

*Policy and Procedure*

<b>Subject: Facilities / Special Use – Alcoholic Beverages</b>		<b>Page: 1 of 4</b>
<b>Section: D Item: 21</b>	<b>Approved: May 6, 2003 Revised May 2, 2012 Revised June 2014 Revised March 11, 2021</b>	<b>Authority: Park Board</b>

**A. Purpose**

To establish policies and procedures for the possession, serving, sale and consumption of alcoholic beverages in public parks in the City of Fort Wayne (“City”).

**B. Authority**

City Ordinance 97.21 prohibits intoxicants of any kind, including wine, beer, ale or other alcoholic beverages, from being brought into a park area, consumed, sold, or given away on the premise of any public park, parkway or boulevard strip except the following park locations (each an “Approved Park Location” and together the “Approved Park Locations”):

- Foellinger Theatre;
- Foellinger-Freimann Botanical Conservatory;
- Foster Park, Shoaff Park and McMillen Park Golf Courses;
- Freimann Square;
- Headwaters Park;
- McMillen Park Community Center;
- Robert E. Meyers Park;
- Salomon Farm Park;
- The Community Center;
- The Fort Wayne Children’s Zoo;
- The Old Fort;
- The Wells Street Bridge and Promenade Park

and only upon the securing of proper written permitting by the Department and the Indiana Alcohol and Tobacco Commission (“ATC”). Issuance of a permit by the Department shall be in accordance with and subject to compliance with the Policies and Procedures of the Department.

**C. Policy**

Compliance with Laws:

The serving of alcohol to the public at all Approved Park Locations, whether sold or otherwise provided, shall strictly comply with the requirements of all federal, state and local laws and ordinances regarding the possession, sale, serving and consumption of alcoholic beverages.

A valid ATC Permit shall have been issued and shall be displayed at any event, activity, or gathering where alcohol is served. ATC currently issues three (3) types of alcoholic beverage permits applicable to the serving of alcohol at Approved Park Locations:

- **Temporary Permit:** A temporary two-way permit for the serving of beer and wine only. A customer may obtain a Temporary Permit directly from ATC or hire an ATC permitted alcoholic beverage service caterer. The Department may also obtain a Temporary Permit from the ATC for activities at Approved Park Locations.
- **Catering Permit:** A three-way permit for full alcoholic beverage service which must be provided by an ATC permitted alcoholic beverage service caterer. The Department may also obtain a Catering Permit from the ATC for activities at Approved Park Locations.
- **Annual Permit:** An annual permit obtained from ATC by the Department for the serving of alcohol at daily or regularly scheduled activities sponsored by the Department at an Approved Park Location. Annual Permits may also be obtained by a private entity serving alcohol on the premises of an Approved Park Location under a long-term lease with Department.

#### Licensed Bartender

Only ATC licensed bartenders are permitted to serve alcohol at an Approved Park Locations.

#### Display of ATC Permit

The valid ATC permit must be clearly displayed during any event, program, activity or gathering at an Approved Park Location where alcohol is served.

#### Security Requirements

Security requirements for the service of alcohol may vary among Approved Park Locations. Parties wishing to schedule an event, program, activity or gathering at which alcoholic beverages are served must adhere to the specific security requirements required by the applicable Approved Park Location. The required security at the applicable Approved Park Location will be scheduled in each instance by designated Department staff.

#### Alcohol Service Provider Classifications

The class of Alcohol Service Providers required may vary among the Approved Park Locations. The Department shall designate the class of Alcohol Service Provider applicable for each Approved Park Location. Alcohol Service Providers shall comply with to all applicable laws and ordinances, and shall observe the requirements of all applicable ATC permits, regulations and policies.

- **Unrestricted:** Event organizers or Department staff may hire an Alcohol Service Provider of their choosing.

- **Restricted Service:** Event organizers or Department staff must hire Alcohol Service Provider from the approved Alcohol Service Provider list.
- **Parks and Recreation Department:** Approved Department staff may serve as Alcohol Service Providers for the sale of alcoholic beverages at any Authorized Park Location.

**D. Designation of Alcoholic Beverage Service Location**

Alcoholic beverages may be served and consumed only within designated location(s) at the Approved Park Locations as shown below. Department-sponsored events and daily or regularly scheduled activities at such designated locations will be managed by the Department in accordance with the valid ATC permit issued to the City of Fort Wayne for such designated location.

Foellinger Theatre

- Alcohol Service Provider: Restricted or Department

Foellinger-Freimann Botanical Conservatory

- Alcohol Service Provider: Restricted or Department

Foster Park, Shoaff Park and McMillen Park Golf Courses

- Alcoholic beverages may be sold and consumed within ATC designated space.
- Alcohol Service Provider: Restricted or Department

Freimann Square

- Alcohol Service Provider: Unrestricted or Department

Headwaters Park

- Alcohol Service Provider: Unrestricted or Department

McMillen Park Community Center

- Alcohol may be served and consumed in designated areas at private events/rentals/sponsored activities.
- Alcohol Service Provider: Restricted or Department

Robert E. Meyers Park

- Alcohol may be served and consumed in Robert E. Meyers Park (“REM Park”) during baseball games, events, and activities when REM Park is closed to walk-in public use, and other special public events as approved by the Department Director.
- All alcohol sales and consumption shall comply with the Stadium License Agreement and the Stadium Management Agreement entered into by Hardball Capital LLC and the City of Fort Wayne.
- Hardball Capital LLC will ensure enforcement of all laws and requirements regarding the sale and consumption of alcohol products in REM Park.
- Alcohol Service Provider: contracted for by Hardball Capital LLC.

#### Salomon Farm Park

- Alcohol must be served and consumed inside Salomon Farm facilities or in a designated area as approved by the Department Deputy Director.
- Alcohol Service Provider: Restricted or Department

#### The Community Center

- Alcohol may be served and consumed in designated areas at private events/rentals/sponsored activities.
- Alcohol Service Provider: Restricted or Department

#### The Fort Wayne Children's Zoo

- Alcohol Service Provider: contracted for by Fort Wayne Zoological Society.

#### The Old Fort

- Alcohol Service Provider: Unrestricted or Department

#### The Wells Street Bridge and Promenade Park

- Alcohol Service Provider: Restricted or Department

### **E. Department Alcohol Purchase and Service Policy**

- Department will purchase alcohol from wholesalers and distributors with unrestricted Department funds and in accordance with applicable City of Fort Wayne purchasing guidelines and requirements
- Net proceeds from the sale of alcohol will be deposited in a segregated account and will be used to purchase additional alcohol inventory for future sale or related alcohol service equipment or contractual services.
- Department's intention in the purchase and sale of alcohol is to use a portion of the net alcohol sale proceeds to support and expand Department programs, events and activities for the benefit of the citizens of the City of Fort Wayne and the surrounding communities through the continued improvement of the City of Fort Wayne's Park System.
- The purchase and sale of alcohol by the Department as described in this Policy will comply with all applicable laws, ordinances, rules, regulations, policies and procedures of ATC, the City of Fort Wayne and the Department.
- Payment of any liabilities which may arise from the sale of alcohol as described in this Policy will be funded by the City of Fort Wayne's self-funded insurance program or by special coverage insurance purchased by the Department to fund the payment of such liabilities.