

Date July 9, 2007

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,895, passed December 4, 2000, and Ordinance No. 14,100 passed June 3, 2002, and Ordinance No. 14,269 passed August 25, 2003, and Ordinance No. 14,287 passed October 20, 2003 and Ordinance No. 14,440 passed May 5, 2005 by amending paragraph (13) of Section 10-43 regarding the required separation between a temporary nonprofit establishment selling liquor, wine or beer, and schools",

which was considered and voted upon under Roll Call No. 07-1212 of June 18, 2007; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLAŠIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk



**Council  
Communication**  
Office of the City Manager

<b>Date</b>	June 18, 2007
<b>Agenda Item No.</b>	<u>59</u>
<b>Roll Call No.</b>	<u>07-1212</u>
<b>Communication No.</b>	<u>07-384</u>
<b>Submitted by: Richard A. Clark, City Manager</b>	

**AGENDA HEADING:**

Amending Chapter 10 of the Municipal Code Regarding Required Separation of Temporary Non-profit Establishments Selling Liquor, Wine, or Beer.

**SYNOPSIS:**

Approval of first reading of the ordinance with various changes to temporary 5-day liquor control licenses conditions and regulations.

**FISCAL IMPACT:**

Amount: Minor increase in revenue as additional temporary liquor licenses are issued.

Funding Source: FY 2007-08 Operating Budget, p. 76, GE001, CCL010000, Administration, Other, 490030.

**ADDITIONAL INFORMATION:**

On June 4, 2007, by Roll Call 07-1094, Council directed staff to review and make recommendations regarding amendments to paragraph (13) of Section 10-43 regarding the required separation between a temporary non-profit establishment selling liquor, wine or beer, and schools. Staff recommends the following changes, which eliminate the separation requirement outside the regular school hours of any school within 150 feet:

**Sec. 10-43. Conditions for approval.**

The following conditions and regulations must be met by an applicant for a liquor control license or a wine or beer permit:

- (13) The required separation from any church, school, public park or licensed child care center imposed by subsection (6)a of this section, and the requirements of subsection (7)a of this section, shall not apply to nonprofit corporations which make application for a five-day liquor control license, where the sale of alcoholic beverages occurs only between the hours of 11 :00 a.m. and 10:00 p.m., and outside the regular school hours of any school within 150 feet.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 4, 2007

Roll Call Number: 07-1094

Action: From Council Member Brian Meyer to discuss an ordinance change regarding temporary 5-day liquor licenses. Moved by Meyer to refer to Legal Department for preparation of proper legislation; and refer to the City Manager for review and recommendation. Motion Carried 7-0.

Date: May 5, 2005

Roll Call Number: 05-1093 and 1094

Action: Amending Chapter 10 of the Municipal Code regarding Temporary Liquor Licenses for Special Events. (Council Communication No. 05-232)

- (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.
- (B) Final consideration of ordinance above, (waiver requested by Council Member Brooks), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,440. Motion Carried 6-1.

Date: October 20, 2003

Roll Call Number: 03-2425 and 03-2426

Action: Amending Chapter 10 of the Municipal Code regarding civil penalties for liquor licensed establishments, and adding new classification for Native Wine permits. (Council Communication No. 03-517). Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

- (A) Final consideration of ordinance above, (waiver requested by City Clerk and Legal Department), requires 6 votes. Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,287. Motion Carried 7-0.

**BOARD AND COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Second and third readings of ordinance.

07-1212  
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,895, passed December 4, 2000, and Ordinance No. 14,100 passed June 3, 2002, and Ordinance No. 14,269 passed August 25, 2003, and Ordinance No. 14,287 passed October 20, 2003 and Ordinance No. 14,440 passed May 5, 2005 by amending paragraph (13) of Section 10-43 regarding the required separation between a temporary nonprofit establishment selling liquor, wine or beer, and schools.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,895, passed December 4, 2000, and Ordinance No. 14,100 passed June 3, 2002, and Ordinance No. 14,269 passed August 25, 2003, and Ordinance No. 14,287 passed October 20, 2003 and Ordinance No. 14,440 passed May 5, 2005 is hereby amended by amending paragraph (13) of Section 10-43 regarding the required separation between a temporary nonprofit establishment selling liquor, wine or beer, and schools, as follows:

**Sec. 10-43. Conditions for approval.**

The following conditions and regulations must be met by an applicant for a liquor control license or a wine or beer permit:  
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- (13) The required separation from any church, school, public park or licensed child care center imposed by subsection (6)(a) of this section, and the requirements of subsection (7)(a) of this section, shall not apply to nonprofit corporations which make application for a five-day liquor control license, where the sale of alcoholic

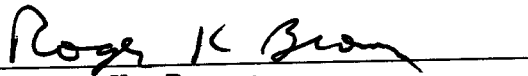
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beverages occurs only between the hours of 11:00 a.m. and 10:00 p.m., and outside the regular school hours of any school within 150 feet.

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Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Roger K. Brown  
Assistant City Attorney

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