

**AN ORDINANCE  
TO CREATE SECTION § 428-8: OUTDOOR OPEN CONTAINER ENTERTAINMENT  
EVENT PERMIT, UNDER CHAPTER 428, PUBLIC EVENTS**

Sponsor: Mayor Emily McFarland  
From: Licensing Board

**SECTION 1.** Create Section § 428-8: Outdoor Open Container Entertainment Event Permit, Under Chapter 428, Public Events:

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**§ 428-8 Outdoor Open Container Entertainment Event Permit**

A. Definitions. All terms or phrases for the purposes of this Section shall have the meaning provided in Wis. Stat. § 125.02 except as described below:

(1) **Event Licensed Premise** or **Event Licensee** shall mean a premise or premises identified in the “Outdoor Open Container Entertainment Event Permit” application that has/have been issued a temporary Class “B”/temporary “Class B” license pursuant to Chapter 220 of the City of Watertown Municipal Code of Ordinances and Chapter 125 Wisconsin Statute

(2) **Outdoor Open Container Entertainment Event** shall mean a special event in a defined area of the City which because of adjacent zoning including but not limited to any combination of retails shops, galleries, bars, restaurants, entertainment venues and related businesses, located in any public area including the streets, sidewalks and right-of-ways located within the City of Watertown where the possession and consumption of “Fermented Malt Beverages” and/or “Wine” from an open container is permitted subject to an approved application, the regulations contained within this Ordinance and Chapter 125 of the Wisconsin State Statutes.

(a) Outdoor Open Container Entertainment Events are excluded from Section 220-3B(2), Picnic License.

(3) **Open Container** shall mean a paper or plastic cup which does not exceed 16 fluid ounces in size bearing the “Outdoor Open Container Entertainment Event’s” printed name and/or logo located within the “Outdoor Open Container Entertainment Event” boundaries.

B. Outdoor Open Container Entertainment Event. During dates, times and locations within areas of the City designated for an Outdoor Open Container Entertainment Event, the possession and consumption of Fermented Malt Beverages and or Wine purchased from an Event Licensed Premises in an Open Container are permitted, notwithstanding Section § 410-52 of the City of Watertown Municipal Code of Ordinances.

C. Application.

(1) Application for the Outdoor Open Container Entertainment Event shall comply with the requirements of Section § 428-7E, and in addition the application shall contain and disclose:

(a) A detailed description of the location of the Outdoor Open Container Entertainment Event, including a proposed map detailing the location.

(b) A detailed event security plan.

[1] The applicant may use a private security firm or the City of Watertown Police Department.

(c) A specific plan indicating where patrons will be permitted to carry the Fermented Malt Beverages and/or Wine.

(d) Street Closure. Identify any proposed street closure, including proposed time and locations.

(e) Public Entertainment. A detailed description of all public entertainment associated with the Event.

[1] Shall comply with Chapter 428, Article I: Music in Public Places.

(f) Such other reasonable and pertinent information as the Common Council or the Licensing Board may require.

(2) Application Fee. The fee for an Outdoor Open Container Entertainment Event shall be paid to the City Clerk/Treasurer at the time of application submission. The fees shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review in City Hall.

D. Certificate of Insurance. See Section § 428-7G of this Chapter.

E. Indemnity. See Section § 428-7F of this Chapter.

F. Applicant's Responsibility.

(1) Boundaries/Signs. Applicant(s) 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.

(2) Clean up. Applicant shall maintain the Event area in a clean, sanitary, neat and orderly appearance at all times during the Event. Applicants shall ensure that any Event refuse is removed from the Event area no later than twenty-four (24) hours after the conclusion of the Event.

(3) Security. Applicant shall provide security as detailed in the application security plan. All security personnel for an Event shall be clearly identified by approved uniform.

(4) Non-Alcoholic Beverages. Applicants shall be responsible for providing an equal number of premises dispensing non-alcoholic beverages to premises dispensing Fermented Malt Beverages and/or Wine (1:1 ratio).

(5) Other permits. Applicant shall secure any other permits required by the City of Watertown Municipal Code of Ordinances for associated Event activities.

G. Operational Requirements. Outdoor Open Container Entertainment Events shall be subject to the following regulations:

(1) Sale for Event Consumption. An Event Licensed Premises licenses to dispense Fermented Malt Beverages and/or Wine by the drink for consumption on the Event Licensed Premises is authorized to dispense Fermented Malt Beverages and/or Wine in an Open Container to a person of legal drinking age for removal from an Event Licensed Premise, provided however, that no Event Licensee shall dispense to any person more than one such Fermented Malt Beverage and/or Wine at a time for removal from the Event Licensed Premises, and no person shall remove at one time more than one such Fermented Malt Beverage and/or Wine from the Event Licensed Premises.

(2) Source of Fermented Malt Beverage and/or Wine.

(a) The permit holder shall purchase its alcohol from a source authorized under Wis. Stat. Chapter 125

(b) Open Containers of Fermented Malt Beverages and/or Wine within an Outdoor Open Container Entertainment Event must be purchased/dispensed from an Event Licensee at an Event Licensed Premises within the Outdoor Open Container Entertainment Event boundaries. Alcohol in an Open Container within an Outdoor Open Container Entertainment Event which has not been purchased from an Event Licensed Premises is prohibited.

(3) Open Container. No container in which a Fermented Malt Beverage is dispensed and removed from the Event Licensed Premises shall exceed 16 fluid ounces in size. No container in which Wine is dispensed and removed from an Event Licensed Premises shall contain more than 6.5 fluid ounces of Wine. The Container shall bear the Outdoor Open Container Entertainment Event's printed name and/or logo.

(a) Non-alcoholic beverage containers shall bear the Outdoor Open Container Entertainment Event's printed name and/or logo. The non-alcoholic beverage container shall be a different hue (color) than the Open Container for Fermented Malt Beverages and/or Wine.

(4) Event Dates. Events shall be limited to the date(s) of the approved permits. An Event may last no more than four (4) days.

(5) Hours of Operation. Open Containers of Fermented Malt Beverages and/or Wine shall not be permitted within and Outdoor Open Container Entertainment Event between the hours of 11:00 p.m. and 6:00 a.m. An Event Licensee shall not allow the removal of alcohol in an Open Container for the consumption of alcohol off an Event Licensed Premises between the hours of 11:00 p.m. and 6:00 a.m.

(6) Possession or consumption of Open Containers of alcoholic beverages within or upon any parking lot, parking facility or motor vehicle within the Outdoor Open Container Entertainment Event shall be prohibited unless otherwise permitted by Wisconsin State Statute.

- (7) Possession or consumption of alcoholic beverages by an underage person within an Outdoor Open Container Entertainment Event is prohibited at all times except as otherwise permitted by law. All individuals wishing to possess or consume a Fermented Malt Beverage and/or Wine within an Outdoor Open Container Event must have a wristband with the Outdoor Open Container Entertainment Event's printed name and/or logo issued by an authorized Event Licensee which sold the Fermented Malt Beverage and/or Wine to the individual.
- (8) This Ordinance shall not be construed to prohibit the sale of alcoholic beverages in the original, unopened containers for off-premise consumption. However, consumption of alcoholic beverages sold in original, unopened containers for off-premise consumption shall not be permitted during the Outdoor Open Container Entertainment Event.
- (9) Consumption of alcohol within an Outdoor Open Container Entertainment Event from a can, bottle or a container which is not authorized pursuant to this Ordinance is prohibited.
- (10) Event Licensees shall not permit patrons to enter Event Licensed Premises with Fermented Malt Beverages and/or Wine acquired from outside the Outdoor Open Container Entertainment Event Boundaries or a non-Event Licensed Premises.
- (11) Any Event Licensee permitting patrons to remove a Fermented Malt Beverage and/or Wine from an Event Licensed Premises for consumption during the Outdoor Open Container Entertainment Event shall employ a person to monitor all exits of the Event Licensed Premises to ensure that all beverages are removed in accordance with this Ordinance.
- (12) Neither Event Licensees nor patrons shall refill an Open Container with alcoholic beverages not purchased from an Event Licensed Premises from which the Open Container originated.
- (13) No Person shall exit a designated Outdoor Open Container Entertainment Event boundary with Fermented Malt Beverages and/or Wine purchased in an Open Container for consumption within the Outdoor Open Container Entertainment Event boundary.
- (14) Special events and areas temporarily licensed pursuant to Wisconsin Statutes Chapter 125, occurring within boundaries of the Outdoor Open Container Entertainment Event shall be subject to the provisions of this Ordinance.
- (15) Event specific operational requirements upon which approval of the application was conditional when approved by the Common Council.
- (16) Outdoor Open Container Entertainment Events are prohibited within residential Zoning Districts, nor shall the boundaries of an Outdoor Open Container Event abut a residential Zoning District.
- (17) Operator's, including provisional or temporary operator's, shall not imbibe Alcoholic Beverages while working or volunteering at an Event Licensed Premise during the Outdoor Open Container Entertainment Event.

H. Approval or Denial of Application. Shall conform to Wis. Stat. § 125.12.

- I. Appeal of Application Denial or Modification. Shall conform to Wis. Stat. § 125.12.
- J. Enforcement. Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of the City of Watertown General Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This action shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this article.

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**SECTION 2.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed

**SECTION 3.** This ordinance shall take effect and be in force the day after its passage and publication.

Adopted March 3, 2020  
Signed- Elissa Friedl – Clerk/Treasurer  
Approved March 3, 2020  
Signed- Emily McFarland- Mayor  
Ord #20-08