

Date October 12, 2009

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. 13,947 passed May 7, 2001, by amending Section 74-92, relating to consumption of alcohol/intoxication in park facilities,"

presented.

(Council Communication No. **09-714**)

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

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

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. 13,947 passed May 7, 2001, by amending Section 74-92, relating to consumption of alcohol/intoxication in park facilities.

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. 13,947 passed May 7, 2001, is hereby amended by amending Section 74-92, relating to consumption of alcohol/intoxication in park facilities, as follows:

Sec. 74-92. Consumption of alcohol; intoxication.

(a) It is unlawful for any person to use, possess or consume beer, wine or alcoholic liquors in any ~~publicity~~ park, including all park roads and parking areas in parks, except by ~~approval of the park and recreation board, by permit, when either a liquor control license has been obtained, or enclosed in park shelters at the following locations~~ 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, 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 park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park".
- ~~(1) Greenwood Park.~~
- ~~(2) MacRae Park.~~
- ~~(3) Birdland Park.~~
- ~~(4) Gray's Lake Park Observation Deck Terrace.~~


(b) The permit must be ~~received~~ obtained from the park and recreation director ~~and is limited to beer and wine only. No keg beer is allowed except under a liquor control license.~~

(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".
(ed) No person shall be intoxicated or simulate intoxication in a
publicity park.

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

FORM APPROVED:



Ann DiDonato
Assistant City Attorney