



Council Communication

Office of the City Manager

Date	December 18, 2006
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Agenda Item No.	57
Roll Call No.	<u>06-</u>
Communication No.	<u>06-795</u>
Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Approving Amendment to Section 10-8 of the Municipal Code to establish designated music venues.

SYNOPSIS:

Recommend approval of the first reading of an amendment to Section 10-8 of the Municipal Code to establish designated music venues which would permit patrons ages 16 to 20 to remain in attendance until 11:30 p. m. This ordinance has a 12-month sunset provision. Staff will evaluate the program after the first year and provide a report to Council to recommend continuing or revising the program as necessary.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

After two public input forums sponsored by the Music Commission, it became clear that music fans in the 16 to 20 year old range were being ill served by Section 10-8 of the Municipal Code which prevents them from attending live shows after 9:00 p.m. at certain music venues which also have liquor or wine and beer permits.

The practical effect of the current ordinance is to force music venues which want to serve this age group into holding “all ages” shows which may start as early as 5:00 p.m. if more than one band is scheduled. This prevents many prospective patrons, especially students of late high school and college age who have classes or other activities scheduled at the same time, from attending these shows. Some bands, especially those which travel, cannot or will not schedule shows before 8:00 or 9:00 p.m. which results in the loss of a significant portion of their fan base; this frequently causes them to not book into Des Moines music venues. This harms not only clubs within the City, but also local musicians who miss the opportunity to make important contacts with more established regionally or nationally known traveling bands when they do not book dates in Des Moines.

This proposed ordinance would establish designated music venues that would be exempted from the current ordinance and could allow patrons 16 to 20 years old to remain in these venues until 11:30 p.m. instead of the current 9:00 p.m. restriction. Establishments must meet the following conditions in order to obtain an exception certificate to the current ordinance from the Chief of Police:

- The designated venue must book at least 150 live performances per year.
- The venue must have a dedicated and installed stage, public address system and lighting system.
- Minors under 16 years may not remain in the designated venue past 9:00 p.m.

- The venue must demand photo identification at the door and use wristbands or other effective means to distinguish those persons who are legally of age to purchase alcoholic beverages.
- The venue must have adequate security.
- The venue must make its best effort to provide the police department vice unit with a schedule of events at least 30 days in advance. When an event is booked after submission of the monthly schedule, the venue will contact the vice unit by telephone, fax, or email 10 days before the event.
- The venue must demonstrate to the police department vice unit that at least 50% of its gross receipts are derived from items other than alcohol sales.

This amendment will help promote the music industry in Des Moines and is strongly recommended by the Music Commission.

PREVIOUS COUNCIL ACTION(S):

Date: November 20, 2006

Roll Call Number: 06-2323

Action: From Jason Walsmith, Des Moines Music Commission, to speak regarding designated music venues. Moved by Hensley to receive and file comments; refer to City Manager to work with the Police Department, Legal Department, and the Music Commission for recommendation back to City Council on December 18, 2006. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: November 7, 2006

Roll Call Number: N/A

Action: Unanimous vote by the Des Moines Music Commission to forward recommendation to the City Council to approve an amendment to Municipal Code Section 10-8 to establish designated music venues.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of the amendment to the ordinance.