Passed 7-0
Granger, Spiek, Sabbert absent

**ORDINANCE 12-12**

**TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "PEACE AND SAFETY" -**
**Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to Authorize Sale of Beer at Cascades Golf Course**

WHEREAS, Bloomington Municipal Code (BMC) 14.36.090 headed "Intoxicating beverages – Consumption in public" prohibits consumption of alcohol in publicly owned places within the City of Bloomington, except for the Buskirk-Chumley Theatre and the Clubhouse at the Cascades Golf Course when the consumption complies with Indiana law; and

WHEREAS, the Bloomington Board of Park Commissioners and the Parks and Recreation Department ("Parks") own and regulate the Cascades Golf Course ("Course"), and have concluded that offering beer for sale to golfers using the Course pursuant to a permit being sought from the Indiana Alcohol and Tobacco Commission will benefit users of the Course, Parks, and the public, by providing more regulation of the consumption of beer on the Course, reducing instances of surreptitious alcohol consumption, and providing oversight and supervision of alcohol use by Parks staff; and

WHEREAS, Parks staff members who will be authorized to sell beer to golfers at the Course are required by law to attend a training course and periodic refresher courses that are certified by the State of Indiana;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 14.36.090 of the Bloomington Municipal Code is hereby amended and restated as follows:

14.36.090 – Intoxicating beverages – Consumption in public.

It is unlawful for any person, within the city limits, to consume any alcoholic beverage in or on any publicly owned place or upon any public street, highway or accessway; provided, however, that it is not unlawful to consume beer or wine, regardless of where it was purchased, at an event for which the Indiana Alcohol and Tobacco Commission has issued a temporary beer permit, as authorized by Indiana Code 7.1-3-6-1 et seq., or a temporary wine permit, as authorized by Indiana Code 7.1-3-16-5 et seq., to a qualified person to sell beer or wine or both at that event; and provided, however, that it is not unlawful to consume beer, wine, or any other alcoholic beverage within the Clubhouse at the Cascades Golf Course and the Buskirk-Chumley Theatre when such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcohol and Tobacco Commission. It is also not unlawful to consume beer or wine on the Cascades Golf Course grounds outside the Clubhouse provided that the beer or wine consumed is procured at the Clubhouse and provided that such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcohol and Tobacco Commission.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of June, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of June, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of June, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Bloomington Municipal Code 14.36.090 to allow the sale of alcohol on the Cascades Golf Course outside the Clubhouse in accordance with Indiana Alcohol and Tobacco Commission permit requirements. It also corrects the name of the Indiana Alcohol and Tobacco Commission and the citation to the state law on temporary wine permits.

Signed copies to:
legal
controller
parks & rec
parks Board

CA/CA
Clerk(2)
BMC(2)