

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 3-14 CONCERNING DRINKING IN PUBLIC PLACES PROHIBITED OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI AS FOLLOWS:**

SECTION 1. Section 3-14 is hereby amended to read as follows:

(a) It shall be unlawful for any person to drink from or have in his possession an open container of intoxicating liquor in any public place within the city, except when a liquor license has been issued and is in effect for such public place.

(b) The provisions of this section 3-14 may be temporarily suspended only upon the written application of an organization as defined in section 3-34(b) and issuance of a permit granting the temporary suspension. The exception to this section 3-14 set forth in subsection (g) shall not be considered a suspension of this section, but instead an exception to its applicability.

(c) An organization making a request to suspend the provisions of section 3-14 must designate the specific public place by street address, street description or legal description and the date and duration desired for the suspension. The application must be made not less than thirty (30) days in advance of the proposed event. The City Council may from time to time establish a fee for application and for issuance of the permit by resolution. No application may be considered effective until the applicable fee is paid. No suspension of the requirements of this section shall last longer than three (3) days in duration.

(d) The application shall be presented to the City Manager for consideration. In determining whether to grant or deny the exception, the City Manager shall consider the following, and may grant or deny the exception as is reasonably likely to assure that the public peace is preserved, that the provisions of law concerning service, possession and use of intoxicating liquor will be observed provision. The application shall contain, at a minimum:

- 1) The name and address of the sponsoring entity;
- 2) The location, date and time of the proposed event;
- 3) The name and address of the licensee(s) that will serve

intoxicating liquor;

- 4) The type of activities proposed for the event;
- 5) The number of personnel which will be provided to administer the event for the applicant;
- 6) The estimated attendance for the event;
- 7) Proof of public liability insurance naming the City as an additional insured in at least the amounts listed in Section 537.610 RSMo and as the same is annually adjusted;
- 8) A certification that neither membership in the organization nor admission to the event shall be limited based upon race, religion, color, creed, national origin, gender or other legally protected class;
- 9) Past performance of the applicant for similar events or under a separate liquor license; and
- 10) Safeguards proposed by the applicant to advise the public of the boundaries of the event and to assure that only license holders will dispense liquor to be consumed in the event area.

(e) If an application for a permit under this section is denied by the City Manager, the applicant may request, in writing, a review of such denial by the City Council, such request to be made by the applicant within ten (10) days after the denial. Upon the written request for review, made within the time specified, the City Council shall, within thirty (30) days after the receipt of such request, review the application and the facts and circumstances surrounding such application and the denial thereof; and the City Council may set aside the denial of such application by the City Manager if a majority of its members determines that the application should be granted.

(f) No person or group shall charge a fee for access to an event area hereunder that encompasses City property, or for the privilege of possessing an open container within the event area.

(g) For any date upon which an intercollegiate athletic contest is held involving a team of University of Central Missouri, or any exhibition, scrimmage, or training camp of a professional athletic team within the City of Warrensburg, the provisions of this section 3-14 shall not apply to the paved portions of parking lots belonging to University of Central Missouri

upon the University of Central Missouri campus for a maximum of six (6) hours. In order to be considered a designated parking lot, the lot must meet the following requirements:

- (1) Temporary fencing at least four (4) feet in height must fully enclose the lot except entrances and exits;
- (2) All entrances and exits must be controlled and supervised by university personnel;
- (3) At least seven (7) days prior to the scheduled event, the designated lot shall have been identified and its location communicated in writing to the chief of police of the city by the university director of facilities and conference services.

SECTION 2. It is intended that the provisions of Sections 1 and 2 of this ordinance shall be incorporated into the Code of Ordinances.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

Passed in open session this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Casey Lund, Mayor

Attest:

\_\_\_\_\_  
Cindy Gabel, City Clerk