

Date June 27, 2011

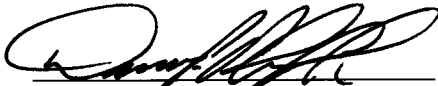
An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting new Sections 30-390.1 and 30-390.2, relating to persons under age 21 on premises having an after-hours business license",

presented.

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

FORM APPROVED:

(First of three required readings)


Douglas P. Philiph
Assistant City Attorney

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

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYS

Mark Godwin
Lawrence R. McDowell
Kathleen Vanderpool

ASSISTANT CITY ATTORNEYS

Angela T. Althoff
Roger K. Brown
Ann M. DiDonato
David A. Ferree
Gienna K. Frank
Gary D. Goudelock, Jr.

Michael F. Kelley
Vicky L. Long Hill
Steven C. Lussier
Katharine J. Massier
Carol J. Moser
Douglas P. Philip



Attorney/Client Communication

June 27, 2011

**HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL**

Re: After-hours Business License Ordinance Amendment
Item No. 43 on the June 27th agenda.

This item amends City Code Chapter 30, Article IX concerning after-hour businesses. This amendment will add an age requirement to businesses operating under an after-hours business license. It will place a similar age restriction on after-hours businesses as is present on bars licensed for on premises consumption of alcohol. That is no person under age twenty-one (21) will be allowed on the licensed premises after 9:00 p.m.

While an after-hours licensed business does not and cannot have a liquor license (since it is open for business after 2:00 a.m.), it may allow persons to bring their own beer or wine onto the after-hours licensed premises. Therefore the reason for the proposed change is to help minimize the exposure to alcohol that those under the legal age to possess and consume alcohol otherwise have at after-hours licensed businesses. It promotes safety and compliance with the under-aged drinking laws in the same fashion these interests are promoted by the age restriction now in place at bars.

There is no fiscal impact resulting from these changes and waiver of readings is recommended by the police and legal departments.

The legal department recommends adoption of the proposed code amendments.

Sincerely,

Douglas P. Philip
Assistant City Attorney

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, as heretofore amended, by adding and enacting new Sections 30-390.1 and 30-390.2, relating to persons under age 21 on premises having an after-hours business license.

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, as heretofore amended, is hereby amended by adding and enacting new Sections 30-390.1 and 30-390.2, relating to persons under age 21 on premises having an after-hours business license, as follows:

Sec. 30-390.1 Persons under age 21 not allowed on licensed premises.

No person holding an after-hours business license, nor his or her agents or employees shall allow a person under twenty-one (21) years old to enter or remain on the licensed premises from 9:00 p.m. through 6:00 a.m. on all days when the licensed premises is open for business.

Sec. 30-390.2 Persons under age 21.

No person under age twenty-one (21) shall enter into or remain on the licensed premises of an after-hours licensed business from 9:00 p.m. through 6:00 a.m. on all days when the licensed premises is open for business.

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

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney