

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 60-11

AN ORDINANCE

amending Chapter 17 of the City Code as it relates to behavior in City parks by repealing provisions relating to intoxicating beverages and gambling and adding a provision limiting consumption of alcohol in three downtown City parks; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 17 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 17-114. ~~Intoxicating~~ Alcoholic beverages prohibited in certain parks.

~~It shall be unlawful for any person in a park to enter or be in a park while under the influence of intoxicating liquor.~~

(a) Except as allowed in subsection (a), it shall be unlawful for any person to possess or consume any alcoholic beverage in any of the following city parks:

- (1) Paquin Park;
- (2) Flat Branch Park; and
- (3) Village Square Park

(b) The definition of "alcoholic beverage" contained in chapter 4 shall apply to this section.

(c) This section shall not apply to any person possessing or consuming an alcoholic beverage at an event in a park where alcoholic beverages are allowed under a permit issued by the director under section 17-134.

Sec. 17-115. ~~Gambling~~ Reserved.

~~It shall be unlawful for any person in a park to gamble, or participate in or abet any game of chance.~~

SECTION 2. This ordinance shall be in full force and effect from and after April 1, 2011.

PASSED this _____ day of _____, 2011.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source:

Law Department

Agenda Item No. _____

TO: City Council
FROM: City Manager and Staff
DATE: February 14, 2011
RE: Alcoholic Beverages in Downtown City Parks

FISCAL and VISION NOTES:

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: <u>Refer to Website:</u>	
N	Vision Impact? (Y/N or if N, go no further)
Item #	Primary Vision, Strategy and/or Goal Item#
Item #	Secondary Vision, Strategy and/or Goal Item#
Task #	FY10/FY11 Implementation Task#

EXECUTIVE SUMMARY:

As directed by Council, staff has prepared an ordinance that would limit consumption of alcoholic beverages in Paquin Park, Flat Branch Park and Village Square Park, to events where alcoholic beverages are allowed under a special use permit issued by the Parks and Recreation Director. The ordinance also deletes two legally unenforceable sections on public intoxication and gambling in parks.

DISCUSSION:

At the December 20, 2010 council meeting, Council directed staff to draft an ordinance limiting consumption of alcoholic beverages in three downtown parks: Paquin Park, Flat Branch Park and Village Square Park. Staff has drafted the ordinance, which would allow possession or consumption of alcoholic beverages at these parks only at events that allow alcohol under a special use permit issued by the director of Parks and Recreation.

Violations of the ordinance would be punishable by a fine of up to \$500.00 or three (3) months imprisonment or both such fine and imprisonment.

The ordinance also repeals two sections of Chapter 17 that are legally unenforceable.

The current Sec. 17-114 prohibits public intoxication in City parks. Under Sec. 67.305 RSMo., Missouri cities may not enforce any ordinance that punishes public intoxication.

Sec. 17-115 makes it unlawful to gamble in a park. Sec. 572.100 RSMo. preempts cities from enacting gambling laws.

FISCAL IMPACT:

No measurable fiscal impact.

VISION IMPACT:

None.

SUGGESTED COUNCIL ACTION:

Passage of the ordinance.