

ORDINANCE NO. 774

AN ORDINANCE AMENDING CHAPTERS 45 AND 47 OF THE CODE OF ORDINANCES REGARDING ALCOHOL IN PUBLIC PARKS.

WHEREAS, the City Council has heretofore deemed it necessary and desirable to revise the ordinance regarding alcohol in public parks with the opening of Cubby Park; and

WHEREAS, the City Administration has drafted proposed amendments that are recommended for approval by the Parks and Recreation Director and Police Chief.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 45.02(2) of the Code of Ordinances is amended by deleting the phrase “(2) on the ground of Beranek Park as set forth in Council Resolution”, along with appropriate renumbering of Section 45.02(2).
2. Amendment. Section 47.07 is hereby amended by deleting it in its entirety and replacing it with the following:

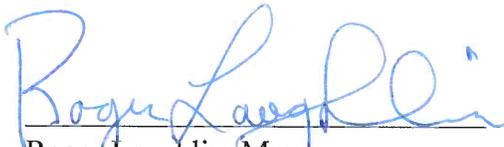
“The consumption of beer or wine in a city park is allowed under the following conditions:

- a. Prior to the proposed consumption of beer or wine, the person intending to consume beer or wine at a city park shall apply for a permit from the Parks and Recreation Director on a form supplied by the City.
- b. The Parks and Recreation Director shall review the application for consumption of beer or wine and shall approve said permit application if the following conditions are not present:
  - i. The beer or wine cannot be consumed in glass containers.
  - ii. The wine or beer will not be consumed on a date where there are scheduled activities of the school district or scheduled activities involving participants under the age of 18 years old. However, the prohibition against having persons under the age of 18 years old at a scheduled activity shall not apply should the applicant rent a shelter from the City.

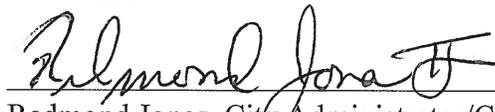
- iii. The applicant has not been previously cited for violation of this Section 47.07.
- iv. That no person under the age of twenty-one (21) years old may rent a shelter where alcohol will be served.
- v. The application is filed more than (10) days before the date of the requested permit.
- c. The consumption of alcoholic liquor is prohibited in all city parks.
- d. Any violation of this Section 47.07 can be filed as a simple misdemeanor or a municipal infraction citation.
- e. Any person aggrieved by the denial of a permit application may file written notice of appeal with the City Clerk within ten (10) days of the denial of the permit. Failure to file an appeal makes the decision final.”

- 3. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
- 4. Adjudication. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- 5. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: April 6, 2020  
Second reading: April 20, 2020  
Third Reading: May 4, 2020

  
Roger Laughlin, Mayor

ATTEST:

  
Redmond Jones, City Administrator/Clerk