

**AN ORDINANCE TO AMEND SECTION 600.095: TRANSPORTING OR POSSESSION OF AN OPEN CONTAINER, OF TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL, OF THE MARYVILLE MUNICIPAL CODE, MARYVILLE, MISSOURI**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, MISSOURI,** as follows:

**SECTION 1:** Section 600.095: Transporting or Possession of an Open Container, of Title VI: Business and Occupation, Chapter 600: Alcoholic Beverages, Article I- In General, of the Municipal Code of Maryville, is hereby amended which shall read as follows and made part of this Ordinance by reference.

*TITLE VI. BUSINESS AND OCCUPATION  
Chapter 600: Alcoholic Beverages  
Article I. – In General*

**SECTION 600.095: TRANSPORTING OR POSSESSION OF AN OPEN CONTAINER**

- A. It shall be unlawful for any person to drink, expose or dispense any alcoholic beverages in open containers upon the public rights-of-way or City-owned property, or any place open to the public, whether public or private, within the city ; provided, however, that this Section shall not apply to establishments lawfully licensed to sell and dispense any form of intoxicating liquor at retail to the drink served in conformity with the license held, including, but not limited to, when and where served.
- B. The City Council shall have the power to suspend the provisions of Section 600.095 (A) in connection with approved special events permitted upon any public rights-of-way or City-owned property under Article IV. Special Events-Permits.
- C. The provisions of Section 600.095 (A) shall not apply to the following:
  - 1.) For any date upon which an intercollegiate athletic contest is held involving a Northwest Missouri State University team, or any exhibition, scrimmage, or training camp of a professional athletic team within the City of Maryville, the provisions of Section 600.095 (A) shall not apply to the paved portions of parking lots owned by Northwest Missouri State University upon the Northwest Missouri State University campus for a maximum of six (6) hours. In order to be considered a designated parking lot, the lot must meet the following requirements:
    - a. All entrances and exits must be controlled and supervised by University personnel;
    - b. At least seven days prior the scheduled event the designated lot(s), shall have been identified and its location communicated in writing to the Director of Maryville Public Safety by the University Police.

2.) Mozingo Lake Recreation Area's tent camping, recreational vehicle camping, and cabin camping areas.

- D. A person commits the offense of transporting an open container, if an open container of intoxicating liquor is found within a motor vehicle that is being operated within the City limits of the City of Maryville other than on private property. An open container shall be considered to be in the possession of the operator of the motor vehicle if the container is not in the sole possession of a passenger.
- E. A person commits the offense of possession of an open container, if an open container of intoxicating liquor is possessed by him/her while the person is a passenger in a motor vehicle being operated within the city limits of the City of Maryville other than on private property.
- F. Notwithstanding the foregoing provisions, a person shall not be guilty of transporting an open container, nor be guilty of possession of an open container if:
1. The person is the passenger in a vehicle which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver's license with a passenger endorsement; or
  2. The person is a passenger of a bus in which the driver holds a valid commercial driver's license with a passenger endorsement; or
  3. The person is a passenger of a self-contained motor home; or
  4. The open container is located in a locked glove compartment, a locked trunk or other locked non-passenger area of the vehicle; or
  5. In the case of motorcycles, motorized bikes and other two-wheeled motor vehicles, the open container is enclosed within another container. (R.O. 2008 §600.095; Ord. No. 6202 §1, 6-28-99)

**SECTION 2:** This Ordinance shall be in full force and effect July 1, 2014.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of February, 2014.

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James R. Fall, Mayor

ATTEST:

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Sheila Smail, City Clerk