

★ Roll Call Number

Agenda Item Number

49

Date November 8, 2010

Communication from Tom Zmolek, 328 38th Place, to speak regarding a proposal to institute a new designated music ordinance to allow minors into small venues past 9:00 p.m.

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

49

To: The Honorable Mayor
and
Members of the City Council
City of Des Moines, Iowa
c/o City Clerk

I/We TOM ZMOLEK FOR THE DES MOINES MUSIC COMMISSION
(Please Print)

hereby request permission to speak at the Des Moines City Council
meeting of NOV 8, 2010, regarding

PROPOSAL TO INSTITUTE A NEW DESIGNATED MUSIC
VENUE ORDINANCE TO ALLOW MINORS INTO SMALL
VENUES PAST 9 PM

2010 NOV -2 PM 1:52
CITY CLERK
DES MOINES, IA
FILED

Name: 
(Signature)

Address: 328 38TH PLACE - DES MOINES, IA 50312

Daytime Phone: 515 422 4873

PROCEDURAL RULES OF DES MOINES CITY COUNCIL:

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

Current Designated Music Venue Ordinance

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ORDINANCE NO. 14,623

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, (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

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 07-141), passed by the City Council of said City at a meeting held January 22, 2007 signed by the Mayor on January 22, 2007 and published as provided by law in the Business Record on February 5, 2007 Authorized by Publication Order No. 5432.

Diane Rauh, City Clerk