

**ORDINANCE NO. 49 – AS AMENDED**

**AN ORDINANCE PROHIBITING THE CONSUMPTION OF INTOXICATING LIQUOR AND NON-INTOXICATING MALT LIQUORS WITHIN THE CITY OF BROWNTON**

Section 1. Definition.

- a. “Intoxicating liquor” and “liquor” mean ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- b. “3.2% malt liquor” is any malt liquor containing not less than one half of one percent alcohol by volume, not more than 3.2 percent by weight and is a fermented malt beverage.
- c. “Public place” shall mean any land owned by any governmental unit or over which any governmental unit has easement, including by not limited to streets, alleys, sidewalks, parking areas.

Section 2. Violations.

- a. No person shall mix or prepare liquor or consume intoxicating liquor or 3.2% malt liquor on any public place within the City of Brownton with the exception of the Lions Shelter and the Brownton Community Center on those days authorized by rental receipt, and the Barney Tadsen Baseball complex on those days authorizing consumption by 3.2% Malt Liquor On-Sale license.

No person shall mix or prepare liquor or consume intoxicating liquor or 3.2% malt liquor in any motorized vehicle or any passenger carrying appurtenance attached thereto, including, but not limited to trailers or campers attached to pickup trucks or any other type of motorized vehicle while such vehicle is on a public place as herein defined.

Section 3. Special Permit

- a. The City Council of the City of Brownton may issue a special permit not to exceed 30 days waiving any provisions of this ordinance when it deems such waivers to be in the interest of the public welfare and safety.
- b. Such permits shall describe with specificity the conditions under which the permit is issued and shall include the following information.
  1. The public place to which the permit pertains.
  2. The person or persons to whom the permit is issued.
  3. Any other condition or restrictions that the City Council shall deem necessary to adequately provide for the public welfare and safety, including restrictions relative to the type of beverage that may be consumed after the hours during which such beverage may be consumed.

Section 4. Violation

Any violation of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not to exceed \$300.00 or imprisonment not to exceed 90 days, or both.

Section 5. Effective Date.

This ordinance shall take effect and be in force from and after its passage and publication.

Passed by the City Council this 25<sup>th</sup> day of July, 1977.

Amended by the council: 3<sup>th</sup> day of July 1990, 1<sup>st</sup> day of October, 1996, and 4<sup>th</sup> day of May 2010.

Norman Schwarze  
Acting Mayor

Attest: Cindy Lindeman  
City Clerk