

From: [Brian Tungate](#)
To: [Kristi Heim](#)
Subject: FW: Alcohol in Appleton Parks
Date: Monday, April 23, 2012 8:43:20 AM

Save this for our next Park Board agenda

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From: Bill Lecker [mailto:Bill.Lecker@appleton.org]
Sent: Friday, April 20, 2012 4:41 PM
To: Brian Tungate
Subject: Re: Alcohol in Appleton Parks

Brian,

Below is our current ordinance related to the consumption of alcohol:

Sec. 13.7. Possession of alcoholic beverages. (a) No alcoholic beverages, other than fermented malt beverages and wine are allowed in any park. (b) No person shall drink from, or possess an open container of permitted alcoholic beverages in any park before 12:00 p.m. (noon) or after 9:00 p.m. (c) Time limitations in this section shall be extended in the posted areas of Appleton Memorial Park while organized league or tournament play is in progress. (d) No alcoholic beverages of any kind may be carried into posted areas of Appleton Memorial Park during times when alcoholic beverages are offered for sale by licensed vendors located within the posted areas. (e) Permits to extend these time limitations, or type of alcohol permitted, may be applied for from the Director or designee thereof. A decision to deny such permit may be appealed to the appropriate committee of jurisdiction.

Groups and/or organizations may request an extension of the alcohol hours after 9:00 PM. to the Director. I've routinely allowed groups and organizations to possess alcohol in parks until 10 or 10:30 PM for wedding receptions, etc. The only time I allow the extension of alcohol hours before noon is the Car Show at Pierce Park.

Several years we had some serious discussions with the Police Department about restricting the consumption of alcohol in a couple parks that had become problematic. The parks that were experiencing problems were Jones and Arbutus Park. Some of the problems were related to the proximity to downtown and easy access by some of the homeless individuals who often drank in the park all day, spent the night and then started the cycle over the next day. The presence of the homeless created some conflicts with the citizens who were using the park facilities. Some of the problems were also related to the configuration of the parks ("ravine" parks) and limited ability of the Police Department and public to effectively monitor activity.

We considered restricting possession of alcohol in these 2 parks, but it never got to that point because the Police Department (with some assistance from the neighbors) was able to address the problems.

We currently allow beer sales at our ball diamond complex for the adult softball complex. As you know, sometimes beer and adults sports do not mix, but we generally have not had too many problems. Our ordinances also prohibit glass containers in parks, so glass beer bottles can be an issue occasionally.

If there are any major issues with the possession of alcohol in our parks, it is usually brought to the Department's attention very quickly by the Police Department. We have been fortunately lately (knock on wood) that alcohol possession and consumption issues have been limited. However, it's only a matter of time that things will cycle around and we will see some issues arise.

Please call with questions.

Have a good weekend.

Bill

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>>> Brian Tungate <btungate@ci.menasha.wi.us> 4/20/2012 11:42 AM >>>

Bill: would you mind summarizing that your city policies/ordinances allow for alcohol consumption in city parks. In all parks? any restrictions? Your feelings on how your current policy works, any problems? We are thinking about allowing beer in a couple more parks, but we use a permit system- so you can't just pull up and start partying.

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CHAPTER 5

Offenses Involving Alcoholic Beverages

SEC. 11-5-1 OUTSIDE CONSUMPTION IN PUBLIC AREAS; PERMITS FOR PARK CONSUMPTION

(a) **ALCOHOLIC BEVERAGES IN PUBLIC AREAS.**

- (1) It shall be unlawful for any person to sell, serve or give away, offer to sell, serve or give away, or to consume, carry or expose to view any open container of any alcoholic beverage, intoxicating liquor or fermented malt beverage upon any public street, sidewalk, any City trail or bike path, the Riverwalk except for the trail in Jefferson Park, alley, public parking lot, highway, cemetery or drives or other public area or parking areas for business establishments held out to the public within the City, or on private property without the owner's consent, except at licensed premises.
- (2) No owner, lessee or person in charge of a public place may permit the consumption of alcoholic beverages on the premises of a public place unless the person has an appropriate retail license or permit. "Public place" shall be defined as a place which caters to the public. This restriction does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches or clubs. This Section also applies to any patron in the place catering to the public who brings alcoholic beverages into such place for consumption.

(b) **CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY PARKS.**

- (1) Park Beer Permit Required. No alcoholic beverages with a higher alcoholic content than those found in commercially produced fermented malt beverages may be consumed in Jefferson Park, Koslo Park or Curtis Reed Square. Consumption of alcoholic beverages is prohibited in other City parks. Before any alcoholic beverage may be consumed, dispensed, sold or given away, a permit must first be obtained from the Park and Recreation Board and a fee paid. The permit fee shall be established by the Park and Recreation Board with approval of the Common Council. Permits are available at the Park and Recreation Office during regular office hours. A permittee shall have stamped on the permit the area clearly defined in which drinking, selling or dispensing of alcoholic beverages is permitted. The Parks and Recreation Board shall require the installation of proper fencing or the use of wristbands in order to control and the consumption by minors.
- (2) Fees. The fee for park beer permits shall be as follows:
 - a. Before any alcoholic beverage may be sold in a park, a special Class "B" liquor license must be obtained from the City Clerk.
 - b. Any non-profit organization selling beer must appear at a Park and Recreation Board meeting in order to explain picnic/festival plans.
 - c. When selling alcoholic beverages, event organizers shall check identification and take other necessary steps to prevent consumption of alcohol or fermented malt beverages by minors.
- (3) Time for Consumption. No fermented alcoholic beverages may be sold in City parks after 10:30 p.m. Such beverage shall not be brought into the parks after this time. All such consumption must cease at the park closing time of 11:00 p.m.
- (4) Police Protection. The sponsoring organization shall arrange for adequate security protection from the Menasha Police Department.

- (5) Special Condition for Koslo Baseball Park. Fermented malt beverages may be sold only through a licensed concession stand located on the premises. Alcoholic beverages may not be brought in.
- (6) Menasha Marina. Possessing and consuming alcoholic beverages within the fenced-in area of the Menasha Marina is permitted.
- (c) **PRIVATE PROPERTY HELD OUT FOR PUBLIC USE.** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.
- (d) **LEAVING LICENSED PREMISES WITH OPEN CONTAINER.**
 - (1) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
 - (2) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
 - (3) It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from the licensed premises between the hours of 9:00 p.m. and 8:00 a.m.
- (e) **CERTAIN BEVERAGE CONSUMPTION ON SCHOOL PROPERTIES PROHIBITED.** The consumption, dispensation, vending or having in one's possession intoxicating liquor or fermented malt beverages on all properties under the jurisdiction of the Menasha Joint School District No. 1 at any time is hereby prohibited.
- (f) **EXCEPTIONS.**
 - (1) The provisions of this Section may be waived by the Common Council for duly authorized events.
 - (2) Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Section 7-2-16 are fully complied with.
- (g) **DEFINITIONS.**
 - (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
 - (2) As used in this Section, the term "public area" shall be construed to mean any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
 - (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Sections 7-2-16 and 12-1-6.