

*** Proof of Publication ***

STATE OF WISCONSIN
County of La Crosse } SS.

Chris Olsen, being duly sworn, says that he/she is the principal clerk of the LA CROSSE TRIBUNE, a public daily newspaper of general circulation, published in the City of La Crosse, in the county and state aforesaid, and that the notice of which the annexed is printed copy taken from the paper in which the same was published, was inserted and published in the said newspaper on the dates listed below,

being at least once in each week for 1 successive week(s).

Chris Olsen

LA CROSSE CITY CLERK
NIKKI ELSEN
400 LA CROSSE ST
LA CROSSE WI 54601

ORDER NUMBER 101837

Sworn to and subscribed before me this JUN 09 2022
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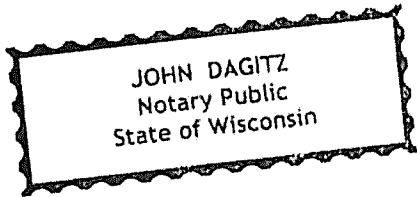
[Handwritten Signature]

Notary Public, La Crosse County, Wisconsin

My Commission as Notary Public will expire on the

____ day of _____, 20____

MAR 16 2026



Section: Legals

Category: 0001 Wisconsin Legals

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ORDINANCE NO. 6319

AN AMENDED ORDINANCE to amend Sections 40-103, various subsections of 40-106(a), 39-106(a), 4-45(b), 4-108(b) and 116-398(g) and to create various subsections of 40-106(c) of the Code of Ordinances for the City of La Crosse regarding outdoor dining areas in public right-of-way.

SECTION I: Section 40-103 is hereby amended by revising the following definition:

Outdoor dining area means a designated area where dining appearances are located on a public street, other adjacent public sidewalk, or a sidewalk within a public right-of-way, partially within the public right-of-way and partially upon private property or, most preferably, property within an adjacent open space or enclosed parking space, and operated as an integral part of an adjacent business, such as a bakery, candy or ice cream store, coffee shop, food store, grocery, delicatessen, restaurant, tavern, eating room, or other like establishment for the purpose of outdoor dining.

SECTION II: Section 40-106(3)(a)(3) and (4) are hereby amended and (5) and (6) are hereby created to read as follows:

3. A scaled site plan for an outdoor dining area, to include the location and boundary of the proposed outdoor dining area; the dimensions of the remaining width of the sidewalk outside the outdoor dining area; the dimension from the outdoor dining area to the curb and all buildings; and the location of awnings, dining appearances within the outdoor dining area. The plans shall also indicate: existing property lines; associated buildings and entrances; extent of sidewalk encroachment; location of curb, location of fire hydrants, bus shelters and/or stops, trees, utility poles, signs, benches, light poles, waste receptacles, driveways, alleys, yards, exterior fire department connections, and any other obstructions within the public right-of-way of the proposed location of the outdoor dining area and for an additional 20 feet therefrom. Site Plan shall also include dimensions of the proposed outdoor dining area, the number of tables/chairs, and the distances between them, and the location of all fencing with a description of type and materials.

a. Identification of zoning district of primary building of business.

b. Plans for any proposed structures such as raised platforms, enclosures, and/or roofs.

c. Photos, attachments, and/or renderings or any other information that will help the Board understand, review, and process your application.

SECTION III: Section 40-106(3)(2) is hereby amended and (3), (4), (5) and (6) are hereby created to read as follows:

2. All dining appearances located in any public way shall not be permanently attached to any sidewalk, curb, ledge, tree post, public bench, waste receptacle, or any other fixture within the public right-of-way and shall not impede vision corner clearance requirements.

3. A barrier must be provided to separate the dining area from vehicular traffic. Solid metal barriers or structures are permitted. Concrete barriers on each end of the outdoor dining area are required. Chain link or other fences are not permitted. Other free standing durable fences may be considered by the Board. Fences or barriers shall be a minimum of at least 4' in height. Height may be reduced in order to create a corner clearance requirement.

4. Raised platforms or other structures for outdoor dining may be permitted upon the review and approval of the Board of Public Works and shall be provided by the Fire Department.

5. Outdoor dining areas located on public street must not impede stormwater drainage in the gutter.

6. No stormwater flow obstruction in curb and gutter. At minimum 6" x 6" openings over curb and gutter should remain unobstructed at all times.

7. No covering or obstruction of utility access points. Proposed structures should not be over and closer than five feet to the nearest edge of the sidewalk, manholes and water valves.

8. Outdoor dining areas should have an emergency exit that meets American Fire and Building codes.

SECTION IV: Section 40-106(3)(c)(3) and (4) are hereby amended and (5) and (6) are hereby created to read as follows:

3. The outdoor dining area may not include within the proposed area of encroachment, bus stops, fire hydrants, exterior fire department connections, or other facilities deemed necessary for public safety.

4. An outdoor dining area shall be located at least five feet from fire hydrants, fifteen feet from manholes, and ten feet from driveways, alleys, bus shelters and/or stops, in no case shall dining appearances greater than three feet in height be located to obstruct the vision clearance triangle as required under this Code.

5. All outdoor dining areas must provide their own trash receptacles and shall not use the City of La Crosse trash receptacles.

6. All ADA requirements must be met.

SECTION V: Section 40-106(3)(d)(3), (5), (8), (11), and (13) are hereby amended and (14), (15) and (16) are hereby created to read as follows:

3. Amplified music and sound, and non-amplified music are prohibited unless permitted by the Board.

5. Portable propane heaters are permitted within the outdoor dining area provided they are a minimum of 60 inches in height and located at least five feet from a building. Propane tanks are not allowed to be stored within the building or within 10 feet of an entrance door to the building. The size and type of propane tanks must follow the requirements laid out in NFPA 1, Chapter 18 (2012 ed.).

8. Operating hours for the outdoor dining areas shall be between the hours of 7:00 a.m. - 10:00 p.m., consistent with the operating hours of the applicable business, unless the applicant business is located within 200 feet of a residential zoning district in which case outdoor dining areas shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.

11. Outdoor dining areas and dining appearances shall be permitted to occupy sidewalks within the public right-of-way throughout the year; provided, however, snow and ice removal shall be the obligation and at the expense of the permit holder. Outdoor dining areas will not be permitted in public streets from November 1st until unless permitted by the Board.

13. Alcohol beverages in the outdoor dining area are prohibited unless otherwise permitted in 2-45(b) and/or 4-108(b).

14. Alcohol beverages may be permitted in the outdoor dining area under the Outdoor-Gate Program adopted by the Common Council. Expansion of the licensed premises must be provisionally approved by the City Clerk pursuant to Section 4-45(b).

15. No vertical display or display is permitted; one person allowed per seat in the outdoor dining area.

16. On-street dining areas shall not require streets to be closed.

17. Outdoor dining areas are not permitted on State Highways unless permitted by the Wisconsin Department of Transportation.

SECTION VI: Section 32-10(e) is hereby amended to read as follows:

(e) Street privilege permits under this section may be granted in accordance with the terms and conditions stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution pursuant to Section 40-106, approved under the Outdoor-Gate Program adopted by the Common Council. No permit fee is required as established by resolution.

SECTION VII: Section 4-45(b) is hereby amended to read as follows:

(b) Expansion of licensed premises under this section may be provisionally approved for outdoor dining areas by the City Clerk stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution, under the Outdoor-Gate Program adopted by the Common Council. Said request shall be forwarded to the Judiciary and Administration Committee and Common Council for consideration no later than the next regularly scheduled meeting. Fencing for expanded licensed premises will be approved in accordance with Section 40-106(3), the Outdoor-Gate Program Guidelines. No permit fee is required as established by resolution. Expansion of licensed premises for outdoor dining areas on private property must meet the requirements stated in Section 40-106(3).

SECTION IX: Section 4-108(b) is hereby amended to read as follows:

(b) Expansion of licensed premises under this section may be provisionally approved for outdoor dining areas by the City Clerk stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution, under the Outdoor-Gate Program adopted by the Common Council. Said request shall be forwarded to the Judiciary and Administration Committee and Common Council for consideration no later than the next regularly scheduled meeting. Fencing for expanded licensed premises will be approved in accordance with Section 40-106(3), the Outdoor-Gate Program Guidelines. No permit fee is required as established by resolution. Expansion of licensed premises for outdoor dining areas on private property must meet the requirements stated in Section 40-106(3).

SECTION X: Subsection 115-398(g) is hereby amended to read as follows:

(g) Fences that are required for an outdoor dining area under the Outdoor-Gate Program will be approved in accordance with Section 40-106(3), the Outdoor-Gate Program Guidelines. No permit fee is required from the City of La Crosse Fire Department Division of Community Risk Management.

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

Attest:
Mick Reynolds, Mayor
Sandra Craig, Deputy City Clerk