

Series 106 2005 ORDINANCES/RESOLUTIONS

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**Section 106-155; Ord. 18460; Amending Chapters 4 and 16 of the City Code to provide for the sale and consumption of alcoholic beverages on public sidewalks adjacent to restaurant bars**Ordinance No. 18460 Council Bill No. B 84-05 A**AN ORDINANCE**

amending Chapters 4 and 16 of the City Code to provide for the sale and consumption of alcoholic beverages on public sidewalks adjacent to restaurant bars; 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 4 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.

Section 4-48. ~~Reserved~~ Sidewalk cafes.

(a) It shall be unlawful for any person to serve an alcoholic beverage on a public sidewalk without a license under this section.

(b) A place of business licensed to sell intoxicating malt liquors with an alcoholic content of more than three and two-tenths percent (3.2%) by weight and not more than five percent (5%) by weight and light wine for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. A place of business licensed to sell all kinds of intoxicating liquor at retail or by the drink for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. The following restrictions shall apply to serving and consuming alcoholic beverages on the adjacent sidewalk:

- (1) Alcoholic beverages can only be served between 11:00 a.m. and 10:00 p.m.
- (2) All alcoholic beverages served must be consumed by 11:00 p.m.
- (3) All alcoholic beverages served must accompany a food order.

(4) Only alcoholic beverages served by the licensee may be consumed on the sidewalk.

(5) Alcoholic beverages may be served only to persons and consumed only by persons who are seated on a chair or bench provided by the licensee. This provision shall not apply to disabled persons in wheelchairs.

(6) Alcoholic beverages may be served and consumed only in an area enclosed by a decorative barrier. The barrier shall consist of either bollards connected by chains or ornamental picket-style fencing. Bollards, including the base, must be made of black, powder coated steel. The chains must be made of black metal. Fencing, including the base, must be made of black, powder coated steel. Spacing between pickets must be no wider than four (4) inches. Barriers must be no less than thirty-six (36) inches nor more than forty-three (43) inches high and shall not be anchored in the sidewalk. A straight, unobstructed pathway at least sixty (60) inches wide must be maintained on the sidewalk along the entire length of the sidewalk used by the licensee. A licensee shall not keep barriers on the sidewalk during any time of the year when the licensee does not serve food outdoors.

(7) All alcoholic beverage sales must comply with the statutes and regulations of the state.

(8) These areas shall be nonsmoking.

(c) An application for a license under this section shall be accompanied by a written plan demonstrating compliance with subsection (b)(6). The plan must show the location of the business, the adjacent sidewalk, any structure located on the sidewalk, the proposed barrier and the required straight, unobstructed pathway. The plan shall also contain a description of the barrier.

(d) There shall be no fee charged for a license issued under this section.

SECTION 2. Chapter 16 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. 16-185. Possession of open container of alcoholic beverage or consumption of alcoholic beverage in certain public places.

(a) It shall be unlawful for any person to possess any alcoholic beverage on any street, sidewalk or city parking facility unless such alcoholic beverage is in the original container and the seal is unbroken.

(b) It shall be unlawful for any person to consume any alcoholic beverage on any street, sidewalk or city parking facility.

(c) The definition of "alcoholic beverages" contained in Chapter 4 shall apply to this section.

(d) This section shall not apply to possession or consumption of any alcoholic beverage in a licensed motor vehicle.

(e) This section shall not apply to the possession or consumption of alcoholic beverages served by an establishment licensed under Sec. 4-48 of this code provided that the restrictions of that section are observed.

(ef) The city council may temporarily exclude any street from the provisions of this section in connection with the temporary closing of the street for a special event.

(fg) A violation of this section is a class B misdemeanor.

(gh) In prosecutions under this section, there is a rebuttable presumption that a container marked or labeled as containing an alcoholic beverage actually contains the described alcoholic beverage. This rebuttable presumption applies only in cases where a sample of the contents of the container has been preserved and is available to the defendant for testing.

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

PASSED this 21st day of March, 2005.