

ORDINANCE NO.: _____

AN ORDINANCE to amend secs. 10-47, 10-49, and 10-76 of the Municipal Code of the City of La Crosse regarding beer garden regulations.

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

SECTION I: Section 10-47 is hereby amended to read as follows:

Sec. 10-47. Definitions.

Beer garden means an open air, roofed or unroofed area adjacent or accessory to a "Class B" intoxicating liquor and/or fermented malt beverage licensed premises, where beer and other alcohol beverages are served or consumed, and where access is allowed only through the main building. The following are excluded from this definition if such are included within the licensed premises:

- (4) La Crosse Center; and
- (5) Any courtyard located between a banquet hall, bar and dining facilities, which are within a single building with the owner and operator of the business being the same.

SECTION I: Section 10-49 is hereby amended to read as follows:

Sec. 10-49. Regulations.

- b. A well-maintained wall, barrier, or fence shall be ~~maintained and~~ constructed surrounding the beer garden area. ~~The fence shall be constructed out of solid wood, wrought iron, composite or vinyl. The wall, barrier, or fence shall comply with all regulations in section 115-398. Fence height~~ The height of the wall, barrier, or fence shall be measured from the surface of the beer garden. The fence shall comply with all regulations regarding vision clearance along with required distance from the corner(s) and section 115-398. The wall, barrier, or fence shall be of the following height and the specified exits shall be provided:
 1. For a beer garden located at street level, the height ~~of the fence~~ shall be no less than ~~six three and one-half (3½) feet and shall not exceed eight feet.~~ The wall, barrier, or fence shall contain the required fire exit(s). ~~The~~ Any gate(s) or exit(s) shall be of the same required height as that ~~required of the beer garden fence,~~ shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks.
 2. For a beer garden located at any level other than street level, the height of the fence shall be no less than three and one-half (3½) feet. The beer garden area shall have at least two exits and be accessible by emergency service units and personnel.
 3. ~~For a beer garden located at street level and with a Class "B" or Class "D" beer garden license, the height of the fence shall be three and one-half feet. The fence shall contain the required fire exit(s). The gate(s) or exit(s) shall be of the~~

~~same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks.~~

3. For a beer garden that includes a volleyball or pickleball court, the fence regulations in subsection 115-398(a)(4) shall apply.

6. All beer garden areas shall comply with the ~~2009 International Building Code~~ and provisions of Wis. Admin. Code chs. SPS 362—366 and 381 and 382, 320-325 and 361-366, the current version adopted by the State of Wisconsin of the International Existing Building Code, and the International Building Code, relative to the required number of toilets, exit lights, and other relevant regulations contained therein.

SECTION III: Section 10-76 is hereby amended to read as follows:

Sec. 10-76. Investigation.

The City Clerk shall submit all applications for beer garden licenses to the Police, Fire, and County Health Departments for investigation. These departments shall furnish to the Council in writing a recommendation as to whether the license should be granted. ~~The Fire Department-Division of Fire Prevention and Building Safety shall inspect the premises for new applications only.~~

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

Mitch Reynolds, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: