

ORDINANCE

An Ordinance to amend Sections 8.230, 11.010 and 14.480 of the Manitowoc Municipal Code regulating parks and related facilities.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 8.230 is amended to read as follows:

8.230 Regulations of Parks and Related Facilities

(1) Alcohol Beverages.

(a) No person shall possess or consume alcoholic beverages, wine or fermented malt beverages in Washington Park, Union Park, Riverview Park, Pulaski Park, Lincolnshire Park, Schuette's Park, Custerdale Playground, Union Park Playground, Mariner's Landing or Municipal Athletic Field, except where the person has obtained possession of fermented malt beverages from the holder of a Class "B" license authorizing the sale of such beverages at such park. This prohibition shall extend to the sidewalks in and immediately adjacent to the parks listed above, except that it shall not be a violation of this section if any person possesses wine or alcoholic beverages on such sidewalks in the original unopened containers.

(b) No person shall possess or consume any alcoholic beverages, wine or fermented malt beverages on the sidewalks surrounding the parks named in subsection (1)(a) of this section except that it shall not be a violation of this section if a person possesses the beverages on the sidewalks in their original unopened containers or if a person has obtained permission from ~~the Recreation Board~~ the Special Events Committee/Common Council to possess alcoholic beverages in the above-named parks.

(7) **Loitering in Parking Areas.** No person, after having been warned by a police officer, shall loiter, stand, congregate, sit or lie in or upon any designated vehicular parking area in any City park for the purpose of eating or drinking, listening to music, or conducting other social activities not incidental to walking to or from other park areas or loading or unloading items for use in other park areas. The purpose of this subsection is to assure that recreational park activities occur in designated parking areas and prevent littering in those areas. ~~The Recreation Board~~ the Special Events Committee/Common Council may grant exceptions to these restrictions on the use of parking areas for special events.

Section 2. Section 11.010 is amended to read as follows:

11.010 Alcohol Beverages

(8) Fermented Malt Beverage License Regulations.

- (a) Combination Licenses Prohibited. A Class "A" and Class "B" fermented malt beverage license shall not be issued for the same or connecting premises, except in the case of a hotel as defined in Wis. Stat. Ch. 125.
- (b) Certain Temporary Class "B" License Events. Temporary Class "B" fermented malt beverage license holders shall be subject to the following regulations:

1. Sales of fermented malt beverages shall be limited to the licensed premises, may be sold in individual containers or pitchers, and shall be served only for consumption on the premises licensed.
2. The actual consumption of fermented malt beverages shall be from nonbreakable containers. In no event shall fermented beverages be served from glass containers.
3. The area in which the sale of fermented malt beverages will be conducted must be set out with specificity in the application for the temporary Class "B" license.

4. No fermented malt beverages may be dispensed after 11:00 p.m. on any City-owned property unless prior approval is received from ~~the Recreation Board~~ the Special Events Committee/Common Council.
5. The licensee shall be responsible for cleaning and policing the area in which the event is conducted.
6. The holder of the temporary Class "B" fermented malt beverage license shall be responsible for checking identification and policing the event so as not to take City police officers off their regularly scheduled line of duties.
7. The licensee shall not permit any person to enter the area of the event or remain in the area while under the influence of intoxicating liquor or fermented malt beverages.
8. Where the licensed event is conducted on City property, the licensee shall be required to obtain separate permission from ~~the Recreation Board~~ the Special Events Committee/Common Council for the use of a designated recreation area for the event.

Section 3. Section 14.480 is amended to read as follows:

14.480 Usage of Public Swimming Pool – Penalty When Forbidden.

- (1) No person shall enter the Manitowoc Swimming Pool or the fenced-in area which encloses the Manitowoc Swimming Pool unless the pool is open for swimmers or unless that person has received permission from the ~~Manitowoc Recreation Director~~, the Director of Public Infrastructure or his/her designee, or the Recreation Board the Special Events Committee/Common Council.

Section 4. This ordinance shall take effect the day after publication.

Introduced _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: N/A
Finance Director Approval: /sc
Approved as to form: /kmm

Drafted by Elizabeth Majerus, Staff Attorney