

AN ORDINANCE TO REPEAL AND RECREATE SECTION 428-8 OUTDOOR OPEN CONTAINER ENTERTAINMENT EVENT PERMIT OF THE MUNICIPAL CODE OF THE CITY OF WATERTOWN, RELATING TO TEMPORARY DOWNTOWN OUTDOOR REFRESHMENT AREAS (TDORA)

SPONSOR: MAYOR ROBERT STOCKS

FROM: LICENSING BOARD

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. § 428-8 Outdoor open container entertainment event permit, is hereby repealed and recreated to read as follows:

§ 428-8. Temporary Downtown Outdoor Refreshment Area (TDORA)

A. As used in this section, the following terms shall have the meanings indicated:

- (1) Alcohol beverages mean any intoxicating liquor, wine and fermented malt beverages, as defined in Wis. Stat. § 125.02.
- (2) Temporary Downtown Outdoor Refreshment Area (TDORA) means a contiguous area designated by the Common Council (Exhibit A), in which possession and consumption of alcohol beverages is permitted under § 410-52(C)(3) of the Watertown Municipal Code in public ways, subject to adopted rules and conditions, and only during a City-approved Special Event pursuant to § 428-7 of the Watertown Municipal Code and within the boundaries approved as part of said Special Event permit.
- (3) TDORA Participant. A “Class B” retail license holder or a Temporary Class B Malt or Wine (picnic) license holder issued pursuant to Wis. Stat. § 125.26, whose licensed premises are located within the approved Special Event boundaries and who is authorized by the City and the Special Event organizer to participate in the TDORA for a specific Special Event.

B. Establishment. A TDORA may be established only in conjunction with a City-issued Special Event permit as set forth in § 428-7 of the Watertown Municipal Code and shall be limited to the boundaries approved as part of said Special Event permit.

C. Application.

- (1) Application for a TDORA shall be made as part of a special event permit application § 428-7.
- (2) In addition to the requirements of § 428-7, the application shall include:
 - (a) A detailed map of the proposed TDORA boundaries explaining how the boundaries will be displayed and monitored.
 - (b) A list of all “Class B” retail license holders and Temporary Class B Malt or Wine (Picnic) license holders who will participate in the Special Event.
 - (c) Such other reasonable and pertinent information as the Public Safety and Welfare Committee may require.

(Type meeting date of the FIRST meeting the ordinance will be considered) Ord. 26-XX

D. Time Restrictions. The TDORA is active only during approved Special Event permit hours. Within this area, alcohol possession and consumption in the public right-of-way are permitted only during the following times: Sunday - Thursday: 10:00 a.m. – 10:00 p.m. Friday – Saturday: 10:00 a.m. – 11:00 p.m. Federal Holidays: 10:00 a.m. – 11:00 p.m.

E. Regulations.

- (1) Open alcohol beverages are permitted only within the approved Special Event TDORA boundaries.
- (2) Alcohol beverages may be sold only by TDORA Participants from their licensed premises. No alcohol beverages shall be brought into the TDORA from outside sources. The license holder shall purchase its alcohol from a source authorized under Wis. Stats., Ch.125.
- (3) Alcohol beverages shall be served only in non-glass containers bearing a TDORA identifier.
- (4) TDORA Participants shall verify that all persons purchasing alcohol beverages are at least 21 years of age in accordance with Wis. Stat. § 125.07(1)(a)3. Any person leaving the licensed premises with an alcohol beverage shall be provided with an age-verification wristband. All persons consuming alcohol beverages within the TDORA shall display such wristband upon request.
- (5) Alcohol beverages purchased from one licensed premises shall not be carried into another licensed premises. All TDORA Participants shall employ a person to monitor all exits of their licensed establishment during the Special Event.
- (6) No open alcohol beverages shall be possessed or consumed outside the approved TDORA boundaries. The Special Event organizer shall post signage clearly identifying all TDORA boundaries and shall provide sufficient security to comply with this provision. This section shall not be construed to prohibit the sale of alcoholic beverages in the original, unopened containers for off-premises consumption. However, consumption of alcoholic beverages sold in original, unopened containers for off-premises consumption shall not be permitted during the Special Event.
- (7) The Special Event organizer shall be responsible for providing open and notorious notice of the event boundaries to all participants throughout the event by use of signs, barricades or other approved means.
- (8) All applicable state statutes and local ordinances, including but not limited to those relating to alcohol beverages, Special Events, and amplified sound, shall remain in full force and effect and shall apply to all activities governed by this Chapter, except where expressly provided otherwise herein.

F. Liability and Insurance.

- (1) In addition to the Special Event insurance requirements set forth in § 428-7(H) of the Watertown Municipal Code, the Special Event organizer shall obtain and maintain liquor liability insurance covering any sale, service, or furnishing of alcoholic beverages in connection with the Special Event, with minimum limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, or such higher amounts as may be required by the City based on the nature of the event. The City of Watertown shall be listed as an additional insured on all insurance policies set forth in § 428-7(H) for the Special Event and on the liquor liability rider required by this Subsection. A certificate naming the City as an additional insured shall be provided to the City no later than ten (10) days before the Special Event.
- (2) Indemnification. See § 428-7(G) of this Chapter.

G. Enforcement. Violations of this section may result in a forfeiture as provided in Chapter 33 of the Watertown Municipal Code and/or denial of subsequent Special Event permits.

SECTION 2. Severability.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date.

This ordinance shall take effect and be in force the day after its passage and publication.

<i>DATE:</i>	<i>First meeting date</i>		<i>Second meeting date</i>	
<i>READING:</i>	<i>1ST</i>		<i>2ND</i>	
	<i>YES</i>	<i>NO</i>	<i>YES</i>	<i>NO</i>
DAVIS				
LAMPE				
BERG				
NITECKI				
BLANKE				
SMITH				
ARNETT				
HAASE				
MOLDENHAUER				
MAYOR STOCKS				
<i>TOTAL</i>				

ADOPTED Type second meeting date

CITY CLERK

APPROVED Type second meeting date

MAYOR