

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of THURSDAY, JULY 10, 2025 Council Meeting Items

Provided below for your consideration is a summary of the Council Meeting agenda items.

(IX) NEW BUSINESS

ITEM 3- Discuss/consider approval of Ordinance 7A-25, an Ordinance amending Chapter 9.23, Public Intoxication, to establish a Downtown Outdoor Refreshment Area (DORA) District in Downtown Altoona.

As you may be aware, City staff have explored the concept of social/entertainment districts in conjunction with the Container Park and Downtown Altoona for some time. Before proceeding, City Staff met with agents of the Division of Alcohol Beverages and Tobacco to ensure compliance with state alcohol laws during which time the agents gave us the go ahead with our draft concept. Ordinance 7A-25 proposes an amendment to Chapter 9.23 of the Altoona Municipal Code relating to Public Intoxication. The amendment seeks to formally establish a Downtown Outdoor Refreshment Area (DORA) in Downtown Altoona, specifically designed to accommodate controlled public consumption of fermented malt beverages, wine and liquor within a designated area.

The establishment of the DORA District is intended to enhance community engagement and economic vitality within Downtown Altoona by creating a flexible and safe public environment for social gatherings, particularly around the new Container Park development. Such districts are prevalent in the State of Michigan (primarily referred to as social districts) and there are several within the state of Wisconsin (notably the Downtown Oshkosh DORA).

Key Provisions of the Proposed Ordinance:

1. Defined Boundaries:

The DORA District will encompass the Container Park block and the adjacent block to the west. These boundaries are detailed in the accompanying "Downtown DORA District" exhibit.

Permitted Days and Hours:

Open consumption of fermented malt beverages, wine and liquor will be allowed within the DORA boundaries between 11:00 AM and 10:00 PM, seven days a week (Monday–Sunday).unless designated by the Police Chief for special events.

2. Restricted Areas of Consumption:

Consumption is allowed on sidewalks and public rights-of-way not open to vehicular traffic,

including the designated crosswalk during lawful crossings. It also includes streets or alleys if temporarily closed for Special Events (pursuant to Chapter 5.50).

3. Other Prohibitions:

- Alcohol consumption is prohibited in parking lots and areas designated for vehicle use.
- Compliance with state and local laws regarding alcohol possession and consumption remains mandatory (e.g., no underage drinking, no outside beverages on licensed premises, i.e. carrying alcohol purchased at one licensed premise may not be carried into another licensed premise).
- No carry-ins are permitted in any portion of the DORA.

4. Enforcement and Revocation Rights:

The City Administrator or Police Chief retains the authority to suspend or terminate DORA operations at any time for reasons of public safety, non-compliance, excessive litter or disorderly behavior, or other concerns.

This ordinance has been thoroughly reviewed by Chief Bakken, as the police department will be responsible for any enforcement actions. Staff recommends that Council discuss and consider approval of Ordinance 7A-25 to amend Chapter 9.23 and formally establish the Downtown Outdoor Refreshment Area District as proposed. Materials included in the packet are the draft ordinance and the proposed district boundary.

Suggested motion: I move to approve/not approve Ordinance 7A-25, an Ordinance amending Chapter 9.23, Public Intoxication, to establish a Downtown Outdoor Refreshment Area (DORA) District in Downtown Altoona.

ORDINANCE 7A-25

An ordinance amending Chapter 9.23 of the Altoona Municipal Code "Public Intoxication" to establish a Downtown Outdoor Refreshment Area (DORA) District in Downtown Altoona.

THE COMMON COUNCIL OF THE CITY OF ALTOONA DOES HEREBY ORDAIN AS FOLLOWS:

Section One:

That Chapter 9.23 "Public Intoxication" is hereby amended.

Section Two:

A copy of Chapter 9.23 "Public Intoxication" is permanently on file and open to public inspection in the office of the Altoona City Clerk and is incorporated by reference herein.

Section Three:

If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

Section Four: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Dated this	10th	day of	July	, 2025.
				Brendan Pratt, Mayor
				Attest: Cindy Bauer, City Clerk
Approved: _ Published: _ Adopted: _				

Chapter 9.23

PUBLIC INTOXICATION

Sections:

9.23.010	Requirements and prohibitions generally.
9.23.020	Exemptions.
9.23.030	Consumption of alcoholic beverages near school activities
9.23.035	Public Excessive Intoxication.
9.23.040	Penalties.

9.23.010 Requirements and prohibitions generally.

- A. No person shall consume alcohol beverages, as defined by Section 125.02, Wisconsin Statutes, which are incorporated herein by reference, while in or upon any public street, alley, sidewalk, City Park, public parking lot or other public way, unless otherwise provided herein.
- B. All purchases of alcohol beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to any public street, alley or sidewalk, city park, public parking lot or other public way, unless otherwise provided herein.
- C. No person shall be in possession of any glass or open container containing an alcohol beverage on any public street, alley or sidewalk, City Park, public parking lot or other public way, unless otherwise provided herein. (Ord.9A-84 (part), 1984)

9.23.020 Exemptions.

Exemptions to this chapter are as follows:

- A. Lake Altoona County Park
- 1. Fermented malt beverages and wine are permitted pursuant to county policies governing Lake Altoona County Park.
 - B. Cinder City Park
- 1. Activities which are authorized or directly supervised by the Altoona Parks and Recreation Department; (Ord. 4C-15, 2015, Ord. 9A-84 (part), 1984)
 - C. River Prairie Park.
- 1. A person, 21 years or older with valid government issued identification, may possess or consume limited quantities of fermented malt beverages and wine, as noted below, within the boundaries of River Prairie Park, in pavilions per rental agreement and in designated areas as approved by special event agreement.
- 2. Fermented malt beverages and wine in River Prairie Park are only allowed in limited quantities. Persons are limited to 48 ounces (a total of 4 individual 12 ounce cans) of fermented malt beverages or 750 milliliters (25 ounces) of wine.
 - 3. Kegs are not allowed unless being served in conjunction with a special event.
- 4. No hard liquor will be permitted in River Prairie Park unless permitted in conjunction with special event permits.
- 5. Alcohol may be prohibited from specific areas within River Prairie Park in conjunction with a special event.
- 6. Possession of alcoholic beverages in River Prairie Park shall be limited to park hours, unless otherwise extended in conjunction with a special event permit.
- 7. Littering shall be strictly prohibited in River Prairie Park. River Prairie Park patrons or event organizers shall properly dispose of all refuse. This requirement is further described in chapter 9.50.010 of the Altoona Municipal Code.
 - 8. Public intoxication shall be strictly prohibited within River Prairie Park.
 - D. Altoona City Park
- 1. Fermented malt beverages and wine are only permitted in the Fish House and adjoining patio space in conjunction with facility rentals.

- 2. Fermented malt beverages and wine in the Fish House are only allowed in limited "carry-in" quantities. Persons are limited to 48 ounces (a total of 4 individual 12-ounce cans) of fermented malt beverages or 750 milliliters (25 ounces) of wine. "Carry-in" fermented malt beverage and wine limits do not strictly apply if provided by the host of a facility rental.
- 3. Kegs are only allowed (total maximum of two $\frac{1}{2}$ barrels) through approved permitting in conjunction with a facility rental.
- 4. Sales of alcohol are not allowed within the Fish House unless specifically allowed in conjunction with a permitted special event. (Ord 2A-21, 2021)
 - E. Altoona Block Parties
- 1. Alcoholic beverages are allowed in conjunction with a permitted Altoona Block Party as is provided in chapter 5.52 of the Altoona Municipal Code. (Ord 12I-17, 2017)
 - F. Downtown Outdoor Refreshment Area (DORA District)
- 1. The boundaries of the Downtown Outdoor Refreshment Area (DORA) shall be restricted to the Container Park block and western adjacent block and as shown on the "Downtown DORA District" exhibit.
- 2. The exception to the open intoxicants' ordinance shall only permit the carrying and consumption of fermented malt beverages, wine and liquor within the boundaries of the District during the hours of 11am to 10 pm, Monday through Sunday. DORA District hours may be amended at the discretion of the Police Chief or in conjunction with a permitted Special Event under Chapter 5.50 of the City Municipal Code.
- 3. Carrying and consumption of open intoxicants within the DORA District is allowed on sidewalks and public rights-of-way not open to vehicular traffic, including the designated crosswalk during lawful crossings. Open intoxicants shall be permitted on streets or alleys if temporarily closed in conjunction with Special Events pursuant to Chapter 5.50.
- 4. The carrying and consumption of open intoxicants shall not be permitted within or upon private property.
- 5. The exception shall not permit the possession or consumption of fermented malt beverages, wine and liquor in or on parking lots or premises held out to the public for use of motor vehicles, nor upon any private property without permission of the owner or occupant.
- 6. The exception shall not permit the possession or consumption of any fermented malt beverages, wine and liquor in violation of the provisions of state statutes or other municipal codes, including but not limited to the possession or consumption of alcohol beverages on a licensed premises which were not purchased at that premises, possession or consumption of alcohol beverages on premises without a license that are open to the public, possession or consumption by underage persons or any other violation.
- 7. The City shall retain the right to suspend or terminate the DORA at any time when in the judgment of the City or the City's representatives, specifically the City Administrator or Police Chief, such action is necessary in the interest of public safety or to address issues and concerns that may arise in relation to the DORA, including but not limited to non-compliance of businesses/patrons with the conditions of this ordinance, trash and debris or disorderly conduct associated with the operation of the DORA District.
- 8. No carry-in alcohol is permitted within the DORA District. Carry-in alcohol is defined as any alcohol not purchased at a participating DORA District Business.

9.23.030 Consumption of alcoholic beverages near school activities.

- A. No person shall possess or consume alcohol beverages, as defined by the Wisconsin Statutes, which definitions are incorporated herein by reference, at or near any school sponsored activities being conducted in the city, whether public or parochial, and whether upon public or private premises, and whether in or upon buildings or parking lots or other areas adjacent to such buildings.
- B. No person shall possess or consume alcohol beverages in or upon any school buildings and adjoining parking lots or other public areas, during school days. (Ord. 9A-84 (part), 1984) (Ord5E-17, 2017).

9.23.035 Public Excessive Intoxication.

- A. It is unlawful for any person to enter into or remain upon any public place while clearly and demonstrably under the excessive influence of alcohol or having used a controlled substance, and such person is or is reasonably likely to become vulnerable to harm, has caused or is reasonably likely to cause harm to themselves or others, or is causing or is reasonably likely to cause a public disturbance.
- 1. Excessive influence of alcohol or use of controlled substances shall be established through observable indicators, including but not limited to vomiting, public urination, disorientation, incapability of making rational decisions, bloodshot or glassy eyes, slurred speech, an odor of intoxicants or controlled substance, stumbling or staggering, or the failure of standardized field sobriety tests.
- 2. Public place shall include a place to which the public has access and includes but is not limited to: streets, sidewalks, parking lots, parks and places of business. Places of business include premises open to the public where alcohol is consumed, including alcohol establishment.
- 3. Controlled substance shall be defined as those substances included in 340.01(50m), of the Wisconsin State Statutes. (Ord 8D-19, 2019)

9.23.040 Penalties.

The penalty for violation of this chapter shall be as provided in chapter 1.08 of the Altoona Municipal Code.

