

**VILLAGE OF WALWORTH  
WALWORTH COUNTY, WISCONSIN**

**Ordinance 2023-2**

**AN ORDINANCE REPEALING AND ADOPTING SECTION 7-2-19, BEER  
GARDENS, OF THE VILLAGE OF WALWORTH CODE OF  
ORDINANCES**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments to the Village of Walworth Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Walworth, Walworth County, Wisconsin, do ordain and adopt as follows:

**SECTION 1:**

To adopt Section 7-2-19, Beer Gardens, as follows:

**“Section 7-2-19. – Beer Gardens Regulated.**

**(a) Purpose.** The Village Board finds that restrictions are necessary for outdoor beer gardens at premises holding “Class B” and Class “B” liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to police power provides a framework for regulatory controls on such outdoor sports and beer garden activities.

**(b) Permit Required for Beer Garden Outdoor Consumption.** No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under a beer garden permit granted by the Village Board. The permits are a privilege under which no rights vest and, therefore, may be revoked by the Village Board at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of the licensed premises which is not described in a valid beer garden permit.

**(c) Limitations on Issuance of Beer Garden Permits.** Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden. It is the purpose of proper fencing in the beer garden area to prohibit or significantly restrict the ease in which alcoholic beverages may be passed from within the beer garden area to anyone outside the beer garden.

(1) No permit shall be issued for a beer garden if any part of the beer garden is within one hundred (100) of a structure used for residential purposes, except residential uses located in the same structure as the

licensed premises. This requirement may be waived at the discretion of the Village Board.

(2) No permit shall be issued for a beer garden if the beer garden area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises.

(3) Every beer garden shall be completely surrounded by an attractive wall, fence or barrier not less than six feet in height. For open decks, lattice will be required from the deck floor to the railing. The gate(s) or exit(s) shall be three feet wide and the same height as that required of the beer garden fence, shall swing to egress, and shall swing free and clear of public sidewalks. The beer garden fence shall comply with all regulations regarding vision clearance along with required distance from corner. The beer garden fence shall contain the required fire exist(s) and shall be equipped with a locking system that meets fire codes.

(4) Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic. No more than 5% of the light can leave the property.

(5) No open flames may be displayed unless approved by the Walworth Fire Department.

(6) Amplified sound or music is permitted within the enclosed licensed premises only, not within the beer garden.

(7) Use of the beer garden is prohibited after 10:00 p.m., at which time all access must be secured.

(8) There shall be a licensed operator within the beer garden at all times the beer garden is in operation.

(9) The beer garden shall be attached to the main business premises and access to the outdoor premises shall only be allowed through the main building.

(10) Restrooms shall be provided in connection with all beer gardens. The number of toilets required shall be based upon the code requirements for taverns and restaurants and, where special conditions exist, additional toilets may be required by code. Restrooms in the building on the licensed premises may be used to meet the minimum requirement for the beer garden if sufficient restroom facilities exist to meet the total number required from both areas. Portable or temporary 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) The Licensee shall keep the permitted beer garden free of garbage and debris.

(12) The Licensee shall not permit noise level to exceed seventy-five (75) db, measured at any border of the Licensee's real property.

**(d) Site Plan.** All applicable permits required shall be obtained and submitted along with a site plan for review and Village Board approval.

**(e) Inspection.** The beer garden shall be inspected annually by the Village of Walworth Building Inspector and the Fire Department.

**(f) Permit Fee.** The fee for a beer garden permit is required at the time of application. The permit fee shall be set by the Village Board, subject to amendment from time to time, and shall have a term of one year commencing on July 1 and expiring on June 30 of each year. If granted subsequent to July 1 in any given year, the permit shall expire on June 30 after issuance. The fee is nonrefundable.

**(g) Notification to Property Owners.** All property owners within 150 feet of the premises in which the proposed beer garden is attached shall be notified of the pendency of any application for a beer garden permit by first class mail.

**(h) State Statutes Enforced Within the Beer Garden.** Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class “B” licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the beer garden permit by the Village Board.

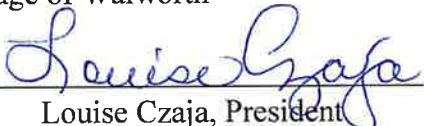
**(i) Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee’s alcohol beverage licenses.”

**SECTION 2:**

**Effective Date:** This ordinance shall be in full force and effect upon passage approval, and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Walworth, Walworth County, Wisconsin this 10<sup>th</sup> day of July, 2023.

Village of Walworth

By:   
Louise Czaja, President

Attest:   
Lisa Rogers, Clerk/Treasurer