

BILL NO. 20-15

AN ORDINANCE AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SECTION 4-13. – DISPENSING ALCOHOLIC BEVERAGES, ISSUANCE OF LIQUOR LICENSE NEAR SCHOOL OR CHURCH, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Chapter 4 of the Code of Ordinances of the City of Lee's Summit regulates the sale and distribution of alcoholic beverages within the City of Lee's Summit; and,

WHEREAS, Section 4-13 of the Code of Ordinances of the City of Lee's Summit declares it unlawful to sell, dispense, or give away alcoholic beverages, nor shall a license be granted for the sale of alcoholic beverages within one hundred (100) feet of any school, church, or other building regularly used as a place of religious worship; and,

WHEREAS, the City desires to amend Section 4-13 to allow the issuance of a license for the sale of alcoholic beverages within one hundred (100) feet if the applicant for the license is otherwise qualified and is a church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes; and,

WHEREAS, the desired amendment shall be in accordance with Chapter 311 of the Revised Statutes of Missouri which provides for statewide regulations on the sale and distribution of alcoholic beverages and promote the efficient administration and regulation of alcoholic beverages within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Chapter 4, Alcoholic Beverages, Section 4-13 – Dispensing alcoholic beverages, issuance of liquor license near school or church of the Code of Ordinances for the City of Lee's Summit shall be amended to read as follows:

Sec. 4-13 - Dispensing alcoholic beverages, issuance of liquor license near school or church.

- A. It shall be unlawful to sell, dispense or give away alcoholic beverages, nor shall a license be granted for the sale of alcoholic beverages within one hundred (100) feet of any school, church, or other building regularly used as a place of religious worship.
- B. For those applications where a premises desiring to serve liquor is located between one hundred (100) and three hundred (300) feet of a school, church, or other building regularly used as a place of religious worship, the Council shall, after giving due public notice in the manner prescribed by law, hold a public hearing on said application whereby any person will have the opportunity to express their views on the application prior to a decision by the Council to grant or deny a license for the sale of alcoholic beverages.

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- C. The distance shall be determined by measuring the distance between the closest point of the premises to the closest point of the school, church or other building regularly used as a place of religious worship, in accordance with the City's Unified Development Ordinance.
- D. Subsection A. of this section shall not apply to a license issued for the sale of intoxicating liquor pursuant to Section 4-146 or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.
- E. Subsection B. of this section shall not apply to applications to serve alcoholic beverages on property owned by the City of Lee's Summit, provided such application does not involve serving alcohol at any youth event.

SECTION 2. That it is the intention of the City Council, and is it hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri.

SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. That should any section, sentence or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2020.

ATTEST: _____
Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2020.

ATTEST: _____
Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Public Safety *Beth Murano*