

ORDINANCE NO.: 5125

AN ORDINANCE to create Section 4-153 of the Code of Ordinances of the City of La Crosse regarding Secondary Retail Sales for Brewers.

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

SECTION I: Section 4-153 is hereby created to read as follows:

Sec. 4-153. – Secondary Retail Sales for Brewers.

(a) *Requirements for Secondary Retail Location for Brewers.*

- (1) All sales of fermented malt beverages under this section shall be subject to zoning requirements under Chapter 115.
- (2) No sales of fermented malt beverages under this section shall be permitted between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday.
- (3) Once the City Clerk is notified of a proposed Permit Extension or Secondary Location, the Clerk shall refer for appropriate review by La Crosse County Health Department, Police Department, Fire Department –Fire Prevention and Building Safety, Planning, Development and Assessment Department and Parks and Recreation, Forestry, Facilities and Grounds Department as necessary. The Clerk shall provide comments to the Wisconsin Department of Revenue.
- (4) All Brewers must obtain approval from the Wisconsin Department of Revenue in advance of any sales under this section.

(b) *Indoor Secondary Retail Sales for Brewers.*

- (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) In case of attendance over 100 persons, the permittee shall provide adequate supervision for the maintenance of order and the checking of identification to ensure that minors do not purchase fermented malt beverages.

(c) *Outdoor Secondary Retail Sales for Brewers.*

- (1) All of the provisions set forth in subsection (b) of this section shall apply to outdoor secondary retail sales.
- (2) The location of Secondary Retail Sales for Brewers 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, Erickson Fields, Upper Hixon Park and Burns Park. Permission to sell fermented malt beverages at 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 permittee 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 are dispensed or sold shall be fully enclosed with a temporary enclosure with a clearly defined entrance and exit when it is anticipated the event 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 prior to the license being issued.

SECTION II: 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 III: This Ordinance shall take effect upon passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 12/12/19
Approved: 12/16/19
Published: 12/21/19