



# Council Business Meeting

November 7, 2023

<b>Agenda Item</b>	First Reading – 3227 – An ordinance allowing Alcohol Use in Parks	
<b>From</b>	Leslie Eldridge	Interim Director
<b>Contact</b>	<a href="mailto:Leslie.Eldridge@ashland.or.us">Leslie.Eldridge@ashland.or.us</a> 541-552-2251	
<b>Item Type</b>	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input type="checkbox"/> Consent <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Old Business <input type="checkbox"/>	

## **SUMMARY**

First Reading of a proposed ordinance to Allow Alcohol Use in Parks for Specific Circumstances. The presented ordinance language was unanimously recommended to City Council by the Parks and Recreation Commissioners on Oct 11, 2023.

## **POLICIES, PLANS & GOALS SUPPORTED**

APRC Biennium Goals

- Seek out and support opportunities for community building through programs and events in our parks, open spaces and trail networks that celebrate art, music, sports and nature.

Council Priorities

- Community Investment: Downtown revitalization
- Quality of Life: Arts and Entertainment
- Economic Opportunity/Vitality: Diversify the local economy; broaden options for tourism/visitors; attract more families to live in Ashland.

## **BACKGROUND AND ADDITIONAL INFORMATION**

Currently, the Ashland Municipal Code Chapter 10.68.090: Intoxicating liquor prohibited states: *It is unlawful for any person to take any intoxicating liquor or beverage into any portion of the public parks of the City, (with notable exceptions for the Calle Guanajuato, Oak Knoll Golf Course and Oregon Shakespeare Festival (OSF)).*

Allowing the limited sale/service of alcohol within parks in conjunction with an APCR Special Event permit, an OLCC permit and an APCR Alcohol Use in Parks Permit has several benefits. First, it attracts event organizers to choose Ashland parks for their events, as alcohol service is often perceived as a desirable feature of many events. Second, it enables revenue generation for vendors and event organizers, so the entire enterprise is more economically feasible. Finally, increased events and activities within the park will bring increased visitation and corresponding economic activity to local businesses.

Staff have worked to provide legal and policy structure to support limited and focused use of alcohol in parks. The current structure provides ONLY for permitted events that physically separate alcohol service/sale to individuals that are 21+ years of age (i.e., a Beer/Wine Garden) OR are holding an





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event in a space in the park where entrance/exit can be controlled and only 21+ adults are present (ex. The Ashland Japanese Garden). Events such as weddings or parties of mixed ages in the same physical location are NOT supported at this time by the proposed structure presented today. Additionally, the APRC Rules included in this packet limit the type of alcohol service to wine, beer, hard cider, as opposed to “hard” alcohol. However, staff have crafted broad ordinance language to allow for change in APRC rules and policies into the future.

Key points:

1. The Special Event Permit is already a requirement for parks events. A supplementary Alcohol Use in Parks Application, along with an OLCC permit, would be added as a requirement if service of alcohol is requested.
2. General Liability insurance of 2 million is always required for events and liquor liability would be an added requirement for the insurance.
3. Security requirements will be handled on a case-by-case basis, and at the discretion of the APRC Director or designee.
4. The first phase of this new policy allows only beer, wine, hard cider, as opposed to “hard” alcohol. However, the ordinance language does not specify a type of allowed alcohol. Staff recommend starting this policy with the most conservative approach possible: with a lower percentage alcohol in a controlled setting. As staff experience, capacity, and systems develop, APRC hopes to provide for other types and settings of alcohol use in parks.
5. There is a current non-refundable “Alcohol Fee” of \$150 in the Miscellaneous Fees and Charges document approved by City Council. This fee was established when APRC used to manage Pioneer Hall and the Community Center for weddings and other events. APRC proposes to use this existing fee for the first phase of this new policy until the Miscellaneous fees and Charges get reviewed again May/ June of 2024.

## **FISCAL IMPACTS**

Allowance of alcohol in parks during special events has the potential to increase revenues to parks in the form of additional fees for services. It also can serve as an attractor to visitors/tourists, thereby increasing economic activity to local businesses.

APRC anticipates that some level of additional planning and staff support is needed to facilitate a predicted increase in events and accompanying event logistics.

## **DISCUSSION QUESTIONS**

- Why does the parks policy only allow service of wine, beer and cider, as opposed to “hard” alcohol?
- Why does the parks policy mandate a “Beer Garden” or cordoned off service area?
- What level of City and APRC staff support is needed to facilitate these events?
- What potential does this change have to bring in additional revenue to APRC?

## **SUGGESTED NEXT STEPS**

Staff recommends that Council approve First Reading of Ordinance No 3227 and send it to Second Reading.



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## **REFERENCES & ATTACHMENTS**

- APCR Special Events Permit (Already in use)  
<https://www.ashland.or.us/page.asp?navid=18133>
- OLCC permit (State permit for alcohol service)  
<https://www.oregon.gov/olcc/Pages/portalservicepermits.aspx>
- Alcohol Use in Parks Supplementary Application (Attached)
- APCR Rules for Alcohol Service in Parks (Attached)
- Ordinance 3227 Draft

## DRAFT Alcohol Use in Parks Supplementary Application

*NOTE: This application must be submitted in conjunction with an APRC Special Events Permit and requires proof of an OLCC permit. All events are subject to the Rules for Alcohol Use in Parks*

1. **Which Park will be used for the event? Please be sure to specify exactly where your event will be held in the selected park.**

(If you have filled out an OLCC "Plan to manage a special event" please attach it to this form.

[https://www.oregon.gov/olcc/docs/liquor\\_license\\_and\\_license\\_process/tsl\\_plan\\_to\\_manage\\_special\\_events.pdf](https://www.oregon.gov/olcc/docs/liquor_license_and_license_process/tsl_plan_to_manage_special_events.pdf))

2. **What will be the start and end time of alcohol service? \_\_\_\_\_ to \_\_\_\_\_.**

3. **Describe where alcohol service (Beer/Wine Garden) will be located. Please attach a map that clearly delineates the proposed area.**

4. **Please describe the barriers used to cordon off the area for the alcohol service and include a site plan with exact location of the service and the event. *For outdoor alcohol service OLCC requires: "a barrier that is of sufficient height, sturdiness, and is not movable. The barrier should allow people to enter and exit only through specific points and prevent alcohol from leaving the area. Two examples of a barrier are a fence and a "moat" system. Such a barrier can be portable (set-up and take-down) but it should not be easily moveable after it is set-up.***

5. **Detail your Security Plan below. If you are using a private security company, provide the name of the company and describe the services they will provide.**

# ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Rick Landt  
Leslie Eldridge  
Jim Lewis  
Jim Bachman  
Justin Adams



Michael A. Black, AICP  
Director

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## FINAL DRAFT

### *APRC Rules for Alcohol Use in Parks*

1. The Sale and consumption of malt beverages, wine, and hard cider by the drink for consumption is allowed in a controlled setting, with licensed service (OLCC Permit) within the parks system by a special permit.
2. Only events where an OLCC permit (Licensed Service) is required will be allowed.
  - a. **Licensed Service** is defined as:
    - (1) An event where malt beverages, wine or hard cider will be sold
    - (2) An event where alcohol is available (but not being sold), and the event host is charging or accepting donations of goods for admission, or where payment is required to attend the event.
3. If the applicant fails to obtain an OLCC permit, this permit will be null and void.
4. A copy of the OLCC permit must be presented to APRC staff prior to the permit being issued.
  - a. *All OLCC forms can be found here:*  
[https://www.oregon.gov/olcc/lic/Pages/license\\_form\\_publications.aspx](https://www.oregon.gov/olcc/lic/Pages/license_form_publications.aspx)
5. Applicants must be at least 25 years of age.
6. Special Event and (2) alcohol use applications and a 3) detailed site plan is due at least 60 days prior to the event; no exceptions. We strongly encourage event organizers to begin planning with APRC at least 180 days prior to the event to ensure all requirements are met.
7. All sales and consumption must be within an enclosure as defined by the OLCC and detailed on the APRC Alcohol Use Application.
8. General Liability Insurance is required to consume alcohol on City of Ashland property. If alcohol is being served at an event Liquor Liability Insurance is required as well. Both certificates of insurance (COI) are required in the amount of \$2,000,000 per occurrence and must name City of Ashland as additionally insured.
9. Permit is only valid for the identified purpose and date.
10. Event organizers are required to provide a zero-waste event. All glass containers must be kept within control of the OLCC licensed server.
11. Permit will not be issued for event hours prior to 11am or later than 9pm in conjunction with the established noise ordinance AMC 9.08.170.
12. Permits are issued on a first-come, first-served basis and are dependent on availability of park areas and conflicts with other uses.
13. The Ashland Parks and Recreation Director or designee shall retain full discretion to determine security requirements.
14. Payment of established fees and charges are required, as provided in the Miscellaneous Fees and Charges Document adopted by the City Council.

15. Fees will be refunded minus administrative costs incurred if the event is not approved.

16. The event is confirmed when all the following have been received and approved by APRC staff within the established timelines and requirements. Those include:

- The APRC Special Event Permit
- The APRC Alcohol Use Application
- General Liability Insurance and Liquor Liability Insurance certificates that name the City of Ashland as additional insureds.
- Proof of OLCC Permit approval.
- Permit fee payments in full have been received by APRC.

**ORDINANCE NO. 3227**

**AN ORDINANCE AMENDING SECTION 10.68 OF THE ASHLAND MUNICIPAL CODE: INTOXICATING LIQUOR PROHIBITED**

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

**THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

**10.68.090 ~~Intoxicating Liquor Prohibited~~ Alcohol Use in Parks**

It is unlawful for any person to take any intoxicating liquor or beverage into any portion of the public parks of the City, except **that as authorized by the Ashland Parks and Recreation Director or designee, consistent with established parks rules and regulations.**

~~A. Intoxicating liquor or beverages may be transported through the Lithia Park extension area which is located between North Main Street and Winburn Way and between Ashland Creek to the west and the Plaza to the east.~~

~~B. This section and the prohibitions on the possession and use of intoxicating liquor shall not apply to that portion of the park that is leased to the Oregon Shakespeare Festival Association.~~

~~C. This section and the prohibitions on the provision and use of intoxicating liquor shall not apply to the park property commonly known as Calle Guanajuato only when such is served with prepared meals and with the express approval of the Ashland Park and Recreation Commission and the Oregon Liquor Control Commission.~~

~~D. This section and the prohibitions on the provision and use of intoxicating liquor shall not apply to the park property commonly known as Oak Knoll Golf Course only when such is served as part of the City Golf Course operation or approved concession with the approval of the Ashland Park and Recreation Commission and the Oregon Liquor Control Commission.~~

~~E. Any person who violates any provision of this Chapter is subject to Section 1.08.0230 of the Ashland Municipal Code. Any violation of this section is a Class II violation. (Ord. 3137, amended, 2017; Ord. 3026, amended, 08/03/2010)~~ **Any violation of this section is a Class II violation subject to the penalties and procedures in AMC 1.08.030.**

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tonya Graham, Mayor

Reviewed as to form:

\_\_\_\_\_  
Douglas M. McGeary, Acting City Attorney