



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By DOLAS

Re: Amending Chapter 4 Businesses of the
Code of Ordinances by adding Section 4-
108 Special Event Temporary Designated
Outdoor Refreshment Area..

ORDINANCE NO. 2023-08

Introduced: May 30, 2023

Committee/Commission Action: _____

AN ORDINANCE

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

Section 1. That Neenah Municipal Code, Chapter 4 Businesses is hereby amended by adding Section 4-108 Special Event Temporary Designated Outdoor Refreshment Area so as to now read as follows:

Secs. 4-108. Special Event Temporary Designated Outdoor Refreshment Area

The City Clerk has the authority to issue a Temporary Designated Outdoor Refreshment Area (hereafter TDORA) license with a Class A Special Event as described in Chapter 14, Article V of the Neenah Municipal Code. With this issuance the Common Council may temporarily extend a "Class B", Class "B", "Class C" License and/or any permit or license issued under Wis. Stats. Ch. 125, by the State of Wisconsin. The regulations for the TDORA shall be as follows:

1. The TDORA will commence at 210 Main Street continuing towards and along the 200 and 100 block of W Wisconsin Avenue and ending at and including 211 E Wisconsin Avenue. The TDORA will also start at 116 S. Commercial Street and conclude at the intersection of N Commercial Street and Wisconsin Avenue. (See Exhibit 1)
2. During the event open intoxicants may be carried and consumed on the sidewalks from 210 Main Street along the 200 and 100 blocks of W Wisconsin Avenue, continuing along East Wisconsin Avenue until 211 E Wisconsin Avenue. They may also be carried and consumed starting at 116 South Commercial Street flowing north until the intersection of North Commercial and Wisconsin Avenue, where the east-west corridor of the above-described TDORA is joined.
3. During the event, the 200 and 100 block of West Wisconsin Avenue will be closed to traffic and barricaded. During that time open intoxicants may be lawfully carried and consumed on the TDORA designated public streets, sidewalks, and parking lots.
4. Special Events applicants must list all businesses desiring to temporarily extend their premises into the Special Event TDORA, file an application with the City Clerk, and pay an application fee of \$100.00. Each participating business shall

file a Temporary Extension of Licensed Premise application and pay a fee of \$10.00 per day up to three days of the event. The application shall be filed at least 25 days prior to the date of the Special Event and shall be approved by Common Council after review and recommendation by the Clerk.

5. Upon approval of the TDORA by the Clerk, the following Ordinances of the Neenah Municipal Code shall be temporarily suspended and not applicable or in force inside the TDORA for the duration of the Special Event:
 - a. 4-95 (b)(1). Alcohol Beverages - Restrictions
 - b. 4-103. Alcohol Beverages – Intoxicants, Consumption and Possession
 - c. 4-106(d). Alcohol Beverages – Outdoor service/beer gardens
 - d. 11-3(a)(b)(1-2). Offenses and miscellaneous provisions – Fermented malt beverages or intoxicating liquor on public property and commercial quadricycles prohibited; exceptions.
 - e. 11-87. Obstructing streets and sidewalks prohibited.
6. The license holder shall in all regards comply with the requirements of Chapter 125, Wis. Stat. regarding the regulation of alcohol beverages.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be 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 otherwise 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.

Approved:

Moved by:

Jane B. Lang, Mayor

Adopted:

Attest:

Approved:

Charlotte K. Nagel, City Clerk

Published:

THIS INSTRUMENT WAS DRAFTED BY:

City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542