

## **COUNCIL ACTION FORM**

**SUBJECT: AN ORDINANCE TO ALLOW WINE AND BEER TASTING EVENTS TO BE HELD IN PUBLIC PLACES**

**BACKGROUND:**

In 1979, the City enacted a municipal ordinance regulating the Public Consumption of alcoholic beverages. While our ordinance largely duplicated the prohibitions on liquor consumption found under state law, it differs from it in that the municipal code is more restrictive than state law in its limitations on public consumption of beer and wine. Locally, wine and beer may not be consumed in any public places which do not have a liquor control license or which are not several named city parks, while state law would prohibit consumption of beer and wine only on streets and highways, but not in other unlicensed public places.

Recently, community organizations have requested that wine and beer tasting events be held in establishments that do not hold liquor licenses. Since current City Code does not allow this, these requests have been denied. This proposed ordinance would allow wine and beer tasting events to be held pursuant to a permit but without a liquor license, if the following criteria are met:

- Sponsorship by a local service organization or the Chamber of Commerce
- Approval by the City Council after approval of a plan by the Police Department is received
- Sponsor liability insurance coverage and a safety plan are received
- A system is used to control consumption, limiting participation to those of legal age to consume alcohol, one ounce samples, a limit of three samples per establishment, and a maximum of ten samples during the event
- Consumption occurs only inside the establishment in which the alcohol was served
- Only wine and Iowa-brewed beer are acceptable alcoholic beverages to sample
- No payment is allowed for admission to the event, the serving container, or the alcohol
- Wine or beer is served only by a licensed alcohol distributor
- There are provisions for violations of this code section

Because of the estimated duration of these types of events (approximately two hours), and the limited amount of alcohol served in total (up ten ounces of wine, the equivalent of two standard drinks), an average participant should remain at a safe blood alcohol Concentration (BAC) during the event.

**ALTERNATIVES:**

1. Approve the ordinance, allowing wine and beer tasting events to be held in public places if the events meet certain criteria.
2. Do not approve the ordinance, maintaining existing City policies on events involving wine or beer tasting beverages.

**MANAGER'S RECOMMENDED ACTION:**

This proposed ordinance provides strict controls on wine and beer tasting events. The City Council and the Police Department would have the discretion to grant or deny permission for each event based on assurances that alcohol safety measures are in place as well as the results of previous events.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an ordinance allowing wine and beer tasting events in public places.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 17.17(3) AND ENACTING NEW SECTIONS 17.17(3)(a) AND 17.17(4) THEREOF, FOR THE PURPOSE OF PREMISES COVERED BY A LOCAL WINE-TASTING EVENT PERMIT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 17.17(3) and enacting new Sections 17.17(3)(a) and 17.17(4) as follows:

**"Sec. 17.17. CONSUMPTION IN PUBLIC PLACES.**

(3) Premises covered by a Local Wine-tasting Event Permit issued by the Ames City Council.

(a) The City Council may grant a permit for a wine or beer tasting event to a local service organization or the Chamber of Commerce upon review and approval by the Police Department of a plan for such event. The plan shall require liability insurance coverage for the event; a safety plan; a detailed description of the premises and hours covered by the event; a description of the system that will be used to control the amount consumed by any participant to no more than 10 ounces over the duration of the event and no more than three ounces in a single location, and to limit consumption to those of legal age; that consumption occur inside the premises where the sample was served; that samples served shall be 1 ounce or less; that the alcoholic beverage shall be served only the holders of an alcoholic beverage control license; that the permitted alcoholic beverages shall be wine and/or locally brewed beer; and that in no circumstances shall any payment be required for admittance to the event, for any cup or serving container or for the alcoholic beverage.

(b) It is unlawful to hold a wine or beer tasting event without a permit, or to fail to comply with the provisions of the approved plan for the permitted event.

(4) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a first violation thereof and \$200 for a each repeat violation. Alternatively, violation of this section can be charged as a simple misdemeanor."

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk  
001222

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Ann H. Campbell, Mayor