

55.08 CONSUMPTION FROM OPEN CONTAINER.

No person shall consume a drink of 3.2 percent malt liquor or intoxicating liquor, purchased from an on-sale licensee and contained in an open container, off the premises on which it was purchased or received.

55.09 POSSESSION OR CONSUMPTION UPON PUBLIC WAYS.

No person shall consume either intoxicating liquor or 3.2 percent malt beverages or be in possession of any glass or open container containing either intoxicating liquors or 3.2 percent malt beverages while in or upon any public street, alley, sidewalk, parking lot or other public way. This section shall not apply to consumption in any one or more of the areas described, provided, that permission is given by the City Council by a resolution in accordance with the following conditions:

- (a.) Permission shall be given only to a nonprofit organization under the laws of the State, and only to an organization which is undertaking the promotion and management of a community-wide celebration to last more than 24 hours.
- (b.) Consumption shall be permitted only within an enclosure which is safe and suitable for service to the public.
- (c.) The organization to which permission is granted shall conduct all sales and receive all the net proceeds of sales.
- (d.) Consumption of intoxicating liquor shall not be permitted.
- (e.) The area to be used shall be an area the use of which shall not adversely affect the public safety or welfare.

55.10 SALES TO MINORS OR DRUNKS.

No liquor shall be sold or furnished for any purpose whatever to any minor or to any person to whom such sale is prohibited by any law of this State or Chapter. Ord. No. 2847 12/01/86.

55.11 PROHIBITED ACTS RELATIVE TO MINORS.

It shall be unlawful for:

- (a) A minor to enter any premises licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him, any alcoholic beverage containing more than one-half of 1% of alcohol by volume.

(b) A minor to consume any intoxicating or 3.2 percent malt liquor or to purchase or have another purchase for him any intoxicating or 3.2 percent malt liquor.

(c) Any person to misrepresent or misstate his age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a minor.

(d) A minor to have in his possession any intoxicating or 3.2 percent malt liquor, with intent to consume the same at a place other than the household of his parent or guardian. Possession of such intoxicating or 3.2 percent malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian.

(e) No person shall enter or attempt to enter a licensed establishment without having on their person a valid, unaltered, driver's license or picture identification card issued by the State or the United States Government identifying such person and their date of birth or, in the case of a foreign national, a valid passport. Any law enforcement officer enforcing this section shall use his/her discretion in determining whether such driver's license, picture identification or passport need be produced.

(f) Every on-sale licensee shall post, at every entrance to the licensed premises used by the public, a sign supplied by the City which shall state:

- It is a misdemeanor for any person to enter or attempt to enter this establishment without having on their person a valid, unaltered, driver's license or picture identification card issued by a State or the United States Government identifying such person and their date of birth or, in the case of a foreign national, a valid passport. W.C.C. Section 55.11. This establishment may refuse to accept any identification card in its sole judgement.

- (g) Every off-sale licensee shall post, at every entrance to the licensed premises used by the public, a sign supplied by the City which shall state:
 - It is a misdemeanor for any person to purchase or attempt to purchase alcoholic beverages without having on their person a valid, unaltered, driver's license or picture identification card issued by a State or the United States Government identifying such person and their date of birth or, in the case of a foreign national, a valid passport. W.C.C. Section 55.11. This establishment may refuse to accept any identification card in its sole judgement.

- **55.12 CONSUMPTION IN PARKS.**

- (a) No person shall possess or consume either intoxicating or 3.2 percent malt liquor in the following places, unless a permit allowing such possession or consumption has been granted by the City Council or a license to sell alcoholic beverages has been granted by the City Council: In Lake Park Lodge or within 100 feet of Lake Park Lodge, in Levee Park, in Tillman Park, in First Ward Park (Windom Square), in Second Ward Park (Central Park), in Third Ward Park (Sinclair Park), in Fourth Ward Park (Sobieski Square), in Glenview Park, in Wincrest Park, in the East End Recreation Center and Park, on Thurley Playground, in Belmont Whitten Park, in Knopp Valley Park, in Garvin Heights Park and parking lot, at the Aquatic Center, and in the West End Recreation Center and the immediate surrounding area of the Center bounded on the west, north and east sides by a fence and on the south side by the sidewalk adjacent to Fifth Street.

(b) No person shall possess or consume either intoxicating or 3.2 percent malt beverages in Lake Park or on Latsch Island after the hours of 10:00 p.m. and before 8:00 a.m. For the purposes of this section Lake Park is described as that area of land

- (1) lying southerly of the south line of Lake Street, northerly of the centerline of U.S. Highway 61 and 14, westerly of the centerline of Huff Street and easterly of the easterly boundary lines of the privately owned lands lying westerly of the westerly end of Lake Winona; and

(2) lying northerly of the centerline of U.S. Highway 61 and 14, westerly of Mankato Avenue (excluding privately owned lands),

southerly of Sarnia Street between Mankato Avenue and Franklin Street and lying northerly of the centerline of U.S. Highway 61 and 14 and southerly of the southerly boundary lines of privately owned land south of Sarnia Street between Franklin and Huff Streets. For the purposes of this section, Latsch Island shall be defined as all of Latsch Island with the exception of the Winona Municipal Marina and the further exception of the area lying within 50 feet of any boathouse. On Latsch Island only, a person may possess either intoxicating liquor or 3.2 percent malt beverages for the sole purpose of transporting such beverages between the vehicle parking lot and the boat launching areas.

Ord. No. 2662 02/22/83. Ord. No. 2684 09/06/83. Ord. No. 3063 05/20/91. Ord. No. 3073 07/15/91. Ord. No. 3247 04/03/95. Ord. No. 3350 07/28/97.