

**CITY OF SHEBOYGAN
ORDINANCE 21-23-24**

BY ALDERPERSONS DEKKER AND RUST.

SEPTEMBER 5, 2023.

AN ORDINANCE correcting various provisions of the Sheboygan Municipal Code so that they conform to Ordinance No. 14-23-24 adopted on August 7, 2023.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 14-211 Use Of Fixtures By Persons Who Are Not Parklet Customers” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 14-211 Use Of Fixtures By Persons Who Are Not Parklet Customers

Parklet permit holders may not exclude persons who are not customers from using the tables, chairs, and other materials and equipment that are part of the ~~parklet sidewalk-cafe~~ so long as that use is consistent with the requirements of this article.

SECTION 2: **AMENDMENT** “Sec 14-213 Hours Of Operation Restricted; City May Order Other Closures” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 14-213 Hours Of Operation Restricted; City May Order Other Closures

All parklets shall be closed and all tables, chairs, and all other materials and equipment removed immediately upon request of a police officer or a representative of the department of public works for such a length of time as the officer or representative shall designate. A parklet that is part of a permitted premises shall remain open during closing hours as set forth in sections 4-74 and 4-113. No patron shall remain or be permitted to remain within the parklet area during closing hours, regardless of whether the ~~permittee sidewalk-cafe~~ has permanent facilities.

SECTION 3: AMENDMENT “Sec 38-59 Drinking On Public Streets Prohibited; Exceptions” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 38-59 Drinking On Public Streets Prohibited; Exceptions

- (a) *Prohibited conduct.* No person shall drink or carry for the purpose of immediate consumption any intoxicating liquor or fermented malt beverage upon the streets, sidewalks, alleys, public parking lots, and other public ways of the city. Any person carrying any open can, cup, glass, bottle or similar drinking vessel containing intoxicating liquor or fermented malt beverages upon the streets, sidewalks, alleys, public parking lots, and other public ways of the city shall be in violation of this section.
- (b) *Exceptions.* The prohibitions of subsection (a) of this section, shall not apply to the following:
- (1) Such proscription, as it relates to fermented malt beverages, shall not be applicable to persons who have attained the legal drinking age and are a:
 - ~~a. Attending a block party, street festival, or special event~~ for which a permit has been issued in accordance with section 48-~~322.284~~; or
 - ~~b. Attending a street festival for which a permit has been issued in accordance with section 14-113.~~
 - (2) Such proscription shall not be applicable in areas holding a temporary occupancy sidewalk-cafe permit pursuant to section ~~48-96~~14-89 if:
 - a. The permitted area sidewalk-cafe is part of a premises licensed for the serving of alcoholic beverages;
 - b. The person is a patron of the establishment holding the ~~sidewalk-cafe~~ permit; and
 - c. Neither the patron nor the establishment is in violation of the regulations for such use as sidewalk-cafes set forth in Article 48-II-3~~section 14-90~~.
 - (3) Such proscription shall not be applicable in parklets, as that term is defined in section 14-147, if:
 - a. The parklet is part of a premises licensed for the serving of alcoholic beverages;
 - b. The person is a patron of the establishment holding the parklet permit; and
 - c. Neither the patron nor the establishment is in violation of the regulations for such parklets set forth in article 14, chapter V.
 - (4) Such proscription shall not be applicable in city-designated temporary public gathering spaces as described in section 14-148. Such temporary public gathering spaces shall be designated by the council via resolution.
- (c) *Penalties.* The following penalties shall apply to violations of this section:

- (1) Any person violating the provisions of subsection (a) of this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus costs, and in default of payment thereof to imprisonment in the county jail until such forfeiture is paid, but not to exceed 30 days.
- (2) Any person under 18 years of age who violates this section shall be subject to a forfeiture of not more than \$25.00, except that disposition in proceedings against a person under 18 years of age on the date of disposition shall be, as provided in Wis. Stats. § 48.344.

(Code 1975, § 4-61; Code 1997, § 10-2; Ord. No. 75-07-08, § 2, 1-7-2008)

SECTION 4: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan