



# Application for Exception to Section 3-14, Open Containers

(application must be submitted not less than thirty (30) days in advance of the proposed event)

Date of Application:	Application fee per event: \$25.00 (paid at time of application)
Detailed description of potential city staff/equipment use to be submitted for calculation of 10% fee to be paid upon approval of application	

## Sponsoring Entity Information

Legal Name of Entity:	E-mail Address:
Doing Business As:	Business Phone #:
Physical Location Address:	
City – State – Zip Code:	
Past Performance of the applicant for similar events:	

## Managing Officer of the Organization Information

Last Name:	First Name:	Middle Initial:
Home Phone #:	E-mail Address:	
Current Address:		
City – State – Zip Code:		

## Licensee(s) to Serve Liquor Information (if more than one please attach second page)

Business Name:	Business Phone #:
Business Address:	City – State – Zip Code:

## Event Information

Event Dates: (not to exceed 3 days)
Start & End Times of Event: From: _____ To: _____
Description of proposed public location by street address, street description or legal description:
Description of type of activities for the proposed event:

<b>Number of personnel which will be provided to administer the event for the applicant:</b>	
<b>Estimated attendance for the event:</b>	
<b>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: (Include a detailed drawing of the event to include liquor area &amp; security entry/exit points)</b>	
<b>Attach a copy of your 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.</b>	
<b>Attach a copy of your tax exemption ruling pursuant to 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10), 501(c)(19) or 501(d) of the Internal Revenue Code.</b>	
<b>Provide 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.</b>	
<b>Signature of Managing Officer:</b>	<b>Date:</b>

<b>Staff Review Signature</b>	
<b>Police Chief:</b>	
<b>Fire Chief:</b>	
<b>Director Public Works:</b>	
<b>Additional Comments:</b>	
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<b>City Manager Approval:</b>	<b>Yes    No</b>

## Open Container Guidelines

In order to have a Exception to Open Containers, with a maximum of three (3) days, the event must be sponsored by a not for profit organization with a copy of their tax exemption documentation.

The Application must be filled out and submitted to the City Manager not less than thirty (30) days in advance of the proposed event.

In accordance with the application a detailed drawing and description by address of the proposed location with an outline of where the liquor area will be and the security measures proposed to contain the event.

Additional fees may be associated to cover city costs in connection with the event.

If the event is being held in a public street a request for street closure must filled out and submitted to the Police Department for approval.

The event may be required to obtain an Amplified Music Permit from the Police Department.

If the not for profit is to provide liquor for the event they must apply for a Picnic License with the City as well as the State. The fee for the City Picnic License is \$15.00.

The liquor for the event may be provided by caterers who hold licenses to sell intoxicating liquor by the drink at retail for consumption in the City of Warrensburg, or to persons operating a catering business who hold a license to sell intoxicating liquor by the drink at retail for consumption on their premises issued by another municipality or county government. The applicant must apply for a Catering License with the City as well as the State. The fee for the City Catering License is \$15.00.

Upon payment of fees, approval by the City Manager for the exception to open containers and verification by the State that a Picnic or Catering License has been obtained all licenses will be issued.

All applications listed above may be obtained from the City Collector.

## Open Container Ordinance

### Sec. 3-14. Drinking in public places prohibited; exception,

(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) 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.

### Fee Resolution #2182

Section 1 The application fee provided for in Section 3-14(c) of the Code of Ordinances is set at \$25.00. Such fee is nonrefundable and is to defray partially the cost of processing the application.

Section 2 The fees for issuance of an approved suspension of Section 3-14 pursuant to Section 3-14(c) and (d) shall be charged based upon ten percent (10%) the following, and shall be due upon approval of the application, and paid at least seven days prior to the event:

- a) Actual staff time required to establish barriers or provide other public equipment or infrastructure for the event, calculated at the current rate of wages and benefits for the employees provided, and
- b) Rates for the usage of City owned equipment by city staff, at the rates established by the then current Federal Emergency Management Agency Equipment Rate Schedule.