 4-115 shall be renumbered as 4-114. – Provisional Retail License.

SECTION V: Section 4-115 through 4-141, 4-146 and 4-173 through 4-180 will be unused and marked Reserved.

SECTION VI: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VII: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 3/14/19
Approved: 3/18/19
Published: 3/23/19