

ORDINANCE NO.: 5293

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,~~

