



AN ORDINANCE: By Ald. Hillstrom  
Re: Repealing and Recreating Code §11-3 relating  
to Open Intoxicants in public and on  
commercial quadricycles

ORDINANCE NO. 2014-10  
Introduced: June 18, 2014  
Committee/Commission Action:  
**RECOMMENDED FOR PASSAGE**

## AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

**Section 1.** Section 11-3 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

### **11-3 Fermented malt beverages or intoxicating liquor on public property and commercial quadricycles prohibited; exceptions**

- (a) No fermented malt beverages or intoxicating liquor shall be sold, given away, dispensed, consumed, stored in or brought onto any public property of the City.
- (b) No person shall drink from, open a container of, or have in his possession an open container of fermented malt beverage or intoxicating liquor:
  - (1) On a public highway including the sidewalks adjacent thereto,
  - (2) In or on a publicly owned or privately owned parking lot or ramp to which the public is invited,
  - (3) While on a commercial quadricycle, as defined at Wis. Stat. §340.01(8m),
  - (4) In or on any school grounds within the City, consistent with Wis. Stat. §125.09(2).
- (c) Exceptions. The provisions of this section shall not apply to the following:
  - (1) The grounds and buildings of the Whiting Boathouse and the Bergstrom-Mahler Museum, subject to licensing requirements of Ch. 4, Art. IV of this Code, if applicable.
  - (2) Any area that has been temporarily licensed for consumption of intoxicating liquor or fermented malt beverages under Ch. 4, Art. IV of this Code.
  - (3) A person licensed to serve fermented malt beverages or intoxicating liquor who, while working as an employee of a licensed establishment, is carrying an open container of a fermented malt beverage or intoxicating liquor between a licensed

establishment and a sidewalk café for the sole purpose of serving patrons within the sidewalk café.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Hillstrom/Ramos  
Adopted: June 18, 2014  
Approved: June 18, 2014  
Published: June 24, 2014

Approved:



Dean R. Kaufert, Mayor

Attest:



Sam Hatala, Deputy Clerk

THIS INSTRUMENT WAS DRAFTED BY:  
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