

ORDINANCE NO. 1502

**ORDINANCE TO CREATE CHAPTER 6.37 OUTDOOR OPEN CONTAINER
ENTERTAINMENT EVENT PERMIT
OF THE MUNICIPAL CODE
OF THE CITY OF RIPON, WISCONSIN**

WHEREAS, the Common Council for the City of Ripon is desirous to create Chapter 6.37 Outdoor Open Container Entertainment Event Permit of the Municipal Code of the City of Ripon,

NOW THEREFORE IT BE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RIPON, WISCONSIN CREATES CHAPTER 6.37 OUTDOOR OPEN CONTAINER ENTERTAINMENT EVENT PERMIT TO READ AS FOLLOWS:

Chapter 6.37 OUTDOOR OPEN CONTAINER ENTERTAINMENT EVENT PERMIT

Sections:

6.37.010 Definitions.

All terms or phrases for the purposes of this section shall have the meanings provided in Wis. Stats., § 125.02, except as described below:

EVENT LICENSED PREMISES or **EVENT LICENSEE** — A premises identified in the "outdoor open container entertainment event permit" application that has been issued a temporary class "B" pursuant to Chapter 6.36 of the City of Ripon Municipal Code of Ordinances and Ch. 125, Wis. Stats.

OPEN CONTAINER — A paper or plastic cup which does not exceed 16 fluid ounces in size located within the "outdoor open container entertainment event" boundaries. The open container shall bear the "outdoor open container entertainment event's" printed name and/or logo, or otherwise be identifiable as an open container if approved by the Common Council. Glass containers may only be used with approval by the Common Council.

OUTDOOR OPEN CONTAINER ENTERTAINMENT EVENT — A special event in a defined area of the City which, because of adjacent zoning, includes, but is not limited to, any combination of retail shops, galleries, bars, restaurants, entertainment venues and related businesses, located in any public area, including the streets, sidewalks and rights-of-way located within the City of Ripon, 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 section and Chapter 125 of the Wisconsin State Statutes.

6.37.020 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 Chapter 12.34 of the City of Ripon Municipal Code of Ordinances

6.37.030 Application.

Application for the outdoor open container entertainment event 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 Ripon Police Department with the required service fees.
- 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 or public area closure, including proposed time and locations.
- E. Public entertainment. A detailed description of all public entertainment associated with the event.
- F. Such other reasonable and pertinent information as the Common Council may require.

6.37.040 Application fee.

The fee for an outdoor open container entertainment event shall be paid to the City Clerk at the time of application submission. The fees shall be established by the Common Council and may be modified from time to time.

6.37.050 Liability.

- A. Applicant shall supply the Certificate of Insurance listing the City of Ripon as additionally insured with the Application in an amount of not less than one-million dollars.
- B. Applicant shall submit a Hold Harmless Agreement with the City of Ripon with the Application.

6.37.60 Applicant's responsibility.

- A. Boundaries/signs. The 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.
- B. Cleanup. The 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 24 hours after the conclusion of the event.
- C. Security. The applicant shall provide security as detailed in the application security plan. All security personnel for an event shall be clearly identified by approved uniform.
- D. Nonalcoholic beverages. Applicants shall be responsible for providing an equal number of premises dispensing nonalcoholic beverages to premises dispensing fermented malt beverages and/or wine (1:1 ratio).
- E. Other permits. The applicant shall secure any other permits required by the City of Ripon Municipal Code of Ordinances for associated event activities.

6.37.070 Operational requirements.

Outdoor open container entertainment events shall be subject to the following regulations:

- A. Sale for event consumption. An event licensed premises licensed 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 premises; 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.
- B. Intoxicating liquors. The sale or consumption of intoxicating liquors at an event licensed premises is prohibited.
- C. Source of fermented malt beverage and/or wine.
 - 1. The permit holder shall purchase its alcohol from a source authorized under Wis. Stats., Ch. 125.
 - 2. 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.
- D. 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.

- E. Event dates. Events shall be limited to the date(s) of the approved permits. An event may last no more than three days.
- F. Hours of operation. Open containers of fermented malt beverages and/or wine shall not be permitted within an 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.
- G. 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.
- H. 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 issued by an authorized event licensee which sold the fermented malt beverage and/or wine to the individual.
- I. 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 outdoor open container entertainment event.
- J. Consumption of alcohol within an outdoor open container entertainment event from a can, bottle or a container which is not authorized pursuant to this section is prohibited.
- K. 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.
- L. 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 section.
- M. 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.
- N. 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.

- O. 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 section.
- P. Event-specific operational requirements upon which approval of the application was conditional when approved by the Common Council.
- Q. 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.
- R. Operators, including provisional or temporary operators, shall not imbibe alcoholic beverages while working or volunteering at an event licensed premises during the outdoor open container entertainment event.

6.37.080 Approval or denial of application.

Outdoor open container entertainment event permits are subject to approval by the common council.



 Theodore Grant, Mayor

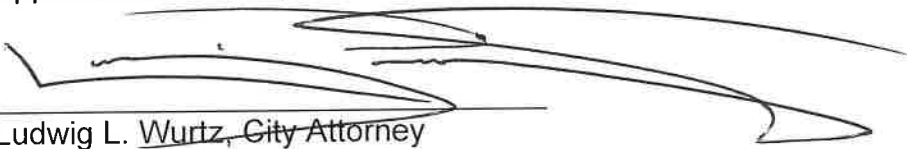
ATTEST:



 Adam Sonntag, City Administrator

AYES 7 NAYES 0
 PASSED THIS 12th DAY OF October, 2021.
 PUBLISHED THIS 21st DAY OF October, 2021.

Approved as to form:



 Ludwig L. Wurtz, City Attorney