

★ Roll Call Number

Agenda Item Number

57

December 18, 2006

Date


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, by adding a new subsection 1(e) to Section 10-8, to extend hours during which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue",

presented.

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

FORM APPROVED:

(First of three required readings)



 Michael F. Kelley
 Assistant City Attorney

(Council Communication No. 06-795)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| KIERNAN | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| 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

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57

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, by adding a new subsection 1(e) to Section 10-8, to extend hours during which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue.

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, is hereby amended by adding a new subsection 1(e) to Section 10-8, to extend hours during which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue, as follows:

Sec. 10-8. Persons under legal age in licensed or permitted establishments.

No person or club holding a liquor control license, wine or beer permit, which authorizes on the premises consumption, nor his or her agents or employees shall:

- (1) Allow a person under legal age to enter or remain in the licensed or permitted establishment after 9:00 p.m. unless:

- e. "The licensee or permittee applies for and qualifies for an exception certificate from the chief of police as follows:
 - 1. The licensee or permittee is a designated venue defined as booking at least 150 live performances per year, with a dedicated and installed stage, public address system and lighting system;
 - 2. Minors aged 16 through 20 years are allowed in the designated venue until 11:30 p.m. Minors under 16 years may not remain in the designated venue past 9:00 p.m.;
 - 3. The designated venue shall demand photo identification at the door and shall identify, by use of wristband or other equally effective means, those persons 21 years of age and older who may legally purchase alcoholic beverages;
 - 4. The designated venue shall be responsible for the security of the venue and any other areas


such as parking lots under its ownership or control;

5. The designated venue shall make its best effort to provide the police department vice unit with a schedule of events at least thirty (30) days in advance. When an event is booked after submission of the monthly schedule, the venue shall notify the vice unit by telephone, fax or electronic mail at least ten (10) days before the event, in which case the event shall be submitted as part of the next monthly schedule;
6. The designated venue must demonstrate to the police department vice unit that at least fifty percent (50%) of its gross receipts are derived from items other than alcohol sales, which may include, but are not limited to, income from cover charges, ticket sales, entertainment fees, articles of apparel, food, drink mixes or non-alcoholic beverages;
7. The Chief of Police may issue an exception certificate if the licensee or permittee seeking an exception as a designated venue has satisfied the requirements of this subsection;
8. This exception shall be effective for a twelve-month period from its date of effect, at which time the city council will determine whether to implement the exception on a permanent basis.

(2) Fail to post notices at all entrances to the licensed or permitted premises in the view of patrons of the licensed or permitted establishment that persons under legal age are not allowed in the premises after 9:00 p.m. unless the licensee or permittee has a current exception certificate under subsection (1)a, (1)b, ~~or~~ (1)c or (1)e of this section.

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

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney