

City of Fayetteville Staff Review Form

2021-0586

Legistar File ID

8/17/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Devin Howland

7/28/2021

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve an amendment to Section 97.081 of the City Code to allow possession and consumption of alcoholic beverages on City park property and trails within the Downtown Outdoor Refreshment Area, and to clarify that the possession and consumption of alcoholic beverages on any other City park property or trail is subject to special event permit approval and all applicable state and local laws and regulations.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u> No </u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u> No </u>	Item Cost \$ -
Budget Adjustment Attached? <u> No </u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF AUGUST 17, 2021

TO: Mayor and City Council
THRU: Susan Norton, Chief of Staff
FROM: Devin Howland, Director of Economic Vitality
DATE: July 29, 2021

SUBJECT: Amending Ordinance 97.081 'Intoxicating Beverages' to enable possession and consumption of alcohol in a City park during an approved special event or other recreational facility within an established Outdoor Refreshment Area.

RECOMMENDATION:

Approve an amendment to Section 97.081 of the City Code to allow possession and consumption of alcoholic beverages on City park property and trails within the Downtown Outdoor Refreshment Area, and to clarify that the possession and consumption of alcoholic beverages on any other City park property or trail is subject to special event permit approval and all applicable state and local laws and regulations.

BACKGROUND:

On June 4, 2020 the Fayetteville City Council established the City's first Outdoor Refreshment Area. On January 19, 2021 the Outdoor Refreshment Area was extended for three additional years, with the current sunset clause ending the program on April 30, 2024. The program has operated without issue since its inception, with a 96% participation rate among businesses, no litter problems, and zero citations issued for violating the rules of ORA.

DISCUSSION:

Amending Ordinance 97.081 is needed to accomplish two goals. Currently, the only route to the Mill District within the Outdoor Refreshment Area is S. School Avenue. While West Avenue (south of Mountain) and the trail were always preferred, it was not included in the ORA due to construction taking place in Fay Jones Woods. In anticipation of these improvements being completed, City staff is planning to bring an amendment to the City Council for consideration which brings West Avenue and the trail into the ORA program. This revision to ordinance 97.081 is needed to ensure consistency within our code.

The second goal pertains to creating a path for City parks to be included in Special Event Only Outdoor Refreshment Areas. ORAs can be flexible tools for event organizers to design their events without the need for beer gardens. Special events in City parks that wish to serve alcohol are currently required to work with ABC to obtain a 'Picnic Permit'. Giving parks an ORA designation would enable such special events without having to set up special arrangements for possession and consumption with ABC. Passage of this ordinance does not bring the trail or

any City park into an Outdoor Refreshment Area. Separate City Council action would be needed to add these areas into the Downtown Outdoor Refreshment Area. Separate City Council action would also be needed to create 'Special Events Only Outdoor Refreshment Areas' on other City park property.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Amendment language

97.081 Intoxicating Beverages

- (A) No person in a park shall bring into or consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.
- (B) Notwithstanding the above prohibition:
- (1) The Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all alcoholic beverage control requirements.
 - (2) The Mayor or the Mayor's designee may issue a permit allowing the temporary possession, sale and consumption of alcoholic beverages in city parks for special events as long as the event sponsors fully comply with all applicable state and local laws and regulations, including alcoholic beverage control requirements. The permit may include any conditions necessary to ensure public safety and the protection of city property.
 - (3) Alcoholic beverages may be possessed or consumed in a city park or other recreational facility within the Downtown Outdoor Refreshment Area boundaries pursuant to the provisions of § 111.07 of the Fayetteville City Code and any additional administrative regulations.