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BILL NO. G-14-04-19

GENERAL ORDINANCE NO. G- 10-14

**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 Golf Course Pavilion, Headwaters Park, the Community Center, the Foellinger Theater, Freimann Square, Salomon Farm Park, the Old Fort, the Wells Street Bridge, Robert E. Myers Park; and McMillen Park Community Center and then only with a prior written permit to do so having been received from the Department and the Indiana Alcohol and Tobacco Commission.

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**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:** Perry Ehresman, Parks and Recreation/Deputy Director, Leisure Services

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

**DATE:** April 15, 2014

Eleven 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 new McMillen Park Community Center Grand Opening is Saturday June 7<sup>th</sup>. The center has areas available for private rental including: arenas 1 and 2, four multi-purpose rooms and the foyer. Park staff proposes that when these areas are rented for private events/rentals, and the event is not open to the general public, alcohol be allowed in the rented area(s) according to the guidelines below.

## **Special Use/Alcohol Policy- McMillen Park Community Center**

- A. Alcohol may be served in the rented area at private events/rentals which are not open to the general public.
- B. All private events/rentals must use a caterer defined as “a state licensed beer, liquor, and wine restaurant permit holder who is authorized to dispense alcoholic beverages off their licensed premises.” and approved by Parks and Recreation. This does not include liquor stores or drug stores that have a three way license.
- C. Permit(s) must be clearly posted at the event.
- D. Alcohol must be served by a licensed bartender.
- E. Uniformed security will be scheduled by Parks and Recreation staff and paid by the rental group at the event.

The above “Special Use/Alcohol Policy” guidelines for alcohol use at the new McMillen Park Community Center was introduced at the March 13, 2014 Park Board Meeting and was discussed and approved at the April 10, 2014 Park Board Meeting:

At the same meeting the Park Board supported amending City Ordinance 97.21 (A) - by adding “McMillen Park Community Center” to the list of park areas in which alcohol is allowed.

Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Tom Didier  
Read the second time by title and referred to the Regulation Committee  
Committee. Read the third time in full and on motion by Councilman \_\_\_\_\_,  
placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	_____	_____	_____	<u>✓</u>
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 5-13-14 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. 010-14 on the 13<sup>th</sup> day of  
May, 2014

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY,  
CITY CLERK

Thomas C. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14<sup>th</sup> day  
of May, 2014, at the hour of 4:00 o'clock PM. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15<sup>th</sup> day of MAY  
2014, at the hour of 2:00 o'clock PM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. G-14-04-19**

**REPORT OF COMMITTEE ON REGULATIONS**

**MAY 6, 2014**

*Tom Didier, Chair  
Mitch Harper, Co-Chair  
All Council Members*

**AN ORDINANCE** amending Section 97.21(A) Possession, Sale or Consumption of alcoholic beverages of the City of Fort Wayne, Indiana Code of Ordinances.  
**COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

<i>Tom Didier</i>			
<i>Mitch Harper</i>			
<i>James W. Coffey</i>			
<i>Martin A. Chalk</i>			
<i>8099</i>			
<i>[Signature]</i>			
<i>Gregg Baller</i>			
<i>[Signature]</i>			

**SANDRA E. KENNEDY  
CITY CLERK**