

MEMO

TO: Public Safety & Welfare Committee
FROM: Atty. Steven T. Chesebro
DATE: June 29, 2023
RE: Permitting Alcohol at Town Square

INTRODUCTION

The Bentzin Family Town Square (hereinafter “Town Square”) grand opening occurred on May 20, 2023, and is intended to host several events for the public such as Sounds of Summer Concert Series. A request has been made to permit alcohol to be sold and consumed at the Town Square during some of the events. As the City of Watertown does not prohibit alcohol in its public parks, the City has focused on ensuring any vendor of alcohol has a permissible license to dispense or sell alcohol at the park. One proposed vendor was Brewfinitly, which was eligible for a brewer’s permit under Wis. Stat. § 125.29. Prior to approving this vendor, a question arose as to whether Watertown Ordinance § 410-52 (B) prohibited any person from possessing alcohol at the Town Square. A copy of Watertown Ordinance § 410-52 is included in the packet. Watertown Ordinance § 410-52 (B) specifically prohibits any person from possessing an open intoxicant or drinking an intoxicant on the Watertown Riverwalk, the contiguous public property between Cady Street Bridge and the Milwaukee Street Bridge along both the east side and west side of the Rock River.

There are two exceptions incorporated into Watertown Ordinance § 410-52. The first applies only to events for which a Class “B” picnic license has been obtained under Watertown Ordinance Chapter 220. The second exception only applies to public right of way areas and parking lots.

The Public Safety & Welfare Committee has been asked to provide a recommendation on modifying Watertown Ordinance § 410-52 to allow for the Town Square to host events which may serve alcohol in a safe and responsible manner. This matter is potentially complicated as the Wisconsin Legislature is in the process of revising Wis. Stat. Ch. 125 which addresses the licensing and permitting of the dispensing and sale of alcohol.

PROPOSED MODIFICATIONS

The two current proposals for modifying Watertown Ordinance § 410-52 are:

1. Revise §410-52 (C)(1) so that it reads:

“This section shall not apply to such events for which an appropriate license to dispense or sell alcohol under Wis. Stat. Ch. 125 has been obtained and approved by the City or where the City is distributing malt beverages pursuant to Wis. Stat. Sec. 125.06(6).”

2. Revise §410-52 (C)(2) so that it reads

“This section shall not apply to those areas that may be temporarily closed for a City-approved event.”

Both of these proposals would permit the Town Square to host events which may serve alcohol. Both proposals would prohibit an individual from possessing an open intoxicant or drinking alcohol at the Town Square when no special event is in progress. The main difference is that under the first proposal possessing an open intoxicant or drinking alcohol at a special event would be prohibited unless the event sponsor obtains a license or permit or contracts with the City to serve alcohol as permitted by Wis. Stat. § 125.06(6). During such an event it would be the responsibility of the party dispensing or selling the alcohol to ensure individuals do not bring alcohol into the licensed area. It should be noted that the City is not currently able to serve alcohol at the Town Square as Wis. Stat. § 125.06(6) requires a resolution or ordinance authorizing the City to dispense malt beverages and the City does not currently have staff who would be able to fulfill that position.

The second proposal is broader than the first and would potentially permit individuals attending a special event to bring their own alcohol to the Town Square if the event holder does not hold a license or permit under Wis. Stat. Ch. 125, similar to if they are hosting a special event at another Park within the City. This could mean graduation parties, birthday parties or other private special events at the Town Square may consume alcohol.

The proposals provided are two examples of what the Public Safety & Welfare Committee could recommend. Some communities have adopted designated open container areas within the City limits permitting private consumption of alcohol at any time. Others have a strict prohibition against open intoxicants. This is purely a policy choice that you should determine and balance against any potential risk. Regardless of the restrictions placed on the Town Square by this ordinance, there are some other restrictions that will always apply. A few examples of those restrictions are:

1. All City Parks are closed from 11:00 p.m. – 5:00 a.m. Anyone in the park after that time would be in violation of the law, so no legal consumption of alcohol could occur within the Town Square after 11:00 p.m. or before 5:00 a.m.
2. Individuals under the age of 21 are not permitted to consume alcohol unless in the presence of their parent guardian or spouse of legal drinking age.
3. Selling alcohol requires compliance with Wis. Stat. Ch. 125.
4. Disorderly Conduct, Noise Restrictions and other laws under Watertown Code Chapter 410 would still prohibit improper conduct.

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Opportunity Runs Through It