

RESOLUTION-_____

Whereas, City Ordinance 11-2-7 regulates loud and unnecessary noises, especially after 10 p.m. within the City of Marion.

Whereas, the Marion Civic Group has planned a Halloween Fest on October 22nd and 23rd of 2004 and has requested the Chief of Police to waive the prohibitions under Title 11 Chapter 2 Section 7 so the bands they have hired can play until 1 a.m. on October 23rd and 24th or 2004.

Whereas, the City of Marion Common Council finds the proposed Halloween Fest presents an opportunity to expand the community's tourism, economy and culture;

Whereas, the Chief of Police under Title 11 Chapter 2 Section 7 Subsection (c) may waive the provisions of this Title, Chapter, and Section;

Now, Therefore Be It Resolved, the City of Marion Common Council approves the Chief of Police to allow the bands hired by the Marion Civic Group to play music on October 22 and 23rd from 10 p.m. until 1 a.m. the next day.

PASSED by the Common Council of the City of Marion at a regular meeting of the Marion Common Council on the _____ day of _____, 2004.

Dated this _____ day of _____, 2004 at Marion City Hall.

Bruce Stuhr, Mayor

ATTEST: _____
Cynthia J. Noack, Clerk-Treasurer

RESOLUTION-_____

Whereas, the Marion Civic Group has planned a Halloween Fest on October 22 and 23 of 2004 and has requested the City of Marion Common Council to waive the prohibitions under Title 11 Chapter 4 Section 1.

Whereas, the City of Marion Common Council finds the proposed Halloween Fest presents an opportunity to expand the community's tourism, economy and culture;

Whereas, the City of Marion Common Council under Title 11 Chapter 4 Section 1 Subsection (a)(4)a. may waive the provisions of this Title, Chapter, and Section;

Now, Therefore Be It Resolved, the City of Marion Common Council approves the request of the Marion Civic Group on the following streets and/or highways only ;

- (1) 100 and 200 blocks of North Main Street
- (2) 100 block of East and West Perry Avenue
- (3) 200 block of West Perry Ave.
- (4) Advertiser Alley
- (5) 100 block of West Garfield Avenue
- (6) Dorr Alley

Be It Further Resolved, this waiver shall only take affect on October 22, 2004 from 6:00 p.m. till 12:00 a.m. (midnight) the next day and on October 23, 2004 from 12:00 p.m. till October 24, 2004 at 12:00 a.m (midnight).

Be It Further Resolved, any person taking advantage of this waiver shall wear an authorized wristband and may only possess a plastic cup and/or pitcher containing alcohol.

Be It Further Resolved, any person found in violation of this resolution shall be in violation of Title 11 Chapter 4 Section 1 and shall be subject to the penalties set forth by City Ordinance.

PASSED by the Common Council of the City of Marion at a regular meeting of the Marion Common Council on the _____ day of _____ , 2004.

Dated this _____ day of _____ , 2004 at Marion City Hall.

Bruce Stuhr, Mayor

ATTEST: _____
Cynthia J. Noack, Clerk-Treasurer

RESOLUTION-_____

Whereas, the Marion Civic Group has requested a Temporary Fermented Malted Beverage or Wine License from the City of Marion for their Halloween Fest on October 22 and 23 of 2004 which will be held under a tent at the intersection of Main Street and Perry Avenue;

Whereas, the City of Marion Common Council finds the proposed Halloween Fest presents unique physical characteristics, which affect the City's intent to prevent the abuse of or illegal consumption of alcohol, which has been proven to adversely affect the public's welfare and safety;

Whereas, the City of Marion Common Council finds the proposed Halloween Fest presents an opportunity to expand the community's tourism, economy and culture;

Whereas, the City of Marion Common Council under Title 7 Chapter 2 Section 16 Subsection (f) may waive or modify the requirements of this Title, Chapter, and Section, due to the physical characteristics of the proposed licensed site;

Now, Therefore Be It Resolved, the City of Marion Common Council will approve the requested Temporary Fermented Malted Beverage or Wine License to be issued to the Marion Civic Group under Title 7 Chapter 2 Section 4 Subsection (e) with the following additional requirements;

- (1) Abide by Title 7 Chapter 2 Section 16 Subsection (c) in regard to fencing around the tent in which alcohol is to be served.
- (2) Event organizers or their workers shall only dispense alcohol into a plastic cup designated by event organizations.
- (3) No underage person may be allowed in area without being under the direct supervision of his or her parent, legal guardian or spouse who has attained the age of 21.
- (4) Event organizers or their workers shall dispense alcohol from 6:00 p.m. till 12:00 a.m. the following day on October 22 and 23, 2004.
- (5) Event organizers shall set up a separate booth (herein referred to as the "Identification Booth") away from the point of sale or distribution of alcohol in order view every person's picture identification in order to confirm the person has attained the age of 21.
- (6) Event organizers or their workers assigned to the "Identification Booth" being satisfied upon viewing a person's picture identification that the person has attained the age of 21 shall affix to the person's right wrist a band to indicate to those selling or dispensing alcohol the person has attained the age of 21.
- (7) Event organizers shall be required to supply a tamper resistant wrist band to those persons identified as being 21 years of age to avoid having the wrist band removed from one person and placed on the wrist of another.
- (8) Abide by all City Ordinances and State Statutes in regard to the possession, consumption, selling and distributing of alcohol.
- (9) Event organizers and its workers shall confiscate all fake identification cards.
- (10) Event organizers or their workers shall not dispense any alcohol to those person(s) who appear to be intoxicated (the result of .10 on a preliminary breath test shall be prima fascia evidence a person is intoxicated).
- (11) Event organizers or their workers shall not consume any alcohol prior to or while working the "Identification Booth".
- (12) Event organizers or their workers shall not become intoxicated while dispensing or selling alcohol (the result of .10 on a preliminary breath test shall be prima fascia evidence a person is intoxicated).

PASSED by the Common Council of the City of Marion at a regular meeting of the Marion Common Council on the _____ day of _____, 2004.

Dated this _____ day of _____, 2004 at Marion City Hall.

Bruce Stuhr, Mayor

ATTEST:

Cynthia J. Noack, Clerk-Treasurer

ORDINANCE 2004-_____

PURPOSE STATEMENT: The City of Marion Common Council desires to add an exception to Title 11 Chapter 2 Section 7 Subsection (b)(9) Types of Loud and Unnecessary Noises Exceptions in order to allow the City's new public address system to be utilized to further enhance the community's culture, tourism and economy.

The addition to 11-2-7(b)(9) Types of Loud and Unnecessary Noises Exceptions as introduced by Alderperson _____ at the _____, _____ regular meeting of the Marion Common Council.

THE COMMON COUNCIL OF THE CITY OF MARION, WISCONSIN DO ORDAIN that Title 11 Chapter 2 Section 7 Subsection (b)(9) of the Municipal Code of Ordinances of the City of Marion shall hereby reflect the following addition:

Exceptions

- d. Any City owned and operated amplification system not part of a motor vehicle of the City engaged in playing music authorized by the City or engaged in any necessary public business.

PASSED by the Common Council of the City of Marion at a regular meeting of the Marion Common Council on the _____ day of _____, 2004.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect upon passage and publication as provided by law.

Dated this _____ day of _____, 2004 at Marion City Hall.

Bruce Stuhr, Mayor

ATTEST:

Cynthia J. Noack, Clerk-Treasurer

Adopted:

Published: