



Legislation Text

File #: 060078, **Version:** 0

050078

ORIGINAL

ALD. DUDZIK

An ordinance relating to consumption of alcohol beverages upon public parking structures and surface lots.

106-2.1-1.5-c rn

106-2.1-1.5-c cr

106-2.1-1.5-d cr

Under current code provisions, it is unlawful for any person to consume any alcohol beverages or possess any alcohol bottle or receptacle if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed while upon any public parking structure or public parking surface lot within the limits of the city. Exemptions from this prohibition have been provided for Miller Park parking surface lots during sporting events and concerts and for temporary extension of a class "B" tavern licensed premises granted by the common council. The common council may also provide a waiver by resolution for special events. This ordinance creates additional exemptions for Class "B" special license activities and for special events conducted by churches, charities and other nonprofit holders of Class "B" tavern licenses and Class "B" fermented malt beverage licenses.

Whereas, The common council finds that, in promoting the good order, health, welfare and safety of the city, it is appropriate to prohibit the consumption of alcohol beverages in public parking structures and public surface lots; and

Whereas, Churches, charitable and educational associations and other nonprofit organizations and corporations in this city hold periodic events including picnics, fairs, parties and other festive gatherings, in whole or in part for the purpose of raising funds or otherwise promoting their charitable and nonprofit purposes; and

Whereas, Such events include fish fries and other regular activities conducted by churches and nonprofit holders of a Class "B" tavern license or a Class "B" fermented malt beverage license; and

Whereas, It has been the practice for the sponsoring organization at many such events to sell or permit sale and consumption of alcohol beverages under license upon the event premises including parking structures and surface lots; and

Whereas, These events and activities have been well-regulated by law enforcement officers; and

Whereas, By practice and under license, receptacles for waste produced at such events are routinely available; now, therefore,

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

Part 1. Section 106-2.1-1.5-c of the code is renumbered 106-2.1-1.5-e.

Part 2. Section 106-2.1-1.5-c and d of the code is created to read:

106-2.1. Drinking Upon Public Parking Structures and Public Parking Surface Lots.

1.5. EXCEPTION.

c. Bona fide clubs, organized labor unions, county, or local fair associations, or agricultural societies, churches, lodges or societies granted a Class "B" special license under the provisions of s. 90-4-7.

d. Churches, charitable and educational societies or associations, and other nonprofit Class "B" tavern licensees or Class "B" fermented malt beverage licensees provided, however, that the clerk may require proof of nonprofit status, whether for temporary extension to public parking structures and public parking surface lots under s. 90-4-7.8 or for inclusion of public parking structures and public parking surface lots within the floor plan submitted and in the license application under s. 90-5-1-c.

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

LRB06183-1

RLW

5/3/2006