

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: May 5, 2014
	<p>Agenda Item No. 36</p> <p>Roll Call No. <u>14-0715</u></p> <p>Communication No. <u>14-216</u></p> <p>Submitted by: Phillip Delafield, Community Development Director, and Benjamin R. Page, Park and Recreation Director</p>

AGENDA HEADING:

Amending Chapter 10 of the Municipal Code regarding conditions for approval of liquor, beer, and wine sales at Parks and Municipal Golf Courses.

SYNOPSIS:

Section 10-43 of the Municipal Code exempts City parks and City-owned golf courses from consideration of zoning requirements contained in Chapter 134 of the Municipal Code for applicants for Class B beer permits operating concessions at those facilities. The proposed change would allow the issuance of permits for wine and beer and/or alcoholic liquor to be issued without consideration of the zoning requirements contained in Chapter 134 of the Municipal Code.

Approval of first reading of the ordinance and waiver of the rule requiring that an ordinance be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed and suspended.

FISCAL IMPACT:

The Park and Recreation Department would lose an unknown amount of revenue without the ability to sell alcohol at golf courses and various other park properties.

ADDITIONAL INFORMATION:

Section 74-92 of the Municipal Code allows the use, consumption, and possession of beer, wine and alcoholic beverages in various parks, including the Gray’s Lake Overlook Terrace, The Hub Spot, and Brenton Skating Plaza.

Section 10-43(10) of the Municipal Code regarding alcoholic licenses and permits allows concession stands at City parks and City golf courses to be exempt from the location requirements of the zoning ordinance when applying for a class B beer permit. Chapter 134 restricts issuance of a liquor license in residentially zoned districts. The majority of City parks are located in residentially zoned districts. These restrictions prohibit issuance of wine permits and alcoholic liquor licenses in City parks as allowed in Chapter 74 of the Municipal Code.

The proposed change would correct an unintended conflict between Chapter 74 and Chapter 134 by broadening the current exemption for Class B beer permits for concessions in parks and City-owned golf courses to also include events at City parks and issuance of wine permits and alcoholic liquor licenses.

Below is Section 74-92 of the Municipal Code that defines the various approved locations for alcohol consumption at park properties and processes for obtaining permission:

- (a) It is unlawful for any person to use, possess or consume beer, wine or alcoholic liquor in any city park, including all park roads and parking areas in parks, except by issuance of a permit and either:
 - (1) Approval of the park and recreation board; or
 - (2) Such use, possession, or consumption is enclosed in park shelters at the following locations: Greenwood Park, MacRae Park, Grandview or Birdland Park; or
 - (3) Such use, possession, or consumption is within Gray's Lake Park Overlook Terrace; or
 - (4) Such use, possession, or consumption is within the Clare and Miles Mills Rose Garden or the Lilac Arboretum; or
 - (5) Such use, possession, or consumption is within specified areas of the Principal Riverwalk including the Hub Spot plaza, Hub Spot River Plaza, Hub Spot building, Long Look Garden, Brenton Skating Plaza, and plaza adjacent to World Food Prize building; or
 - (6) Such use, possession, or consumption is within the Robert D. Ray Asian Garden; or
 - (7) Such use, possession, or consumption is during an adult event at the Carney Softball, James W. Cownie Soccer and Baseball Parks, or Greater Des Moines Softball sports complex; or
 - (8) Such use, possession, or consumption is within the park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park".
- (b) The permit must be obtained from the park and recreation director.
- (c) No keg beer or alcoholic liquor is allowed except under a liquor control license and approval of the park and recreation board, except that park and recreation board approval is not required for use, possession, or consumption within "Western Gateway Park".
- (d) No person shall be intoxicated or simulate intoxication in a City park.

Per contract the golf course operator is allowed to sell beer, wine, and alcohol with the proper licenses, permits, and Liquor Liability insurance.

PREVIOUS COUNCIL ACTION(S):

Date: April 26, 1982

Resolution Number: 1743

Action: Amending the Municipal Code by repealing Section 5-5 (Conditions and Regulations for Approval of License or Permit) and enacting a new Section 5-5, relating to alcoholic beverages (Predecessor to current Chapter 10), including enacting a new subsection allowing city parks and golf course to be exempt from the Zoning Ordinance requirements.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Approval of first reading of the ordinance and waiver of the rule requiring that an ordinance be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed and suspended.

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