



Brainerd City Council Agenda Request

MEETING DATE: June 5, 2023

TITLE OF ITEM: Final Reading – Proposed Ordinance 1552 – Revision of City Codes 1200 and 1205

AGENDA: Main Agenda

ACTION REQUESTED: Hold Public Hearing

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE:

Staff is recommending a revision to City Code to allow the sale and consumption of alcoholic beverages within public parks, streets, and other public places. Proposed Ordinance 1552 would revise Sections 1200 and 1205 of the City Code to allow sale and consumption of alcoholic beverages under the circumstances and conditions as described.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The subject of alcohol in parks was discussed in December when discussing the new amphitheater facility policies. That discussion raised questions regarding use/sale of alcohol in all parks and public places. When this was brought to the City Council for their review in January, there was additional questions regarding considerations for adult softball at Memorial Park and the campground in Lum Park. The Council and Park Board discussed this matter at the Joint Workshop in February. After final details were agreed upon by the Park Board at March, a proposed ordinance was prepared and reviewed by the City Attorney.

During discussions with the City Council at the May 15, 2023 Council meeting. It was requested that there was desire to include a prohibition of consumption in the area of organized youth events. Staff included this addition as well as specific allowance of consumption for occupants of Lum Park Campground as part of their campsite rental.

A copy of the proposed Ordinance is included in this packet.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the final reading of Proposed Ordinance 1552, an ordinance amending Sections 1200 and 1205 of the City Code and dispense with the actual reading.
* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.
2. Hold a Public Hearing on Proposed Ordinance 1552.
3. Motion to adopt Proposed Ordinance 1552, an ordinance amending Sections 1200 and 1205 of the City Code

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) Click to enter text

**ORDINANCE
NO. 1552**

**AN ORDINANCE AMENDING SECTIONS 1200 AND 1205 OF THE CITY CODE
CONCERNING SALE AND CONSUMPTION OF
ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

THE CITY COUNCIL FOR THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose.

The existing City Code prohibits the sale and consumption of liquor in public places, while non-intoxicating malt liquor is allowed in limited circumstances in Memorial Park. This amendment provides the opportunity for the sale and consumption of alcoholic beverages in public parks pursuant to temporary on-sale licenses approved by the State under Minnesota Statutes section 340A.404, subdivision 10.

SECTION TWO: Amendment. The following provisions of Section 1200 are amended as indicated, with deleted language struck out and new language underlined:

1200.17 ~~Restrictions on Purchase and Consumption.~~ Subdivision 1. Liquor in Unlicensed Places. No person shall sell alcoholic beverages in any public place unless pursuant to a properly issued license ~~or a permit from the Commissioner of Public Safety under Minnesota Statutes, Section 340.119 and no person shall consume liquor in any such place.~~ Alcoholic beverages may be sold in a public place pursuant to a temporary on-sale liquor license, subject to the following conditions:

- a) Only a club or charitable, religious, or other nonprofit organization in existence for at least three years may apply for a temporary on-sale liquor license. The on-sale of alcoholic beverages must be in connection with a social event within the City sponsored by the applicant. The applicant shall also apply for an event permit as required by City Code. The applicant may contract for alcoholic beverage catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality or county.
- b) Sale of alcoholic beverages are prohibited from the following parks:
 1. Bane Park – 1717 South 7th Street
 2. Buster Dog Park – 1101 East River Road
 3. Gustafson Park – NE 9th Avenue and N Street
 4. Hitch-Wayne Park - 1201 South 7th Street
 5. Meadows Park – 9141 Wolves Street
 6. Mississippi River Landing – 1201 Evergreen Avenue
 7. O'Brien Park – 2424 Pine Street
 8. Trailside Park – Beaver Dam Road
 9. Triangle Park – 723 Fir Street
- c) The event permit requires approval by the City Council. If approved, the event permit is subject to the terms set forth by the Council. Those terms include the following:
 1. The sale of alcoholic beverages is limited to four consecutive days or less as set forth in the license.
 2. Sale of alcoholic beverages in public parks is prohibited during organized youth activities.

3. If catered, the event permit applicant shall provide the name and address of the catering entity that holds a full-year on-sale intoxicating liquor license.
4. For events within a public street, the area in which alcoholic beverages are to be sold and consumed must be entirely contained within a building and/or within temporary fencing preventing sale and consumption of alcohol outside the approved area.
5. Individuals shall not bring outside alcoholic beverages into the area covered under the event permit.
6. Alcoholic beverages shall not be sold or consumed within a glass container.
7. One or more peace officers may be assigned to the event at licensee's sole cost. The number and nature of peace officer presence shall be in the sole discretion of the Police Chief or the Chief's designee.
8. The licensee shall provide proof of liability and property insurance. The liability insurance shall be in an amount no less than the tort limits set forth in Minn. Stat. § 466.04. The property insurance shall be in an amount no less than \$500,000 per occurrence.

Subdivision 2. Consumption in Public Places. No person shall consume liquor on a public highway, public park except in compliance with Section 1205.03, Subd. 5, or other public places. Alcoholic beverages may be consumed in a public park, public street, or other public place, subject to the following conditions:

- a) Consumption of alcoholic beverages is prohibited in the following parks:
 - a. Buster Dog Park – 1101 East River Road
 - b. Gustafson Park – NE 9th Avenue and N Street
 - c. Hitch-Wayne Park - 1201 South 7th Street
 - d. Mississippi River Landing – 1201 Evergreen Avenue
 - e. Trailside Park – Beaver Dam Road
 - f. Triangle Park – 723 Fir Street
- b) Consumption of alcoholic beverages is prohibited at any park during organized youth events.
- c) Permission is specifically granted to occupants of Lum Park Campground during their rental period.
- d) Consumption of alcoholic beverages in any public street or other public place, other than public parks, must be in connection with a permitted social event within the City.

SECTION THREE: Repeal. Section 1205.03 is hereby repealed.

SECTION FOUR: Effective Date. This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ___ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this ___ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Publication date: _____, 2023

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider Proposed Ordinance No. 1552. The purpose of this ordinance amendment is to amend Sections 1200 and 1205 of the Brainerd City Code concerning the sale and consumption of alcoholic beverages within public parks, public streets, and other public spaces. The proposed ordinance would allow the sale and consumption of alcoholic beverages under certain circumstances and conditions.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Monday, June 5th, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1552. Any individual needing special accommodations please call (218) 828-2307.

Dated this 24th day of May, 2023

Publication Date: May 24th, 2023



Jessie Dehn, P.E.
City Engineer/Public Works Director