

ORDINANCE NO. 2015-01

**AN ORDINANCE CREATING SECTION 125.0003,
OF CHAPTER 125, UNDERAGE AND INTOXICATED PERSONS:
POSSESSION: PROOF OF AGE: AND PRESENCE ON LICENSED PREMISES
RELATING TO FERMENTED MALT BEVERAGES OR INTOXICATING
LIQUOR ON PUBLIC PROPERTY AND COMMERCIAL QUADRICYCLES
OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE**

**THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY,
WISCONSIN, DOES ORDAIN THAT SEC. 125.0003 BE CREATED TO READ AS
FOLLOWS:**

**SECTION 1. Sec. 125.0003. FERMENTED MALT BEVERAGES OR INTOXICATING
LIQUOR ON PUBLIC PROPERTY AND COMMERCIAL QUADRICYCLES
PROHIBITED; EXCEPTIONS**

A. No fermented malt beverages or intoxicating liquor shall be sold, given away, dispensed, consumed, stored in or brought onto any public property of the Village.

B. No person shall drink from, open a container of, or have in his/her possession an open container of fermented malt beverage or intoxicating liquor:

- (1) On a public highway including the sidewalks adjacent thereto;
- (2) In or on a publicly owned or privately owned parking lot or ramp to which the public is invited;
- (3) While on a commercial quadricycle, as defined at §340.01(8m), Wis. Stats.;
- (4) In or on any school grounds within the Village, consistent with §125.09(2), Wis. Stats.

C. Exceptions. The provisions of this section shall not apply to the following:

- (1) Licensing requirements of Chapter 23 of this Code;
- (2) Any area that has been temporarily licensed for consumption of intoxicating liquor or fermented malt beverages under Chapter 23 of this Code;
- (3) A person licensed to serve fermented malt beverages or intoxicating liquor who, while working as an employee of a licensed establishment, is carrying an open container of a fermented malt beverage or intoxicating liquor between a licensed establishment and a sidewalk café for the sole purpose of serving patrons within the sidewalk café;
- (4) Green Isle Park.

SECTION 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative

intent of the Village Board that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 20th day of January, 2014.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:

Clark

- Downtown Green Bay Inc. has offered the Village approximately 100 used Christmas decorations at no cost to the Village, but there will be costs to hook up electrical outlets to poles and refurbish some of the decorations with energy efficient LED lighting.

PUBLIC APPEARANCES

- none

APPROVAL TO FILL SPECIAL EQUIPMENT OPERATOR POSITION UPON THE RETIREMENT OF STEVE NEUVILLE

Rafter / Dart moved to proceed with a position hire for a full-time special equipment operator in the Street Department. Motion carried.

ADOPTION OF ORDINANCE 2015-01, CREATING SECTION 125.0003, RELATING TO FERMENTED MALT BEVERAGES OR INTOXICATING LIQUOR ON PUBLIC PROPERTY AND COMMERCIAL QUADRICYCLES

Rafter / Vanden Avond moved to approve the ordinance while striking B(3) While on a commercial quadricycle, as defined at §340.01(8m), Wis. Stats.

Discussion:

- As of January 1, 2014, passengers are allowed to consume beer on a commercial quadricycles, but municipalities can regulate them.
- Why enact an ordinance addressing an issue we are not facing? It doesn't appear to be a risk or liability issue.
- If B(3) is removed from proposed ordinance, is remainder of the ordinance relevant? Is there something on the books already preventing open containers on public highways or sidewalks?
- Is a permit needed for a quadricycle (business license)?
- Licensing protocol or permit process with ability to revoke if needed.
- Check with surrounding communities. Do they allow them? Do they have a permit or licensing process?
- Could B(3) be added to C(1) under Exceptions?
- Questioned the reference to a sidewalk café in the ordinance.

Substitute motion by Dart / Harris to postpone to obtain more information. Motion carried.

APPOINTMENT OF WES KORNOWSKE TO BOARD/COMMITTEE/COMMISSION

Vanden Avond / Dennis moved to appoint Wes Kornowske to the Plan Commission, Historic Preservation Committee and Board of Appeals. Motion carried.

FIELD RESERVATION AND PICNIC LICENSE FOR TITLETOWN SELECT BASEBALL

Nate Wallenfang, Chief Operating Officer for Tiletown Select Baseball Inc.

- explained the request to use Riverview Park softball diamonds and sell beer is for a Kickball Tournament Fundraiser in May to support the not for profit youth travel baseball program

Comments from Attorney Duffy in green below -

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Rafter / Vanden Avond moved to approve the ordinance while striking B(3) While on a commercial quadricycle, as defined at §340.01(8m), Wis. Stats.

Discussion:

- As of January 1, 2014, passengers are allowed to consume beer on a commercial quadricycles, but municipalities can regulate them.
- Why enact an ordinance addressing an issue we are not facing? It doesn't appear to be a risk or liability issue. **Proactive? I've never seen a quadricycle. If someone was going to do this I thought it might happen around Lambeau Field on a game weekend.**
- If B(3) is removed from proposed ordinance, is remainder of the ordinance relevant? Is there something on the books already preventing open containers on public highways or sidewalks? **Yes, the remainder of the ordinance is relevant. We don't have a general ordinance regulating consumption on public property. The Village has an ordinance prohibiting public intoxication. There is a public consumption restriction for licensed premises.**
- Is a permit needed for a quadricycle (business license)? **Probably but it would be a poor business model without alcohol.**
- Licensing protocol or permit process with ability to revoke if needed. **I've seen extensive regulation of quadricycle by ordinance from other communities but would not recommend this.**
- Check with surrounding communities. Do they allow them? Do they have a permit or licensing process?
- Could B(3) be added to C(1) under Exceptions? **Debbie's distributed information from other communities. It's my impression that very few communities are allowing them with alcohol.**
- Questioned the reference to a sidewalk café in the ordinance. **This provision is probably not relevant in Allouez.**

Substitute motion by Dart / Harris to postpone to obtain more information. Motion carried.