

BILL NO. G-18-07-31

GENERAL ORDINANCE NO. G- _____

**AN ORDINANCE AMENDING SECTION
97.21(A) POSSESSION, SALE OR
CONSUMPTION OF ALCOHOLIC BEVERAGES
OF THE CITY OF FORT WAYNE, INDIANA,
CODE OF ORDINANCES.**

WHEREAS, The Fort Wayne Parks and Recreation Special Use Policy provides guidelines for the consumption of alcoholic beverages at certain Fort Wayne Parks and Recreation facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Section 97.21 (A) of the Code of Ordinances of the City of Fort Wayne, Indiana, be amended and approved as follows:

**§97.21 POSSESSION, SALE OR CONSUMPTION OF
ALCOHOLIC BEVERAGES.**

(A) No intoxicants of any kind, including wine, beer, ale, or other alcoholic beverages, shall be brought into a park area, consumed, sold or given away on the premise of any public park, parkway or boulevard strip, except the Botanical Conservatory, the Fort Wayne Children's Zoo, the Foster Park, Shoaff Park, and McMillen Park Golf Courses, Headwaters Park, the Community Center, the Foellinger Theatre, Freimann Square, Salomon Farm Park, the Old Fort, the Wells Street Bridge, Robert E. Meyers Park, McMillen Park Community Center and Promenade Park and then only with a prior written permit to do so having been received from the Indiana Alcohol and Tobacco Commission.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

MEMORANDUM

TO: Fort Wayne City Council

FROM: Mitch Sheppard, Parks and Recreation/Deputy Director

SUBJECT: Amendment/City Ordinance 97.21 (A) – Possession, Sale, or Consumption of Alcoholic Beverages

DATE: July 16, 2018

Twelve Parks and Recreation facilities have previously been approved by the Park Board and City Council for alcohol use under “Special Use Policy” guidelines and are “exceptions” in the current City Ordinance 97.21 (A).

The Department recommends and the Board of Park Commissioners has approved the addition of the following spaces as additional “exceptions”:

- Golf Courses – Alcohol use will be expanded to all three golf courses – Foster, Shoaff and McMillen, and the actual grounds of the golf courses in addition to buildings/structures during leagues, outings and tournaments.
- Salomon Farm Park – Alcohol use will be expanded to additional designated areas. This change is being recommended in anticipation of the new learning center completion.
- Promenade Park – Alcohol use will be allowed in the new park and pavilion.

Following is the new policy as presented to the Board of Park Commissioners on May 16, 2018, and approved on June 14, 2018.

- A. Purpose
To establish guidelines for the possession, sale or consumption of alcoholic beverages in City parks.
- B. Authority
City Ordinance 97.21 prohibits intoxicants of any kind, including wine, beer, ale, or other alcoholic beverages to be brought into a park area, consumed, sold, or given away on the premise of any public park, parkway or boulevard strip except as follows and under the following policy
- Foellinger Theatre,
 - Foellinger-Freimann Botanical Conservatory,
 - Foster Park, Shoaff Park and McMillen Park Golf Course,
 - Freimann Square,
 - Headwaters Park,
 - McMillen Park Community Center,
 - Robert E. Meyers Park,
 - Salomon Farm Park,
 - The Community Center,

- The Fort Wayne Children's Zoo,
- The Old Fort, and
- The Wells Street Bridge and Promenade Park

and then only with proper permitting by the Indiana Alcohol and Tobacco Commission and in accord with the policies set forth in this document.

C. Policy

Adherence to the Law:

At all Park locations where alcohol is served, whether sold or given away, all local, state and federal laws regarding alcoholic beverages must be strictly observed.

At any event, activity, or gathering where alcohol is present an Excise permit must be acquired. As of this writing there are two types of applicable permits:

- For beer and wine only – a temporary beer and wine permit. The customer may obtain their own permit from Excise, or hire an alcoholic beverage caterer.
- For three way service (beer, wine & liquor) – customer must use an alcoholic beverage caterer. Customers CAN NOT provide three way alcoholic beverage service without a caterer. The caterer must obtain a permit from Excise.

Licensed Bartender

At all Park locations where alcohol is served a licensed bartender must be employed to serve the beverages.

Display of Excise Permit

At all Park locations where alcohol is served the appropriate Excise permit must be clearly displayed during the event. A copy of the permit must be delivered to the respective Park Department facility/site manager at least one work day prior to the event.

Security Requirements

Security requirements vary by location. Parties wishing to schedule an event serving alcoholic beverages should obtain specific requirements from the facility or area supervisor. Security will be scheduled by designated Park Department staff.

Catering Requirements

Catering requirements vary by location as specified below.

Location Designation

Alcohol is permitted only in specific designated locations within the specified park and/or facility as noted below.

Foellinger Theatre

- Event organizers/staff must hire alcohol services from the approved Foellinger Theatre caterer list.

Foellinger-Freimann Botanical Conservatory

- Event organizers/staff must hire alcohol services from the approved Conservatory caterer list.

Foster Park, Shoaff Park and McMillen Park Golf Courses

- Alcoholic beverages shall be permitted at private outings, tournaments and leagues only.

Freimann Square

- Alcohol must be contained inside the lower plaza area.

McMillen Park Community Center

- Alcohol may be served in designated areas at private events/rentals/sponsored activities.

Robert E. Meyers Park

- Alcohol may be sold and consumed in “Robert E. Meyers Park” during baseball games and events when the park is closed to walk-in public use, and other special public events as approved by the Director of Parks and Recreation.
- All alcohol sales and consumption shall be in compliance with the “Stadium License Agreement” and the “Stadium Management Agreement” entered into by Hardball Capital LLC and the City of Fort Wayne.
- Hardball Capital LLC will ensure all laws regarding the sale and or consumption of alcohol products in the Park are enforced.

Salomon Farm Park

- Event organizers must hire alcohol services from the approved Salomon Farm caterer list.
- Alcohol must be served and consumed inside Salomon Farm facilities or in a designated area as approved by the Deputy Director.

The Old Fort

- Alcohol will be allowed only at private events.

The Wells Street Bridge and Promenade Park

- Glass containers are not allowed on the bridge.