


Source:

Mike Hood



**TO:** City Council  
**FROM:** City Manager and Staff   
**DATE:** April 24, 2006  
**RE:** Art in the Park Alcohol Sales

Fiscal Impact

YES

NO

Other Info.

**SUMMARY:** In response to a request from the Columbia Art League, the City Council, at the April 3, 2006, Council meeting requested a staff report on the sale of alcohol at the upcoming "Art in the Park" event to be held at Stephens Lake Park in early June. Current Park and Recreation Department policy does not allow the sale of alcohol in the City parks except at existing concession operations that have State approved liquor licenses. This report outlines issues and options the Council may wish to consider in determining whether the sale of alcohol should be allowed at the "Art in the Park" event.

**DISCUSSION:** The Columbia Art League has requested that one of the vendors at the "Art in the Park" Festival" being held in the City's Stephens Lake Park the first week-end in June be allowed to sell wine in the bottle in addition to giving out free samples of their product. At the April 3, 2006, City Council meeting, the Council requested a report on the sale of alcohol at the "Art in the Park" event

The Park and Recreation Department's current policy with respect to the sale of alcohol in the City Parks is as follows: The sale of alcohol is not allowed within the park system with the exception of the Department's concession operations at the two Golf Course Clubhouses and the Rainbow Softball Center. These three concessions are operated by Department staff and have approved state liquor licenses allowing the sale of alcohol.

The above is an internal department policy. To staff's knowledge there is no City ordinance which actually states that the sale of alcohol in the parks is prohibited. Two sections of the City code address this issue in a partial manner. One section relates to being under the influence of intoxicating beverages in the parks while the other addresses the issue of selling any type of item or product in the parks. The two sections of code are:

**Sec 17-114 Intoxicating Beverages: It shall be unlawful for any person in a park to enter or be in a park while under the influence of intoxicating liquor.**

This ordinance is difficult to define and enforce, but in general, has not been interpreted to prohibit having or drinking alcohol within our parks. As such, the public has always been allowed to have alcohol in the parks with enforcement of this ordinance occurring only when an individual has been determined to be intoxicated by law enforcement

officials. Alcohol is prohibited in certain facilities within the parks such as swimming pools where safety is an issue, but otherwise is allowed.

**Sec 17-122 Vending and Peddling: It shall be unlawful for any person in a park to expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. An exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director.**

This ordinance addresses the selling of items in the parks and essentially makes all selling unlawful except through a licensed/permitted concessionaire. For many years staff used this ordinance to prohibit all selling (including alcohol) in the parks except at established concession facilities. Such concessions were either operated by park department staff or by co-sponsoring youth organizations (Diamond Council, Soccer Club, etc.) as authorized by the Park and Recreation Director.

However, in the fall of 2004, staff, with Council approval, used an interpretation of the last sentence of the above ordinance to modify our policy on sales in the parks. Non-profit groups may now file a park special use permit requesting permission to sell at their event. By payment of a concession permit fee and upon approval of their special use permit by the Department Director, the event sponsor is interpreted as being a licensed concessionaire for their event and, in turn, are allowed to sell products such as food, drinks, t-shirts, etc. Staff has not approved any requests to sell alcohol under this new interpretation as our policy has always been simply to not allow the sale of alcohol in the parks other than at the city-operated, state-licensed concession sites.

The Columbia Art League, through a park special use permit, has been approved to sell items at the "Art in the Park" event with Parks and Recreation being recognized as one of the event sponsors. At this time the Park Department has not given them permission to sell alcohol at the event.

If such approval is considered for this event or other future events, the following are issues staff believes will also need to be addressed:

**State Alcohol/Liquor Regulations:** All state regulations regarding the sale of alcohol would need to be met. A temporary liquor license would be required by either the Art League or a vendor operating under the Art League's supervision. A City license would also be required to sell alcohol in the park

**Sales By The Container Or By The Drink:** If alcohol sales are allowed, should the sales be limited to pre-packaged containers (bottles of wine, etc) or would “by the drink” sales be allowed? “By the drink” sales, if allowed, would have to occur in specifically defined locations such as a beer or wine garden type set-up. The Art League has already indicated they would be interested in pursuing the option of having a wine garden at future “Art in the Park” festivals.

**Location/Set-up:** State Liquor Control requires that specific areas be licensed for the sale and/or consumption of the alcohol. As such designated areas (such as a beer or wine garden or a vendor’s booth) where the alcohol can be sold will have to be clearly defined

**Security:** Would the sponsors of events at which the sale alcohol is allowed be required to provide any type of security/uniformed presence in case problems develop with participants? Staff would not expect or anticipate any significant problems with the type of vendor sales currently requested for “Art in the Park”, but if this event becomes a precedent for allowing alcohol sales at other special events (especially wine or beer garden events), those events may well require such security.

**Fees:** A question arises as to whether there should be an additional fee to sell alcohol. Most other park departments that we have researched which allow the sale of alcohol at special events have a special “alcohol” fee. These fees appear to range from \$50 to \$500 or are based on a percent of the sales. Often, it is a flat fee or a certain percent of the sales, whichever is higher.

**Precedent:** If the sale of alcohol is allowed at the Art in the Park event, does the City then allow other organizations the same privilege at other special events or is “Art in the Park” an exception to the existing policy? If the sale of alcohol is allowed at other events, should this privilege be limited to only community wide festivals/events that are open to the general public or should all non-profits have the opportunity to sell alcohol at any event sponsored by their organization? Current policy allows all non-profits to obtain permits to sell products other than alcohol at any event they have approval to hold in our public parks. Staff would not recommend that the privilege be extended to for-profit organizations, but the Council should be aware that staff has at least one such pending request at this time.

**Staff Recommendation:** At this time, the Park and Recreation Department would recommend the City continue to use the “no alcohol sales in the park” policy. The policy, as currently being implemented, applies equally to everyone, is easily understood, determinations do not have to be made as to why one type of event is appropriate while another may not be, no violations of state liquor law occur, security issues do not become a concern, and no additional fees are required. It would be the Park and Recreation Department staff’s recommendation that the existing policy be retained and applied to all park special events including Art in the Park.

**SUGGESTED COUNCIL ACTION:** If Council concurs with the staff recommendation, direct staff to continue to implement the existing policy.