

ORDINANCE 2015- 21

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES IN PARKS,
AMENDING MUNICIPAL CODE SECTION 5.01.110, "ALCOHOLIC BEVERAGES IN
PARKS," AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.01.110 is hereby amended as follows:

Section 5.01.110, Alcoholic Beverages in Parks.

5.01.110.010

1) ~~Notwithstanding the provisions of Section 5.03.040.010.05, alcoholic beverages may be consumed by persons in the following parks or facilities:~~

- ~~a) Those areas in Avery Park known as Thompson Kitchen, Fireside Shelter, Lions Kitchen, and Maple Grove;~~
- ~~b) The Barn in Dr. Martin Luther King, Jr. Park;~~
- ~~c) The Senior Citizens Center;~~
- ~~d) The Picnic Shelter in Willamette Park;~~
- ~~e) The Corl House.~~

2) ~~No alcohol shall be consumed after 10 pm in any of the above parks or facilities.~~

~~The Parks and Recreation Director is hereby directed to develop rules and regulations relating to the consumption of alcoholic beverages in the above parks and facilities.~~

~~(Ord. 2015-__ § 1, 2015; Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)~~

5.01.110.0120

1) Notwithstanding any other provision of the Municipal Code, the City Manager **or his/her designee**, is authorized to issue permits allowing the sale, **consumption** or serving, ~~or both~~, of alcoholic beverages in any park **and/or facility**.

2) The City Manager **or his/her designee**, may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager **or his/her designee** that:

- a) The applicant will obtain all necessary permits and licenses for selling or serving alcohol. This obligation shall include, but is not limited to, a requirement that the applicant must execute an Alcohol Agreement with the Parks and Recreation Department. The Alcohol Agreement shall specify that minors are not to be served alcoholic beverages.
- b) The applicant will hold the City of Corvallis, its officers, agents, and employees harmless and indemnify them against any costs or liabilities resulting from the sale, **consumption** or serving of alcoholic beverages in ~~the a park or facility~~. In addition, an applicant seeking a permit to sell alcoholic beverages in ~~the a park or facility~~ must obtain a liquor liability insurance policy, in an amount at least equal to the liability limits of the Oregon Tort Claims Act as in effect at the time of

the application, naming the City of Corvallis as a co-insured. **An applicant seeking a permit to have alcoholic beverages in a park or facility must obtain general liability insurance.**

e) ~~A large number of underage persons will not be in attendance at the event. The City Manager may make an exception to this requirement for family activities such as wedding receptions.~~

dc) The event is not for the express purpose of serving alcohol.

ed) Food and non-alcoholic beverages will also be available at the event.

f) ~~The City Council has approved a similar event.~~

ge) If the event is advertised, the primary focus of the advertising will be on the activities offered and not on the sale or consumption of alcoholic beverages. There will be no advertising by distributors; however, acknowledgement of event sponsors shall be allowed.

3) The City Manager **or his/her designee** may reject an application for a permit under this section if he or she determines that the applicant is not able to control or assume full responsibility for the planned activity. In making this determination, the City Manager **or his/her designee** may consider the applicant's past history; the type of event planned; the security to be provided by the applicant; who has ultimate responsibility for the event; and any other factors deemed relevant.

4) The City Manager may, in his or her discretion, refer any application for a permit directly to the City Council for action. No appeal shall be permitted from the City Council decision.

(Ord. 2015-__ § 2, 2015; Ord. 95-34 § 1, 1995)

5.01.110.0230

Notice of the City Manager's **or his/her designee**, decision to approve or deny a permit application **shall be provided to the applicant.** ~~mailed to the applicant, and shall also be posted at City Hall and at the Parks and Recreation main office.~~ Any person aggrieved by the decision may appeal the decision to the City Council by filing an appeal within 10 days of the date the notice is **received** posted. If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

(Ord. 2015-__ § 3, 2015)

5.01.110.040

~~The City Manager shall keep the City Council advised of all permit applications approved or denied through the City Manager's report.~~

(Ord. 2015-__ § 4, 2015; Ord. 96-15 § 1, 1996; Ord. 95-34 § 1, 1995; Ord. 93-18 § 1, 07/19/93; Ord. 85-44, 1985; Ord. 84-70 § 2, 1984; Ord. 84-31 § 2, 1984)

PASSED by the City Council this 17th day of December, 2015.

APPROVED by the Mayor this 17th day of December, 2015.

EFFECTIVE this 17th day of December, 2015.

Biff Traher
Mayor

ATTEST:

Carla Hogworth
City Recorder