

## COUNCIL ACTION FORM

**SUBJECT: WINE TASTING AT FARMERS' MARKETS**

**BACKGROUND:**

In 1979, the City Council enacted a municipal ordinance regulating public consumption of alcoholic beverages. While our ordinance largely duplicated the prohibitions on liquor consumption found under state law, it differs 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.

Recently, the Main Street Cultural District requested that wine and beer tasting conducted by Iowa wineries and breweries occur on public streets as a part of the new Downtown Farmers Market. Current City Code does not allow this. This proposed ordinance would allow wine and beer tasting to be held in conjunction with **approved farmers markets** on a City street or in a "public place" as it is defined by State law.

Staff suggests that the following criteria be included as conditions contained in a revision to Chapter 17.17 of the City Code to allow tasting events during farmers markets:

- Tasting is done as part of an approved farmers market, defined by multiple vendors with goods for sale on regular schedule over the course of two or more months. Vendors providing samples may only make up a defined proportion of the total number of vendors, and there are a minimum number of vendors involved in the market to allow tasting to occur.
- An alcohol management plan must be submitted jointly by vendors providing alcohol samples and the market sponsoring organization to the Police Department for review and approval. The plan must limit sampling to those of legal drinking age, to one-ounce or less sample size, and to a designated tasting area that is contained within the boundaries of the farmer's market.
- Wine or beer is served only by a licensed alcoholic beverages distributor.
- Vendors must maintain liability insurance coverage or be covered by insurance from the market-sponsoring organization. The insurance must explicitly cover wine or beer tasting.
- Only native wines and Iowa-brewed beer are acceptable alcoholic beverages to sample.
- No payment can be made for admission to the market, the serving container, or the alcoholic beverage.
- There are provisions for violations of this code section.

The proposed ordinance change would strictly limit tasting events in public places to approved farmers markets. Vendors that provide alcohol samples would be required to be grouped together in a designated tasting area, which would make alcohol control enforcement easier for both servers and the Police Department. Because samples can be served only by vendors with liquor licenses, servers are required to strictly comply with alcohol laws to avoid penalties against their license and against them as individuals. Because there are only a few vendors of native wines and beers that would be likely to participate in Ames-area farmers markets and samples are limited to one ounce each, an average participant should remain at a safe blood alcohol concentration (BAC) during the market.

### **ALTERNATIVES:**

1. Direct staff to prepare an ordinance based on the attached the farmers' market wine tasting proposed language, allowing wine and beer tasting to occur at farmers markets if the specified criteria are met.
2. Do not direct staff to prepare the ordinance, maintaining existing City policies on events involving wine or beer tasting beverages.
3. Direct staff to incorporate amendments into the draft language and to bring it back for Council consideration.

### **MANAGER'S RECOMMENDED ACTION:**

Assuming that it is the intent of the Council to allow producers of native wines and beers to conduct tastings, this ordinance would provide strict controls on wine and beer tasting as part of an approved farmers market occurring on public property or in a public place. The City Council and the Ames Police Department would have discretion to grant or deny permission for each event based on assurances that alcohol safety measures are in place, as well as on the results of previous events and other risk factors that are commonly assessed when approving events.

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

## **PROPOSED LANGUAGE FOR FARMERS MARKET WINE TASTING**

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

It is unlawful for any person to use or consume alcoholic beverages, wine or beer upon the public streets or highways of the City of Ames, or consume any alcoholic beverage in any public place, except:

- (1) Premises covered by a valid liquor control license; or
- (2) If the public place is Brookside, Emma McCarthy Lee, Inis Grove, North and South River Valley or Moore Memorial Parks, wine and beer may be consumed if it is in or dispensed from bottles or single serving cans, but not cartons or kegs. Keg beer may be authorized only by the Parks and Recreation Commission based on such criteria as they shall adopt; or
- (3) If the consumption is part of wine or beer tasting authorized pursuant to a permit issued by the Ames City Council for a local Farmer's Market wine-or beer tasting event.
  - (a) The City Council may grant a permit for wine or beer tasting to be conducted by Iowa wineries or breweries at a Farmer's Market upon review and approval by the Police Department of a plan for such event. The plan shall require proof of liability insurance coverage of any vendor providing samples; proof of licensing to sell at a satellite location from any alcoholic beverage licensees; a safety plan; a detailed description and layout of the premises and hours covered by the event; a description of the system that will be used to limit consumption to those of legal age; that consumption occurs only in a designated tasting area located within the boundaries of the farmer's market; that samples served shall be 1 ounce or less; that all alcoholic beverages shall be served only by holders of an alcoholic beverage control license; that beverages served shall be native wine and/or Iowa-brewed beer; and that in no circumstances shall any payment be required for admittance to the market, for any cup or serving container or for the alcoholic beverage.
  - (b) For purposes of this subsection, a "Farmer's Market" is a gathering of not less than ten local vendors selling their homemade or homegrown products at a specific predetermined location on prescheduled dates. The Farmer's Market shall include at least one vendor from each of the following categories: vegetables; fruits, jams and salsa; crafts; prepared foods; meat; and wineries and breweries, except that no more than 10% of the vendors may be serving alcoholic beverages. The market shall be sponsored by an established organization that shall be responsible for organization of the market, which shall include securing the location where the market meets and scheduling and holding the market at least once a week for no less than eight consecutive weeks.
  - (c) It shall be unlawful to allow wine or beer tasting 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 person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.