

**AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE II (“PUBLIC HEALTH, SAFETY AND WELFARE”), CHAPTER 215 (“OFFENSES”), ARTICLE 215-XII (“OFFENSES CONCERNING MINORS”), SECTION 215.2000 (“USE OF ALCOHOLIC BEVERAGES AND/OR CONTROLLED SUBSTANCES BY MINORS AT OPEN PARTIES PROHIBITED-PENALTIES-PERSON IN CONTROL OF PREMISES LIABLE”), OF THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI**

**WHEREAS**, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

**WHEREAS**, the City has recognized the need to continually review and revise the City Municipal Code to ensure conformity with governing state and/or federal law, enhance clarity, and eliminate ambiguity in its language, as well as to meet the evolving demands and/or needs of the City’s citizens when such demands and/or needs are warranted and in accord with the City’s mission, vision and values, and in the best interests of the City and its citizenship body as a whole; and

**WHEREAS**, the City has identified a need to amend the existing provisions of the Republic Municipal Code in regard to offenses concerning minors in possession of or consuming alcohol or other illegal substances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:**

**Section 1:** Title II (“Public Health, Safety And Welfare”), Chapter 215 (“Offenses”), Article 215-VII (“Offenses Concerning Minors”), Section 215.2000 (“Use Of Alcoholic Beverages And/Or Controlled Substances By Minors At Open Parties Prohibited-Penalties-Person In Control Of Premises Liable”), of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

**215.2000 Use Of Alcoholic Beverages And/Or Controlled Substances By Minors At Open Parties Prohibited -- Penalties -- Person In Control Of Premises Liable**

A. As used in this Section the hereinafter terms are defined as follows:

**ALCOHOLIC BEVERAGE**

Any beverage containing alcohol, the consumption, purchase or possession of which by a person under the age of twenty-one (21) years is prohibited by the laws of the State of Missouri.

**CONTROLLED SUBSTANCE**

Any substance, the possession or distribution of which is prohibited by the provisions of Chapter 195 of the Revised Statutes of the State of Missouri.

**MINOR**

A person under the age of twenty-one (21) years.

**OPEN PARTY**

A gathering of ~~any number of two or more people~~ persons on the premises of a person in control thereof, **who do not reside on such premises and are not immediate family members of the person in control of the premises,** with the exception of persons of the immediate household of such person in control, where alcoholic beverages are made available for consumption ~~on the premises.~~

#### PERSON IN CONTROL

One who has a possessory right to any premises, whether individual or joint, and regardless of whether such possessory right is the result of ownership, oral or written lease, rental agreement, license agreement, or authority from one who otherwise exercises control over such premises.

#### PREMISES

Any realty, with or without improvements thereon, occupied or unoccupied, located within the corporate limits of the City, including residences, open fields, vacant lots, apartments, condominiums, motel rooms, hotel rooms, business structures, meeting rooms, dwelling units of any kind or any place of assembly or structure which may be used as a gathering place for social or business functions.

#### MARIJUANA

means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana.

#### MARIJUANA ACCESSORIES

Means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

~~B. No person in control of any premises shall allow an open party to take place on or about such premises if any such person in control knows, or should know, that alcoholic beverages or controlled substances will be consumed, used, ingested or possessed by a minor attending such open party.~~

**B. Persons in Control of Premises Where Minors are Present. Any person in control of a premises who knowingly allows a minor to consume or possess alcoholic beverages, marijuana, or marijuana accessories on such premises, or who knowingly fails to stop a minor from consuming or possessing alcoholic beverage(s), marijuana, or marijuana accessories on such premises, unless the person in control of the premises is the minor's parent or legal guardian, shall be guilty of violation of this Section and subject to the penalties set forth herein.**

- ~~C. Any person convicted of violating the provisions of this Section shall be sentenced to a term of imprisonment for up to one hundred eighty (180) days or a fine of up to one thousand dollars (\$1,000.00), or both such imprisonment and fine.~~
- C. Open Parties Where Minors are Present. Any person in control of a premises who knowingly allows an open party to take place at the premises and who knows, or reasonably should know, that a minor on the premises is either consuming or in possession of alcoholic beverage(s), marijuana, or marijuana accessories on such premises, shall be guilty of violation of this Section and subject to the penalties set forth herein.**
- D. Minors in Possession of Alcoholic Beverages or Visibly Intoxicated. Except as otherwise provided for herein, any minor who purchases, attempts to purchase, or possesses any alcoholic beverage, or who is visibly intoxicated or in an intoxicated condition, as defined in Section 577.001, RSMo., or who has a detectable blood alcohol content of two one-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood, shall be guilty of violation of this Section and subject to the penalties set forth herein.**
- 1. The provisions of this subsection shall not apply to a person who is eighteen (18) years of age or older and enrolled in an accredited college, university or other culinary institution which requires said person to taste, but not consume or imbibe, an alcoholic beverage for instructional purposes as part of the curriculum of the accredited college, university or other culinary institution.**
- E. For purposes of prosecution under this Section, a manufacturer-sealed container stating that the contents include intoxicating liquor need not be opened, nor must the contents inside be tested, to confirm the presence of intoxicating liquor in such container. The alleged violator may defend against prosecution under this Section based upon claim that no intoxicating liquor was present in such container, but the burden of proof shall fall solely upon the alleged violator presenting such defense to prove the absence of intoxicating liquor in the container.**
- F. Any person convicted of violating the provisions of this Section shall be sentenced to a term of imprisonment for up to one hundred eighty (180) days or a fine of up to one thousand dollars (\$1,000.00), or both.**

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title(s)) is added language. Matter shown above in ~~strike through font~~ is deleted language.

**Section 2:** All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance, shall remain unmodified and in full force and effect.

**Section 3:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 4:** The WHEREAS clauses are hereby specifically incorporated herein by reference.

**Section 5:** The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**Section 6:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

\_\_\_\_\_  
Matt Russell, Mayor

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

  
\_\_\_\_\_  
Megan McCullough, City Attorney

Final Passage and Vote: