



Roll Call Number

Agenda Item Number

34

Date April 23, 2012

Request from Council Member Meyer for discussion regarding Designated Music Venue ordinance.

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

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:

a.

The licensee or permittee applies for and qualifies for an exception certificate from the chief of police as follows:

1.

A licensee or permittee whose primary business purpose is not the sale of alcoholic beverages, wine or beer may qualify for an exception upon submission of a verified statement from a certified public accountant or an accountant which establishes that more than 50 percent of the licensee's or permittee's gross sales are from the sale of goods or services other than for the sale of alcoholic beverages, wine or beer which shall not include income from cover charges, entertainment fees, drink mixes or nonalcoholic beverages;

2.

In addition to the statement mentioned in subsection (1)a.1 of this section, proof of qualification may include state and federal tax records for the previous year, articles of incorporation, and receipts from specific vendors which itemize goods purchased related to the applicant's primary business purpose from the previous six months as requested by the chief of police;

3.

The chief of police may issue an exception certificate if the licensee or permittee has satisfied the requirements in this subsection;

4.

An exception certificate shall be effective for the duration of the alcoholic liquor control license, wine or beer permit; or

b.

The licensee or permittee applies for a special event exception from the chief of police, which shall allow the holder to provide entertainment to persons under legal age, as follows:

1.

A licensee or permittee may qualify for a special event exception when an application is submitted to the chief of police or his or her designee at least seven business days prior to the proposed special event. Such application shall include the name and address of the licensed or permitted establishment, the type of event for which an exception is applied, the proposed date for the event and the time of the event;

2.

All alcoholic liquor, wine or beer is removed or stored so that it is not available for sale or consumption during the period of the special event;

3.

A special event exception shall be valid through the date of the special event or for the duration of the alcoholic liquor control license, wine or beer permit, whichever is first in time;

4.

Failure to comply with the terms of this special event exception shall result in the revocation or denial of such an exception application for one year; or

c.

For special events not exceeding five days in duration where a street closure has been authorized by the city council and a temporary liquor control license has been issued, the chief of police may issue a special exception for the event, such exception to be limited to outdoor areas covered by the temporary liquor control license. The chief's discretion may include but is not limited to past experience with policing the same event, staffing, and any special difficulties in policing the proposed event.

d.

The licensee or permittee posts a current exception certificate at the main entrance in the view of patrons of the licensed or permitted establishment.

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 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 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 50 percent 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 12-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.

CGF 4 5:28 0 11 396 12 075 13 355 13 445 14 620

Sec. 10-9. - Persons under legal age.

(a)

No person shall sell, give, or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe him or her to be under legal age.

(b)

No person under legal age shall have alcoholic liquor, wine, or beer in his or her possession or control except as follows:

(1)

For liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him or her by either a physician or dentist for medicinal purposes; and

(2)

To the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of his or her employment by a liquor licensee or wine or beer permittee under state law and subsection 10-6(a)(7) of this chapter.

(c)

After 9:00 p.m., no person under legal age shall enter into or remain on the premises of a licensed or permitted establishment which authorizes on the premises consumption and which does not have a valid exception certificate posted under section 10-8 of this chapter.