

PROPOSED ORDINANCE CHANGES TO 7.50 SPECIAL EVENTS

The Common Council of the City of Wauwatosa do ordain as follows:

Part I.

Section 7.50.020 of the Wauwatosa Municipal Code is hereby amended by adding the following definitions:

Sec. 7.50.020 Definitions

"Approved Container" means an unbreakable, transparent or semi-transparent container bearing an Official TDORA Marker indicating the beverage was purchased from a Participating Establishment, or, for beverages in original packaging, a plastic or aluminum container. Glass containers shall not be opened or consumed within a TDORA.

"Approved Zone" means any of the following areas designated as eligible for a TDORA under Section 7.50.150:

- (a) "Village" means the area along: (i) State Street between Harmonee Avenue and Wauwatosa Avenue; (ii) Underwood Avenue between Harmonee Avenue and State Street; and (iii) Harwood Avenue between State Street and 7479 Harwood Avenue.
- (b) "Midtown" means North Avenue from Swan Road to 80th Street.
- (c) "East Tosa" means North Avenue from 76th Street to 60th Street.

"Official TDORA Marker" means a sticker, cup, or other identifying marker issued by the Wauwatosa Tourism Commission to designate an Approved Container within a TDORA. No beverage container bearing a sticker, cup, or other identifying marker not issued by the Wauwatosa Tourism Commission shall be deemed an Approved Container.

"Participating Establishment" means a licensed retail alcohol establishment with a Class "B" Beer, "Class B" Liquor, and/or "Class C" wine license or a qualified entity that has been issued a temporary Class "B" beer or "Class C" wine picnic license, located within a TDORA's boundaries that has been approved by the City to sell alcoholic beverages in Approved Containers for carry-out consumption within the TDORA.

"Temporary Designated Outdoor Refreshment Area" or "TDORA" means a temporary area within an Approved Zone within which the carrying and consumption of open containers of alcoholic beverages on public streets, sidewalks, and other public rights-of-way is permitted as specifically authorized by resolution of the Common Council pursuant to Section 7.50.150.

Part II.

Section 7.50.040(E) of the Wauwatosa Municipal Code is hereby amended by adding a new item (5) to read as follows:

Sec. 7.50.040(E) Permit Requirements

(5) Special event organizer requests authorization of a Temporary Designated Outdoor Refreshment Area (TDORA) pursuant to Section 7.50.150.

Part III

Chapter 7.50 of the Wauwatosa Municipal Code is hereby amended by adding a new Section 7.50.150 to read as follows:

Sec. 7.50.150 Temporary Designated Outdoor Refreshment Area

- A. Purpose and Authority. The purpose of this section is to authorize the Common Council to create, by resolution, a Temporary Designated Outdoor Refreshment Area ("TDORA") within the boundaries of an approved zone. A TDORA permits the carrying and consumption of open containers of alcoholic beverages in public spaces within the designated boundaries during approved events, subject to the conditions set forth herein and in any authorizing resolution.
- B. Authorization by Resolution. The Common Council may, by resolution, authorize the creation of a TDORA within all or a portion of an approved zone. Each such resolution shall specify:
 - (1) The geographic boundaries of the TDORA, which shall not extend beyond the limits of the applicable approved zone as defined in this section;
 - (2) The date(s) and hours during which the TDORA shall be in effect;
 - (3) The names and addresses of all Participating Establishments authorized to sell alcoholic beverages in Approved Containers for carry-out consumption within the TDORA; and
 - (4) Any additional conditions, restrictions, or requirements applicable to the specific event or activation.
- C. General Conditions. Any TDORA authorized under this section shall be subject to the following conditions:
 - (a) The carrying and consumption of alcoholic beverages shall be limited to public sidewalks, boardwalks, plazas, and other public rights-of-way within the TDORA boundaries that are not open to vehicular traffic, including crosswalks and pedestrian crossing areas while persons are lawfully crossing.
 - (b) The carrying and consumption of alcoholic beverages shall not be permitted in parking lots, parking structures, or premises held out to the public for use of motor vehicles, nor on any private property without the express permission of the property owner or occupant.
 - (c) All alcoholic beverages sold for removal from a licensed premise for consumption within the TDORA shall be served in Approved Containers. Beverages sold or possessed in glass containers shall not be opened or consumed within the TDORA.

- (d) Only alcoholic beverages purchased from a Participating Establishment within the TDORA shall be permitted to be carried within the TDORA. No carry-ins from outside the TDORA shall be permitted.
 - (e) This section shall not permit the possession or consumption of any intoxicating liquor or fermented malt beverages in violation of state statutes or other municipal codes, including but not limited to the possession or consumption of alcoholic beverages on a licensed premises that were not purchased at that premises, possession or consumption by underage persons, or any other violation.
 - (f) TDORA boundaries shall be clearly marked by the event organizer in accordance with any direction provided by City staff or law enforcement.
 - (g) The City shall retain the right to suspend or terminate any authorized TDORA at any time when, in the judgment of the Police Chief, Mayor, or City Administrator, such action is necessary in the interest of public safety or to address issues of non-compliance, disorderly conduct, or similar concerns.
- D. Compliance with Other Laws. This section shall not be construed to waive compliance with any applicable state statute, including Wis. Stat. ch. 125, or any other provision of the Wauwatosa Municipal Code, except as specifically permitted herein. Common Council approval of any activating resolution is contingent upon the event organizer obtaining all necessary permits, licenses, and approvals.
- E. Fees. Any fees associated with a TDORA event or activation shall be as established by the Common Council in the applicable fee schedule.
- F. Extension of Premises. Approval of a Participating Establishment's Premises Description as part of a TDORA resolution under subsection (B) shall constitute authorization for that establishment to sell alcoholic beverages for carry-out consumption within the area depicted in the Premises Description for the duration of the TDORA, and shall satisfy any requirement under this Code or Wis. Stat. ch. 125 that the establishment obtain a separate extension of premises for that purpose. A Participating Establishment whose Premises Description has been approved for a given Approved Zone need not submit a new extension-of-premises application for subsequent TDORAs within the same Approved Zone, provided the Premises Description remains unchanged and is identified in the applicable resolution; any change in the area depicted requires submission of a revised Premises Description for approval under subsection (B).

Part IV.

This ordinance shall take effect on and after its date of publication.