

**CITY OF SHEBOYGAN
ORDINANCE 11-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

JULY 15, 2024.

AN ORDINANCE amending section 38-59 of the Sheboygan Municipal Code so as to modify regulations pertaining to consuming intoxicating beverages in public.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 38-59 Drinking On Public Streets Prohibited; Exceptions” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 38-59 Drinking On Public Streets Prohibited; Exceptions

- (a) *Prohibited conduct.* No person shall drink or carry for the purpose of immediate consumption any intoxicating liquor or fermented malt beverage upon the streets, sidewalks, alleys, public parking lots, and other public ways of the city. Any person carrying any open can, cup, glass, bottle or similar drinking vessel containing intoxicating liquor or fermented malt beverages upon the streets, sidewalks, alleys, public parking lots, and other public ways of the city shall be in violation of this section.
- (b) *Exceptions.* The prohibitions of subsection (a) of this section, shall not apply to persons who have attained the legal drinking age in the following circumstances:
- (1) ~~Such proscription, as it relates to fermented malt beverages, shall not be applicable to persons who have attained the legal drinking age and are attending a block party, street festival, or special event for which a permit has been issued in accordance with section 48-322.~~ Consumption and carrying of fermented malt beverages when attending a block party for which a permit has been issued in accordance with section 48-322.
 - (2) Consumption and carrying of fermented malt beverages when attending a street festival for which a permit has been issued in accordance with section 48-322.
 - (3) Consumption and carrying of intoxicating liquor or fermented malt beverages when in areas holding a sidewalk cafe permit pursuant to section 14-89 if:
 - a. The sidewalk cafe is part of a premises licensed for the serving of alcoholic beverages; and
 - b. The person is a patron of the establishment holding said sidewalk cafe permit; and
 - c. Neither the patron nor the establishment is in violation of the

regulations for such sidewalk cafes set forth in section 14-89.

- (4) ~~Such proscription shall not be applicable in areas holding a temporary occupancy permit pursuant to section 48-96 if:~~
~~The permitted area is part of a premises licensed for the serving of alcoholic beverages; The person is a patron of the establishment holding the permit; and~~
~~Neither the patron nor the establishment is in violation of the regulations for such use as set forth in Article II-348 Article II-390.~~

- (5) ~~Such proscription shall not be applicable~~ Consumption and carrying of any intoxicating liquor or fermented malt beverages when in parklets, as that term is defined in section 14-147, if:
- The parklet is part of a premises licensed for the serving of alcoholic beverages; and
 - The person is a patron of the establishment holding the parklet permit; and
 - Neither the patron nor the establishment is in violation of the regulations for such parklets set forth in article 14, chapter V.

- (6) ~~Such proscription shall not be applicable~~ Consumption and carrying of any intoxicating liquor or fermented malt beverages when in city-designated temporary public gathering spaces as described in section 14-148. Such temporary public gathering spaces shall be designated by the council via resolution.

- (7) Consumption and carrying of any intoxicating liquor or fermented malt beverages when within the boundaries of a Designated Outdoor Refreshment Area ("DORA") as designated by the council via resolution and during such hours and under such conditions as specified in the authorizing resolution. The DORA shall be restricted to those areas of the public right-of-way that are not open to vehicular traffic as well as crosswalks or pedestrian crossing areas while persons are lawfully crossing the street, alley, or highway.

(c) *Penalties.* The following penalties shall apply to violations of this section:

- (1) Any person violating the provisions of subsection (a) of this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus costs, and in default of payment thereof to imprisonment in the county jail until such forfeiture is paid, but not to exceed 30 days.
- (2) Any person under 18 years of age who violates this section shall be subject to a forfeiture of not more than \$25.00, except that disposition in proceedings against a person under 18 years of age on the date of disposition shall be, as provided in Wis. Stats. § 48.344.

(Code 1975, § 4-61; Code 1997, § 10-2; Ord. No. 75-07-08, § 2, 1-7-2008)

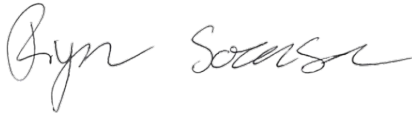
SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof In conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL
AUGUST 05, 2024.

Presiding Officer

Attest



Ryan Sorenson, Mayor, City of
Sheboygan



Meredith DeBruin, City Clerk, City of
Sheboygan