



Roll Call Number

Agenda Item Number

39

Date August 20, 2018

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 amending Section 10-8, relating to persons under legal age in licensed or permitted establishments",

(Council Communication No. 18-420)

presented.

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

FORM APPROVED:

[Handwritten signature of Douglas P. Philip]

Douglas P. Philip
Assistant City Attorney

(First of three required readings)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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, as heretofore amended, by amending Section 10-8, relating to persons under legal age in licensed or permitted establishments.

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 amending Section 10-8, relating to persons under legal age in licensed or permitted establishments, 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:
 - 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 100 live music performances per year, with a dedicated and installed stage, public address system and lighting system;
 2. ~~Minors~~ Persons under legal age who are aged 16-18 through 20 years of age are allowed in the designated venue until 11:30 p.m. ~~Minors under 16-18 years of age~~ 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 hire two off-duty police officers during each music performance;
 56. 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;

- 67. The designated venue must demonstrate to the police department vice unit that at least ~~fifty~~ forty percent (~~50~~40%) 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;
 - 78. 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;
 - 9. 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 exceptions 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.

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