

BILL NO. 19-011

ORDINANCE NO. 4803

FIRST READING 06.18.2019

SECOND READING 07.02.2019

AN ORDINANCE AMENDING CHAPTER 3 *ALCOHOLIC BEVERAGES*, SECTION 3-1. *CONSUMPTION IN PUBLIC* AS CONTAINED IN THE REVISED ORDINANCES OF THE CITY OF HANNIBAL, MISSOURI

WHEREAS, the City Council believes that an ordinance regarding consumption of alcohol in public is an important ordinance which is required to protect the safety, wellbeing, comfort and repose of the Citizens of Hannibal, and

WHEREAS, however, there are certain circumstances in which consumption of alcohol in public may reasonably be allowed if properly regulated which circumstances would be a violation of the current Section 3-1 of the Revised Ordinances of the City of Hannibal, and

WHEREAS, the City Council has determined it would be appropriate therefore, and in the best interests of the Citizens of Hannibal, if the said ordinance was revised to allow such circumstances with proper oversight and regulation.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI THE FOLLOWING AMENDMENTS ARE MADE TO CHAPTER 3, *ALCOHOLIC BEVERAGES*, SECTION 3-1, *CONSUMPTION IN PUBLIC* ORDINANCES OF THE CITY HANNIBAL:

SECTION ONE: CHAPTER 3 ALCOHOLIC BEVERAGES, SECTION 3-1. CONSUMPTION IN PUBLIC, is hereby amended to read as follows:

Sec. 3-1. - Consumption in public.

1. No person shall consume alcohol or have in their possession any type of open container, cup, can or bottle with the seal broken of any beer, wine or other alcoholic beverage upon any public street, public parking lot, public alley, public sidewalk, City park or facilities except as provided in this section.
2. The city council, upon proper application, may grant permission for the sale and consumption of alcohol upon city property for events with a period of time not to exceed one (1) week in duration.
3. The director of Parks and Recreation is hereby authorized to allow consumption or possession of alcohol on City park property, and facilities of the Parks and Recreation department in conjunction with a lease, contract, use agreement or other agreement between the city and an individual, group or organization. Such consumption or possession shall be limited to

the period of time specified in the lease, and shall further be restricted solely to the areas authorized for use, and within the confines of the designated area as specified in the contract, use agreement or other agreement.

4. Notwithstanding the provisions of section (1) herein, public consumption and possession of alcohol shall be allowed if such alcohol is provided by a restaurant or bar which holds a liquor license allowing public consumption. However, such consumption and possession shall only be allowed within the confines of the area designated within the license from the period of 11:00 a.m. to 11:00 p.m. The license holder shall have an affirmative duty to place its customers on notice of the area allowed for consumption, and shall properly supervise their customer's consumption of alcohol within that area. It shall be unlawful for the license holder, or their employees to allow any person to consume or possess alcohol provided by them in any location not allowed under their license. It shall only be lawful for a person to consume or possess alcohol pursuant to this section if their entire body and the alcohol in question are within the confines of the designated area at all times.

5. Open consumption and possession of alcohol shall be allowed in the area lying West of the River, South of North Street, East of Third Street and North of Broadway, subject to the following restrictions.

a. Open consumption and possession of alcohol shall be allowed only between the hours of 11:00 A.M. and 1:00 A.M. Monday-Saturday, and between the hours of 2:00 P.M. and 1:00 A.M. on Sunday.

b. No glass bottles, cups or other glass containers may be used for consumption or possession of alcohol pursuant to this section. Any violation of this restriction shall be construed as a violation of Section 1 herein.

c. Businesses located within the area may prohibit anyone from bringing alcohol into their business. Such businesses may notify persons verbally or may post a sign stating "No Outside Alcohol". In the event that any person enters such a business with alcohol that has posted a sign or after having been advised verbally of the prohibition, they shall be guilty of a violation of Section 1 herein.

d. Such alcohol to be publicly consumed and possessed must have been sold by a business located within the said area.

e. The City shall post signage at each exit point of the above described area to notify attendees that leaving the area with open containers of alcohol will subject them to arrest.

f. Businesses and persons selling alcohol shall comply with all laws regarding the sale of alcohol, and no provision of the subsection shall be construed to relieve them of such duty.

6. Public consumption and possession of alcohol shall be allowed in conjunction with properly licensed "other vehicles for hire" which are in compliance with Article III of Chapter 31. All such public consumption and possession of alcohol shall be in strict compliance with all

provisions of Article III, Chapter 31, and failure to comply with those requirements shall be considered a violation of subsection (a) of the Section 3-1.

7. Public consumption and possession of alcohol shall be allowed on motorized vehicles which have standard seating capacity for ten (10) or more passengers, subject to the following requirements.

- (a) The consumption shall be solely within the confines of the vehicle.
- (b) No passenger may exit the vehicle onto the public street or sidewalk with alcohol in their possession, and such action shall be a violation of this section.
- (c) Under no circumstances shall the driver of such vehicle consume or possess alcohol.
- (d) The driver of the vehicle shall not allow the passengers to:
 - (i) Yell, play music at an excessive level, or take any actions which would disturb the comfort peace and repose of any persons near the vehicle.
 - (ii) Take any actions which would violate Chapter 16, Article IV, Offenses Against Public Morals of these Ordinances.
- (e) In the event of a violation of subsection (d) herein the driver may be assessed a fine of not less than \$100.00 and no more than \$500.00 plus court costs. Each violation shall be considered a separate offense and a separate citation may be written to the driver for each passenger violation this ordinance.
- (f) In the event that there are two or more separate incidents in which tickets are written pursuant to subsection (e) herein, in a one (1) year period, which involves a vehicle or vehicles owned by the same owner, then that owner may be assessed a fine of not less than \$200.00, \$300.00 for a third occurrence, and \$500.00 for each subsequent occurrence.

(Code 1963, § 304.335; Code 1988, § 3-1; Ord. No. 3296, § 1, 1-14-1983; Ord. No. 3364, § 1, 10-4-1983; Ord. No. 4529, § 1, 5-18-2010; Ord. No. 4571, § 1, 5-3-2011)

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in

so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.


Adopted this 2nd day of July, 2019.

Approved this 2nd day of July, 2019.



James R. Hark, Mayor

ATTEST:



Angelica N. Zerbonia, MMRC, CMO- City Clerk