

COUNCIL ACTION FORM

SUBJECT: REVISIONS TO MUNICIPAL CODE TO ALLOW FOR PUBLIC ALCOHOLIC BEVERAGE TASTINGS/SAMPLING

BACKGROUND:

Following the City Council's September 27 meeting, staff met with representatives of the Iowa Alcoholic Beverages Division (ABD). The meeting was intended to clarify the rules and recommendations which ABD has (or is considering) that impact public sampling or tasting events.

Currently, ABD requires that there be no fee charged for tasting or sampling events and that an "industry representative" conduct the tasting or sampling sessions. The Division also recommends that a pour should be one ounce or less. Staff also clarified that ABD **does** consider consuming samples of one ounce or less "consumption" of an alcoholic beverage. The ABD staff also confirmed that its main concerns with respect to our specific situation is that the City not require the payment of a fee for some type of additional "tasting" permit or license, and that the requirements and provisions of the state's existing licenses/ permits be followed.

With all of this in mind, City staff met with representatives of the Main Street Cultural District and six other businesses interested in conducting sampling events. It was a very productive meeting, resulting in the attached ordinance language being proposed for inclusion in Section 17.17 of the Ames Municipal Code. This language has been forwarded to those in attendance for their review.

Highlights of the proposed ordinance include the following:

1. Tastings may occur only in retail establishments located in a commercial zone.
2. The retailer conducting a tasting must be covered by a valid on-premises or off-premises alcohol control license, or a native wine permit or native beer permit.
3. The retailer must submit for review and approval by the Ames Police Chief a copy of the retailer's plan for monitoring and controlling tasting events to ensure that no patron participating in the tasting is under the legal age or consumes enough to reach intoxication.

Staff is very appreciative of the willingness of the ABD representatives to come meet with us, as well as for the comments and suggestions made by our local retailers.

ALTERNATIVES:

1. The City Council can approve the proposed revisions to Section 17.17 of the Ames Municipal Code, allowing for the sampling or tasting of alcoholic beverages in commercial areas, in retail establishments with appropriate alcoholic beverage control licenses or permits.
2. The City Council can send the proposed ordinance revisions back to staff for modification.
3. The City Council can ask staff for further information and delay taking any action.

MANAGER'S RECOMMENDED ACTION:

Based on the input from our local retailers and ABD, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the proposed revisions to Section 17.17 of the Ames Municipal Code, allowing for the sampling or tasting of alcoholic beverages in commercial areas in establishments with appropriate licenses or permits.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SUBSECTIONS 17.17(1) & (4) AND ENACTING NEW SUBSECTIONS 17.17(1), (4) AND (5) THEREOF, FOR THE PURPOSE OF ALLOWING PUBLIC ALCOHOLIC BEVERAGE TASTINGS; 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 Sub-Sections 17.17(1) and (4) and enacting new Sub-Sections 17.17 (1), (4) and (5) as follows:

“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, beer permit or wine permit that authorizes consumption on the premises; or

...

(4) If the consumption occurs as part of a wine, beer or alcoholic beverage tasting that is offered free of charge to the public which meets all of the following conditions:

- (a) The tasting shall occur only in a commercial zoning district;
- (b) The tasting shall be conducted by a retailer whose premises are covered by a valid alcoholic control license or permit authorizing either on or off premise consumption;
- (c) The tasting shall be held on or in the licensed premises;
- (d) The tasting shall comply with all requirements of Iowa Code Chapter 21 – The Alcoholic Beverage Control Act and with the Administrative regulations adopted pursuant to that Act;
- (e) Beverage samples shall be one (1) ounce or less per sample and shall be limited to the beverages the retailer is licensed or permitted to sell; and

(f) Prior to conducting a tasting, the retailer shall submit a written tasting event plan to the Ames Police Department and shall obtain written approval of the plan from the Police Chief or the Police Chief’s designee. The plan shall include information disclosing the retailer’s steps to monitor and control tasting events including details of the retailer’s plan to ensure that no underage persons possess or consume any alcoholic beverage, training of staff, duration of the event, and means for preventing or addressing overconsumption or intoxication of patrons. The plan shall include documentation from the retailer’s general liability insurance carrier indicating that the tasting activity is covered by the terms of the policy in effect.

Where a retailer intends to conduct multiple similar tasting events, the retailer’s plan may be submitted for approval on an annual basis. However, if the retailer wishes to hold a special, non-routine tasting event in addition to the routine events approved in the annual plan, the retailer shall obtain separate approval for the special, non-routine event.

(5) 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.”

Section Two. Violation of the provisions of this ordinance shall be in accord with Section 17.17(4) above.

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor