

CHAPTER 261
SPECIAL OCCUPANCIES

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261-35. Setbacks on Residential Properties. All antenna systems located on residential property shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the topmost point. No wires, cables or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.

261-42. Tents. 1. DEFINITION. In this section "tent" means a portable and temporary shelter, structure or stand, the covering of which in whole or in part is made of pliable material, but not including shelters and tarpaulins used exclusively for construction purposes.

2. NO PERMIT FOR CERTAIN TENTS.

The following tents are exempt from the permit requirements of s. 200-24-1. All other regulations of this chapter apply.

- a. Tents less than 600 square feet in area.
- b. Tents erected solely for the private use by the owner and/or tenants on premises which are exclusively one- to 4-family residential uses.
- c. Tents with 3 or more open sides.

3. OCCUPANCY USE OF TENTS.

a. In addition to all other regulations set forth in this chapter, the use of tents shall be limited to:

- a-1. For circuses, carnivals, religious meetings, civic events or similar assembly purposes.

a-2. For promotional sales when located on the same premises as the principal occupancy use and adequate parking and sanitary facilities are provided.

a-3. For promotional sales on public or private paved lands having an area not less than 10,000 square feet, providing adequate parking and sanitary facilities are provided and the tent area covers 4,000 square feet or more.

b. Tents as regulated in par. a shall be erected for a period not to exceed 15 days.

c. Tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses shall be erected for a period not exceeding 150 days per calendar year and shall not be used for vehicle storage.

4. TENTS USED IN CONJUNCTION WITH A LICENSED PREMISES. Tents used in conjunction with premises licensed as a Class "B" establishment under ch. 90 may be erected for a period not exceeding 180 days per calendar year and shall be used only for activities permitted by the license.

5. CAPACITY. The capacity of any tent covered by this section shall not exceed one person for each 6 square feet of tent area.

261-97. Outdoor Assembly Facilities.

1. SCOPE. This classification governs the uses of premises for outdoor assembly of more than 100 persons in the open air.

2. CAPACITY. a. The nominal capacity of any open or fenced premises used for outdoor assembly shall be the number of fixed seats plus one person for each 6 square feet of ground area used or intended to be used. A distance of 24 inches along any undivided bench shall constitute one seat in computing the population. The ground area of aisles or passageways used for access or circulation shall not be considered in computing the population and shall not be used for seats or standing room.

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b. The number of persons admitted to any place of outdoor assembly shall not exceed the population as computed in par. a.

c. When the 2 sexes are accommodated in places of outdoor assembly and when no definite information is filed with the commissioner, it shall be assumed that the sexes are equally divided.

3. EXITS. a. Except as regulated in par. c, every place of outdoor assembly shall have one or more frontages on a street, or an open space not less than 30 feet wide and having an unobstructed access to a street as shown in Table 261-97-3-a.

Table 261-97-3-a

Population Outdoor Assembly	Frontage on, or Open Space Having Access to
Up to 1,000	1 street
Up to 5,000	2 streets
Up to 10,000	3 streets
Over 10,000	4 streets

b. Where more than one street is required, an available public park, unoccupied field or open space not less than 30 feet wide, approved as an area of refuge, may be used in lieu of required streets in excess of one street.

c. A fenced place of outdoor assembly shall have at least 2 exits from the enclosure. If more than 6,000 persons are to be accommodated, there shall be at least 3 exits; and, if more than 9,000, there shall be at least 4 exits. Exits shall be distributed uniformly in an approved manner.

d. Access to required exits from a fenced outdoor assembly shall be by means of aisles of passageways with access to a street or approved open space.

e. The aggregate width of exits or a fenced outdoor assembly shall be provided for the number of persons for which an area is designed. Such exits shall be computed on the basis of 22 inches per 100 persons.

4. PUBLIC PASSAGEWAYS. a. Public passageways shall be provided for the normal number of persons for which the area is designed, and the width thereof shall be computed as regulated in sub. 3-e but in no case shall such width be less than 44 inches. Such public passageways shall be designed and apportioned as to prevent congestion and confusion.

b. Where 2 or more such public passageways lead into one public passageway in the direction of travel to an exit, such combined public passageway shall be at least equal in width to the combined width of merged public passageways.

c. Aisles having seats on both sides shall not be less than 42 inches in width. Aisles having seats on one side only shall not be less than 24 inches wide. Cross aisles shall not be less than 48 inches in width.

261-98. Beer Gardens. 1. DEFINITION. In this section "beer garden" means an outdoor accessory use on a premises licensed and operated year round as a class "B" establishment under ch. 90 and which is used for recreation, entertainment or dining purposes, whether or not enclosed in whole or part by a fence or a tent.

2. APPLICATION. This section applies to all beer gardens licensed on or after May 13, 1989 and to those beer gardens previously licensed and does not apply to municipally-owned facilities.

3. HEALTH DEPARTMENT REGULATIONS. No beer garden may be approved or be operated unless it meets the requirements of the health department and has obtained the necessary licenses or permits required by city code.

4. TENTS. Tents used in conjunction with beer gardens shall meet the requirements of s. 261-42, and all applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended.

5. HEATING EQUIPMENT. Any heating equipment located in or serving a tent shall meet the applicable requirements of ch. SPS 364, Wis. Adm. Code, as amended.

6. CAPACITY. The nominal capacity of a beer garden shall be calculated on the basis of one person for each 10 square feet of ground area enclosed or intended to be used as a beer garden. A sign indicating the capacity of the beer garden shall be posted in the beer garden as required under s. 252-1.

7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT. All beer garden areas not contained within a tent shall comply with the following:

a. A beer garden exceeding 250 square feet shall have at least 2 exits from the enclosed or fenced area, located at or near opposite ends of the beer garden. If the beer garden is equal to or less than 250 square feet, only one exit is required. Fence heights shall meet the requirements of s. 239-2. The total exit width shall be not less than 22 inches per 100 persons with a minimum width of 36 inches per exit.

b. If a beer garden is enclosed and the fence or enclosure is in excess of 4 feet in height, the exit openings shall meet the applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended, except that lighted exit signs and exit directional signs are not required in beer

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gardens. Gates and exit doors shall be marked with a sign of 5-inch letters with the words "exit" or "emergency exit only".

c. Exits from the beer garden through buildings located on the same premises or from such buildings through the beer garden shall be permitted, providing the width of the exits shall accommodate both the capacity of the building as calculated in the code for the building use and the capacity of the beer garden as calculated in this section.

d. Exterior exit stairways which serve beer gardens shall comply with provisions of this code for exit stairways except that enclosures are not required.

8. OPEN FLAME DEVICES. No unapproved open flame device shall be permitted in a beer garden.

9. FIRE EXTINGUISHERS. Portable fire extinguishers shall be provided as set forth in chs. SPS 361 and 362, Wis. Adm. Code, as amended.

10. TOILET AND SANITARY FACILITIES. a. Toilet rooms and sanitary facilities shall be provided for males and females in connection with all beer gardens. The number of toilets required shall be based upon the code requirements for taverns and restaurants rather than general assembly and, where special conditions exist, additional toilets may be required by the health department to provide for proper sanitation. Toilet rooms in the building on the licensed premises may be used to meet the minimum requirement for the beer garden if sufficient toilet rooms exist to meet the total number required from both areas. Beer gardens which have net areas of 250 square feet or less are not required to be provided with toilet facilities.

b. Portable toilets and handwashing facilities shall be permitted in lieu of permanent facilities, provided that the beer garden is used less than 180 days per calendar year.

11. NONABSORBENT CLEANABLE SURFACES. All food preparation areas and back bar areas shall be placed upon a hard surface which is nonabsorbent and easily cleanable. Such surfaces shall be fitted with drains and equipment so plumbed that these surfaces do not remain wet as a result of the food and drink handled in these areas.

12. PERMIT. Applicants for beer garden permits shall submit to the department of city development a dimensioned site plan and floor plan at the time of the application. It is the obligation of the operator to submit any revision to these plans to the department of city development.

261-101. Toilet Rooms. Separate toilet rooms shall be provided for males and females in connection with all places of outdoor assembly.

**LEGISLATIVE HISTORY
CHAPTER 261**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Chapter 261 in existence, 1986-2002				
ch. 261	cr	85-1396	12/20/85	1/1/86
ch. 261	rp	020467	8/1/2002	8/20/2002
261-01	am	980939	10/30/98	11/18/98
Chapter 262 renumbered to 261 and amended, 2002-present				
ch. 262	rn to 261	020467	8/1/2002	8/20/2002
261-01	rp	020467	8/1/2002	8/20/2002
261-10	rp	060520	9/26/2006	10/13/2006
261-35	am	991763	5/14/2002	10/1/2002
261-42-3-c	cr	060491	9/26/2006	10/13/2006
261-98-4	am	020467	8/1/2002	8/20/2002
261-98-4	am	121706	4/9/2013	4/26/2013
261-98-5	am	020467	8/1/2002	8/20/2002
261-98-5	am	151199	3/29/2016	4/15/2016
261-98-7-a	am	991763	5/14/2002	10/1/2002
261-98-7-b	am	020467	8/1/2002	8/20/2002
261-98-7-b	am	151199	3/29/2016	4/15/2016
261-98-9	am	020467	8/1/2002	8/20/2002
261-98-9	am	111233	1/18/2012	2/4/2012
261-98-10-a	am	020467	8/1/2002	8/20/2002
261-101	am	020467	8/1/2002	8/20/2002
261-103	rp	131559	5/13/2014	8/1/2015
261-103-2-a	am	030175	6/3/2003	6/20/2003
261-103-2-e	cr	030175	6/3/2003	6/20/2003
261-103-4-0	rc	030175	6/3/2003	6/20/2003
261-103-5	am	081724	5/5/2009	5/22/2009
261-103-5-a	am	030175	6/3/2003	6/20/2003
261-103-5-a	am	091396	4/13/2010	4/17/2010
261-103-5-b-5	cr	030175	6/3/2003	6/20/2003
261-103-5-c-0	am	030175	6/3/2003	6/20/2003
261-103-5-d	rc	030175	6/3/2003	6/20/2003
261-103-5-f	am	991763	5/14/2002	10/1/2002
261-103-6	rn to 261-103-7	030175	6/3/2003	6/20/2003
261-103-6	cr	030175	6/3/2003	6/20/2003
261-103-6-a	am	081724	5/5/2009	5/22/2009
261-103-6-a	am	091396	4/13/2010	4/17/2010
261-103-6-b	rc	991763	5/14/2002	10/1/2002
261-103-7	rn to 261-103-8	030175	6/3/2003	6/20/2003
261-103-8	rn to 261-103-9	030175	6/3/2003	6/20/2003
261-103-9	rn to 261-103-10	030175	6/3/2003	6/20/2003
Chapter 262 history, 1986-2002				
262-01	am	85-1396-a	5/6/86	5/23/86
262-10-1	rc	85-109-b	4/15/86	5/1/86
262-10-1	rc	941797	6/6/95	6/23/95
262-10-2-b	am	980963	12/18/98	1/1/98
262-10-2-e-1-a	am	86-465	6/17/86	7/9/86
262-35	am	882295	5/16/89	6/3/89

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262-42-1	rn to 262-42-2	950719	9/27/95	10/14/95
262-42-1	cr	950719	9/27/95	10/14/95
262-42-1	rc	960077	6/25/96	7/13/96
262-42-2	rn to 262-42-3	950719	9/27/95	10/14/95
262-42-2	rc	960077	6/25/96	7/13/96
262-42-2-a-0	am	882295	5/16/89	6/3/89
262-42-3	cr	85-1396-a	5/6/86	5/23/86
262-42-3	am	880522	3/7/89	3/25/89
262-42-3	rn to 262-42-4	950719	9/27/95	10/14/95
262-42-5	cr	960077	6/25/96	7/13/96
262-98	cr	881425	4/25/89	5/13/89
262-98-4	am	980939	10/30/98	11/18/98
262-98-5	am	980939	10/30/98	11/18/98
262-98-7-b	am	980939	10/30/98	11/18/98
262-98-9	am	980939	10/30/98	11/18/98
262-98-10-a	am	980939	10/30/98	11/18/98
262-98-12	am	980963	12/18/98	1/1/99
262-103	cr	960375	7/12/96	7/31/96
262-103-5-a	am	980963	12/18/98	1/1/99
262-103-5-c-0	am	980963	12/18/98	1/1/99
262-103-5-d	am	980963	12/18/98	1/1/99
262-103-5-e	am	980963	12/18/98	1/1/99
262-103-8-b	am	980963	12/18/98	1/1/99

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